

**Record of the meetings of the Ad-hoc Working Group on the External Review of WIPO
Technical Assistance in the Area of Cooperation for Development
(document CDIP/8/INF/1)**

The following is the record of the five meetings of the Ad-hoc Working Group on the External Review of WIPO Technical Assistance in the Area of Cooperation for Development (document CDIP/8/INF/1) and has been prepared by the Co-rapporteurs and is not a verbatim record of the statements and interventions made by the delegations and secretariat and is without prejudice to the actual interventions and positions.

First Meeting of the Ad-hoc Working Group

The agenda of the First meeting was to deliberate upon and finalize the Work Plan for conduct of business of the Working Group. In that regard the African Group proposed a Timetable for the meetings of the Working Group. Various views were expressed on the proposed Timetable and eventually it was decided that the co-chairs will consult amongst themselves and with other Regional Coordinators to finalize the work plan.

2. Following conclusions were made by the co-chair.

- i) The next meeting of the Adhoc Working Group would be held on 21 March 2012. The schedule of further meetings would be decided upon subsequently.
- ii) There was a need to agree upon the Work Plan at the earliest so that the Ad-hoc Working Group could immediately focus on the substantive work.
- iii) The Adhoc Working Group would start its work in its next meeting on 21 March 2012 on identifying the redundant or irrelevant recommendations from part 2 and 3 of the CDIP document (CDIP/8/INF/1), "An External Review of WIPO Technical Assistance in the area of cooperation for development".
- iv) The Secretariat would strive to find arrangements for adequate interpretation for the next meeting of the Working Group in Spanish and French keeping in view the mandate of the Working Group.
- v) Asian Group had already nominated one of the co-Rapporteurs. GRULAC will nominate a co-Rapporteur at the earliest. In case GRULAC was unable to nominate, other regional groups would be asked to nominate a co-Rapporteur.
- vi) The Minutes of the meeting shall be taken down by co-Rapporteur and circulated before the next meeting.
- vii) The Secretariat will facilitate the co-rapporteurs and the co-chairs in preparation of the preliminary report of the Working Group which shall then be agreed upon by the Working Group before being finalized and forwarded to the CDIP.

Second Meeting of the Ad-hoc Working Group

3. The agenda of the First meeting was to identify the redundant or irrelevant recommendations from part 2 and 3 of the CDIP document CDIP/8/INF/1.

4. The co-chair from the Permanent Mission of Belgium mentioned that before entering into the substantive discussions, he would like to inform the Working Group that as a result of consultation among the co-chairs it was agreed that the next meetings of the working Group will be held on the following dates:

- i) Wednesday, 4th April (focusing on part 5 of the External Review)
- ii) Tuesday, 10th April (focusing on part 4 and 6 of the External Review)
- iii) Thursday 26th April (Draft report of the Working Group)

The co-chairs however clarified that the above schedule of meetings was without prejudice to the need for convening any further meetings of the working group, if necessary.

5. The co-chairs informed that GRULAC had put forward the nomination of Colombia as one of the co-rapporteurs. As such the two co-rapporteurs would be Mr. Juan Camilo Saretzki-Forero of Colombia and Mr. Ahsan Nabeel of Pakistan.

6. Before proceeding onto the substantial discussion on the report, the co-chair from Belgium mentioned that since there was no agreement in the Working Group on the provision of interpretation for the conduct of the Working Group, the interpretation had not been arranged.

7. Many delegations and regional groups expressed their discomfort because of the absence of interpretation in official United Nations languages.

8. Some other delegations while regretting the unavailability of interpretation mentioned that since the mandate establishing the working group had outlined that there would be no financial implications associated with the Working Group therefore there could be no interpretation provided for. It was also mentioned that as per the principle of 'lex specialis derogate generalis', the ToRs of the Adhoc working Group have precedence over the rules of procedure.

9. It was mentioned by some delegations that the working group and its work had to follow the Rules of Procedure of the organization. In that context, Rule 12 in conjunction with rule 41 was clear with regard to the provision of interpretation in the conduct of the Working Group. Those delegations therefore urged the secretariat to make necessary arrangements for the interpretation.

10. In response, it was mentioned by some delegations that while negotiating the mandate, the reference to no financial implications was in the context of funding for the participants from the capitals and not to interpretation. According to them, interpretation was a standard requirement which had to be met by an international United Nations Organization. However other delegations mentioned that their reading of the mandate was different and no interpretation could be provided since there could be no financial implications associated with the working Group.

11. The co-chairs mentioned that keeping in view the limited time for substantial discussions on the report and the management response, the delegations may show flexibility on this matter. They urged that the group should immediately start the substantial discussions. The delegations with different viewpoints requested for registering their observations in the report of the working group.

12. Various delegations from GRULAC and African Group mentioned that in view of the limited time they were ready to continue onto the substantive discussions. However in order to facilitate the understanding of the report for non-English speaking member states, they requested the secretariat to make available the complete External Review report in all UN official languages. The secretariat noted the request for compliance.

13. The co-chairs opened the floor for discussions on the part 2 and 3 of the external review with a view to identify the redundant or irrelevant recommendations.

14. The delegation of Egypt, on behalf of the African Group mentioned that the African Group had not outlined any redundant or irrelevant recommendations in Part II and III of the external review. They however had identified some of the recommendations that required special attention or cautious approach. The African Group also outlined definitions for the terms 'redundant' and 'irrelevant' as follows:

"Redundant recommendations are those that are repeated in several parts of the external review and convey the same content and intent".

"No longer relevant recommendations" are those where there is concrete evidence of WIPO's implementation, and such implementation is complete and adequate.

Algeria, on behalf of the Development Agenda Group (DAG) indicated that DAG also had the same definition as African Group for the terms "redundant" and "irrelevant".

The co-chairs requested the African Group to present their submissions in written form.

15. The delegation of Paraguay, on behalf of GRULAC mentioned that some members of their group were waiting instructions from their capitals and those submissions would be forwarded to the co-chairs when they are received.

16. The delegation from the United States, in response to the African group, mentioned that the mandate of the Ad – Hoc working Group was not to identify the recommendations that required special attention but to identify the redundant or irrelevant recommendations.

17. The delegation of the United States supported by Switzerland mentioned that the external review report from the experts was not an automatic endorsement by the Member

States. They also mentioned their opinion about the definitions of 'redundant' and 'irrelevant'. Some other delegations also supported their point of view.

18. With regard to discussions on specific recommendations and after the observations made by various delegates it was apparent that there were divergent opinions on the definitions of the terms 'redundant' and 'irrelevant'.

19. The Chair then invited comments on the first recommendation from Part II of the External Review. The delegation of Egypt on behalf of African Group mentioned that in their view though the secretariat had taken some actions in that particular recommendation's context, however the recommendation was not fully implemented. As such in African Group's opinion the recommendation was neither redundant nor irrelevant. Some other delegations including Algeria (on behalf of the Development Agenda Group), South Africa, Bolivia, Pakistan and Iran also supported that opinion.

20. The delegation of Switzerland was of the opinion that since the secretariat had already taken certain actions, the recommendation had become redundant. This view was supported by some countries including United States, Hungary, Slovenia and Monaco.

21. The group then considered the 2nd recommendation from part II of the external review. The secretariat was invited to elaborate on the actions it had already taken for implementation of the recommendation. Questions were posed to the secretariat which provided replies. On the questions which required further elaboration, the secretariat requested time till the next meeting. Various member states expressed their opinion on the recommendation and the secretariat's response. There was again divergence of opinion with regard to the categorization of the recommendation as 'redundant' or not.

22. Finally, to facilitate the deliberations of the Working Group, the Co-chairs invited all delegations to come up with the lists of recommendations from part II and III which in their respective views were redundant or irrelevant. The delegations were requested to hand in that information in written form by Friday 30th of March to the co-chairs. It was mentioned that the working group could then formulate a table outlining the recommendations from the External review with corresponding management response, comments of the working group and the Groups' recommendation to the CDIP.

Third Meeting of the Ad-hoc Working Group

23. The agenda of the third meeting was to identify the redundant or irrelevant recommendations from part 5 of the CDIP document CDIP/8/INF/1.

24. The co-chairs mentioned that before entering into the substantive discussions on redundant or irrelevant recommendations from part 5, they would like to invite the secretariat to brief the working group on some of the questions raised during the last meeting.

25. The secretariat elaborated on the Country Plans and IP strategy and the demand driven technical assistance of WIPO. The secretariat mentioned that the category A recommendations were still work in progress and not completed yet. As such, with regard to the country plans, this initiative had started from the current biennium and was at its early stages. The technical assistance bureaus had started their process of consultations with Member States. Subsequently, the Secretariat will make available templates for the country plans which will be concluded with the consultations with all WIPO developing, least developed and economies in transition Member States.

26. The secretariat also elaborated on the 'Intranet' and 'Wikiportal'. With regard to the demand driven technical assistance, the secretariat had prepared a document with excerpts from the External Review Report and the Management response. The Secretariat mentioned that the document prepared by it will be circulated to the Working Group in its next meeting.

27. The Co-chairs then invited the working group to comment on the redundant or irrelevant recommendations from the External Review report.

28. The delegation of Algeria identified recommendations in part 2, 3 and 5 which could be considered in its view as redundant or irrelevant. Algeria was requested by the Co-chairs to submit those identified recommendations in writing.

29. The delegation of Paraguay, on behalf of GRULAC mentioned that the group was having its internal consultations with the respective capitals and will probably submit a written

statement by 26 April. With regard to the page 7 of Appendix II of the Management response, GRULAC identified some important recommendations which could be considered for further discussion during the upcoming session of CDIP.

30. The delegation of Hungary, on behalf of CEBS regional Group mentioned that their group agreed with the secretariat that all the recommendations categorized under cluster A and C were no longer relevant or redundant. However, the delegate of Hungary enquired from secretariat regarding the double classification of certain recommendations by secretariat under two different categories. The Secretariat explained that it had not provided the details of the double classification in the Management response so as to limit the size of report.

31. The Africa Group mentioned that there were certain issues with the classification of the recommendations and it inquired from the secretariat if categories A and B could be merged because those categories addressed recommendations for implementation. The Secretariat responded that it could be done if member states agreed.

32. The delegation of Czech Republic supported by the delegation of Monaco mentioned that they would like to keep the current classification. The delegations of Hungary (CEBS group) supported by Italy (group B) said that status of implementation of category A recommendations could not be assessed in the Ad-hoc Working Group. In their view, the monitoring of implementation should be discussed in the relevant WIPO forums. It was stated that for CEBS group, category A and C recommendations were redundant or irrelevant, especially for the purpose of the WG discussion.

33. The delegation of South Africa supported the view that the categorization of recommendations done by the secretariat was inherently flawed and there was a need for appropriate categorization of recommendations. The delegation of Bolivia also shared this view however it mentioned that Bolivia would prefer to focus on identification of redundant or no longer relevant recommendations in the Working Group. These delegations were of the opinion that the CDIP could look into this matter.

34. Discussions were also held with regard to the definitions and implications of the terms "redundant" and "irrelevant" and many delegations expressed their different opinions and perspectives. However the Co-chairs said that it was not for the Working Group to resolve that specific issue.

35. Finally, the Co-chairs invited members of the Working Group to submit in writing, the recommendations they identified as redundant or no longer relevant for the next meeting of the WG on 10 April.

Fourth Meeting of the Ad-hoc Working Group

36. The agenda of the fourth meeting was to identify the redundant or irrelevant recommendations from part 4 and 6 of the CDIP document CDIP/8/INF/1.

37. Before starting substantive discussions on the part 4 and 6 of the report, the Co-Chairs invited the Secretariat to provide replies to some of the questions raised during the last meeting of the group regarding Programme and Management of the Organization. On behalf of the Secretariat, Ms. Maya Bachner, Project Manager, RBM from the Programme and Management Section mentioned that throughout the External Review Report many recommendations touched upon the planning, monitoring, assessment and evaluation of the technical assistance activities. She mentioned that considerable efforts were put into the Result-Based planning in the organization. In this respect, Ms. Bachner mentioned that in the Programme and Budget 2012-2013 there were a set of 60 organizational results out of which 40 had a development share. In her opinion this was indicative of mainstreaming of the development activities. She also mentioned that there were improved performance indicators with baselines and targets and as such the quality had been enhanced.

38. With regard to the Work Plans, Ms. Bachner mentioned that the Annual Work Plans were tied to results and indicators. In this context she also mentioned that ERP had facilitated the Work Plans and that now the work plans could be searched across whole of the organization. She mentioned that ERP involved two steps. The first step was the facilitation of the work plans which had been completed. The second step which still had to be taken was facilitation of Programme Manager's monitoring on results and indicators.

39. In this context, the delegation of South Africa raised questions with regard to the categorization of paragraph 7 (b) from section "Relevance and Orientation", 1 (c) from section "Impact" and 2 (b) from section "Management" of the Appendix II of the Management Response. The Secretariat mentioned that with regard to para 7(b) some donors wanted integration into the RBM, however, others wanted more involvement and leverage and were of the opinion that it should not be part of the regular part of the Programme and Budget. With regard to the para 1(c) and 2(b) it was mentioned that RBM was approved by the member states and if an Expert Group was established and gives different opinion contrary to the member states then it could lead to complexity.

40. The delegation of Egypt inquired from the secretariat if the RBM measured the development impact of WIPO activities. In its response, the Secretariat mentioned that the 'impact' is of longer term in nature. However, the RBM was result outcome based but not necessarily an impact assessment. The impact assessment was longer term. The RBM had improved from activities based to the result based but the impact view was something which requires whole result-chain. She mentioned that a 2-year plan could not capture a longer term impact.

41. The Co-Chairs then invited submissions/comments for any redundant or irrelevant recommendations from part 4 of the report. The delegation of Hungary inquired why the recommendation 1-a (i&ii) of Section "Management" of Appendix-II at page 14 were categorized both as 'B' and 'C'. The Secretariat mentioned that the PPR is the accountability tool of member states oversight on the organization. However, the Secretariat needed member states direction on this recommendation.

42. The delegation of Switzerland mentioned on behalf of Group B that they considered the recommendation 1 (b) of Section IV "Management" as redundant. In its view the technical assistance was part of development agenda and full report of technical assistance was presented to the CDIP. The delegation of Hungary while eliciting the principle of avoidance of duplication, also supported the Switzerland's delegation.

43. The delegation of South Africa differed with the opinion of Switzerland's delegation and mentioned that in its view this recommendation was not redundant and rather very relevant. The delegation of Algeria also supported South Africa.

44. The delegation of South Africa also raised question with regard to paragraph 4-a(ii), para 7-b(i), 7-b(v-vii), 7-c(ii), 7-d(i) in the same section to which the Secretariat responded. The delegation of Switzerland on behalf of Group B mentioned that they were not in favour of implementing the recommendations pointed out by South Africa.

45. The Secretariat at this point clarified that as such the Secretariat had no position with regard to the recommendations, however, it was there to explain the reasons for the different categorization of the recommendations under category A, B & C.

46. The delegation of South Africa mentioned with regard to the recommendation at paragraph 7-b (i), it could agree to the recommendation with the inclusion of word "where appropriate" and similarly with 7-c (ii).

47. The delegation of Brazil inquired why the recommendations at 7-d (ii) was categorized both as A & C. The Secretariat replied that it needed to consult the concern person and will revert back with the reply in the next meeting of the group.
48. The delegation of Algeria inquired why the recommendation 6(c) at page 19 was not categorized. The Secretariat replied that this was probably an oversight, however, it was mentioned that the revision of technical assistance database will require a new project and at the same time, the limited utility and usage of the database should also be kept in view.
49. With regard to the recommendations at 7-d (i), the delegation of South Africa requested for further details with regard to the bidding process to which the Secretariat agreed to provide in the next meeting.
50. On Section-V "Cost efficiency", the delegation of South Africa mentioned that it was of the view that para 3(b) was irrelevant. The delegation of Barbados also supported the deletion of recommendation at para 3(b).
51. The delegation of South Africa requested the Secretariat to explain the categorization of para 3(c). The Secretariat replied that para 3(c) was categorized as category C because of the fact that if WIPO only provides grants to the member states to implement activities then WIPO's role as the technical agency on Intellectual Property matters would practically vanished.
52. The Co-Chair then invited comments of section VI "Internal and External Coordination" of Appendix II of Management Response. The delegation of Egypt inquired the reason for categorization of recommendation at para 3-a (ii) as category C. Furthermore, the delegation of Egypt was of the opinion that WIPO should be open in terms of outreach to other international organizations and as such the recommendations at para 3-c (i), was important and not irrelevant.
53. The delegation of South Africa mentioned that in its view the recommendation at para 4(f) was irrelevant. It also inquired why the recommendations at para 4-e(i), was categorized as C to which the Secretariat replied that it was put in this category because linking of IP development match-making data-base to the technical assistance data-base would require completely redoing the experience and would require merging the two projects.
54. The delegation of Hungary mentioned that it agreed with the classification of the Secretariat as category A of the recommendations at para 5(a). On the same recommendation, the delegation of South Africa inquired if the WIPO shared information on technical assistance on TRIPS related issues including budget information with the WTO global trade related technical assistance database. The Secretariat mentioned that WIPO does not share budget information to any other organization; however, it can provide other information on technical assistance.
55. The Co-Chair then invited comments on Section VII "IP Strategy and Policy". The delegation of South Africa mentioned that the recommendation at para 5 (a) was irrelevant as it could erode the national sovereignty of the States.
56. The Co-Chair then invited comments on part VIII "Legislative and Regularity Advice". The delegation of Egypt inquired from the Secretariat which recommendations from para 3 (c) could be implemented. The Secretariat mentioned that it will approach the concerned persons in the organization for a reply to this question to be presented in the next meeting.
57. The delegation of Egypt inquired why the recommendation at para 6 (c) and (d) were categorized as C. The Secretariat replied that it was categorized as C because the issues raised in these recommendations were sensitive and there was lack of consensus of member states on these issues.

58. Regarding the classification of the recommendations in Part VII (IP Strategies and Policies), the delegation of Algeria indicated that since the project for IP Strategies was in pilot phase and it will certainly be revised, the classification of those recommendations in Category A was not relevant, because some actions in the area of that project shall be taken by WIPO. The Secretariat replied that under this category, 2 things were included. First those on which action was already taken and secondly those on which action was in hand. The delegation of Switzerland mentioned that it considered that if action was in hand on a specific recommendation, it was redundant in its view and any discussion on that should continue only in CDIP. The delegation of South Africa mentioned that there was need to discuss how to handle the recommendations which were already in process. The delegation of South Africa proposed that the Regional Coordinators could discuss before the next session of the CDIP on how to devise the work on the recommendations of the External Review Report so that adequate progress could be made during the CDIP on this issue.

59. The Co-Chair concluded that with regard to the way forward the next meeting would be held on 26 April 2012. That meeting would provide opportunity for further analysis of the recommendations and discussions on the draft of the Report to the Working Group. A preliminary draft of the report could be prepared by the Rapporteur by 23 April 2012. All delegations who had taken part in the discussion were requested to provide their written comments to the Co-Chair for inclusion in the report.

Fifth Meeting of the Ad-hoc Working Group

60. The agenda of the fifth meeting was to discuss the preliminary draft report of the Ad-hoc Working Group prepared by the co – rapporteurs and to incorporate additional comments.

61. Paraguay, on behalf of GRULAC, and USA on behalf of Group B, read general statements, which they wish to be annexed to the report.

62. The United States, on behalf of the United Kingdom, also mentioned a specific list of recommendations which were considered redundant by that delegation and requested them to be annexed to the report.

63. Algeria indicated that they didn't know about the possibility of general statement as GRULAC and Group B had presented. The Algerian delegate requested for some time to send a statement on behalf of the Development Agenda Group that would be annexed to the report.

64. Hungary asked for the floor to address the fact that there was duplication in the discussions of the previous meetings.

65. Egypt, on behalf of the African group, considered, in reference to the Management Response, that classification on category A did not show the status of implementation, and that for category C there is no sufficient explanation to why they raise concern as to their implementation. Egypt also pointed out the recommendations that were interesting for further discussion such as the development of guidelines for monitoring assistance, enhancement of external and internal coordination, and coherent policy on engaging the stakeholders. Egypt also mentioned the importance of how the recommendations should be fulfilled.

66. The delegation of Brazil mentioned the following:

"My delegation would like to thank the Secretariat for preparing the "Management Response". It contains useful information and helps Member States to better understand how the Organization is dealing with development cooperation activities. We understand that the classification provided, which clusters the recommendations in categories A/B/C, offers a contribution to deal with the Deere/Roca Report with a structured methodology (A - recommendations which are already reflected in WIPO activities, or ongoing reform programs; B - recommendations which merit further consideration; and C - recommendations which raise concerns as to implementation).

However, it is our view that the framework proposed in the "Management Response" has some limitations related to the criteria employed. We share the concerns of the African Group and of the Development Agenda Group related to recommendations classified as "A" (recommendations which are already reflected in WIPO activities, or ongoing reform programs). Brazil understands that the external consultants' report offers important elements for the

consideration of Member States and also of WIPO Management. The document and its recommendations should be duly analyzed and processed. In the view of this delegation, many recommendations classified as "A" in the "Management Response" still need to be further considered.

For instance, actions which are already under way may be subject to evaluation on their implementation. One should take into account the targets established and the stage of implementation. Results must be monitored. Additionally, it would be useful to have an assessment of how efficient is the allocation and utilization of resources. Discarding further analysis on the grounds that the action is already being conducted may not be the best approach.

On a more general note, we consider that certain types of recommendations deserve further consideration, specially when regarding: the mainstreaming of the Development Agenda Recommendations; transparency and monitoring; evaluation of development cooperation activities *vis-à-vis* the needs of developing countries (in other words, how appropriate is the activity in light of the concrete scenario); and the definitions regarding development expenditure in the Organization."

67. Colombia addressed the room as co rapporteur and asked the secretariat if the format for the report fulfilled its needs, or if they should consider another format to be elaborated. As a result of this inquiry, an eager discussion was held in order to determine the format and the Delegation from the United States suggested that a executive summary of the report should be done instead of the minutes, which led to the discussions regarding if the minutes should be transmitted to the CDIP, and if the regional group's statements should be taken into account. Another discussion was held in order to determine if the report should be translated into the 6 official languages, or if only the summary should be translated and the minutes just handed out.

68. The working group finally agreed to have a short report, which will translated. The group statements will be annexed to this short report, but not translated. The record of the sessions will be made available. It was also agreed that the report shall have three main topics discussed, which were: procedural matters, redundant or no longer relevant recommendations, and other matters. It was also agreed that the report and the record of the sessions would be circulated on Tuesday so as to give time for the delegations to thoroughly read them, and if there were any doubts or correction it would be done via e - mail.
