

**STATEMENT BY MR. ANATOLE KRATTIGER,
STAFF COUNCIL MEMBER OF THE WIPO STAFF ASSOCIATION,
TO THE SIXTY-SEVENTH SERIES OF MEETING OF THE ASSEMBLIES
OF THE MEMBER STATES OF WIPO (44TH ORDINARY SESSION)**

September 30, 2013

Your Excellency, Ambassador Fodé Seck, Chair of the Coordination Committee,
Distinguished delegates,
Director General,
Ladies and gentlemen,
Dear colleagues,

It is an honor and a privilege not only to be speaking to you today, but also to be working at WIPO. My morale and that of many, if not most of my colleagues, is high. We are proud of our work and accomplishments, and we are pushing harder to make WIPO even more successful, and to bring about further positive change.

Indeed, it is a truism that, in life, the only constant is change. Sadly, in the multilateral system, there are exceptions to this rule. Like a mosquito trapped in amber since the Jurassic Age, the relations between the Staff Council and the Administration are frozen in time. This is regrettable.

Chairman, Honorable Delegates

I recall last year's Coordination Committee meeting and the comments of the then Chair, Ambassador Kwok Fook Seng, on an intervention from the Staff Council President.

1. The Ambassador instructed us to stay out of the affairs of the Member States.
2. He then urged us to emulate modern unions which have left behind the adversarial models of the 20th-century so that we could move forward to work with the Administration to solve real problems.

Regrettably, the Staff Council has been unable to break free from the fossilized instinct to reflexively confront.

As a result, legitimate Staff concerns are being drowned out by the noise of a permanently disgruntled few. While you have just been offered a speech by the President filled with issues that are the sole purview of you, the Member States, as clearly established by you, the Member States, (Article 8.1.1 [b] of the Staff Rules and Regulations), the Council is compelled to neglect its proper work. Instead of tackling pressing issues that concern all Staff, such as career development, internal mobility, and the system of justice, to name but a few, the Staff Council has continued to stonewall the Administration on almost every issue.

By way of a specific example:

- Tasked to contribute to the revisions of the internal system of justice, the Council members of the Consultative Group collectively resigned in October 2012 after what was essentially an internal dispute.
- Although numerous approaches and proposals to the Staff Council were made, none met a positive response. The Administration had to constitute a new Group to get the work done, a group that included Staff representatives (though not elected ones). But the Staff Council continued to challenge, to oppose, and to obstruct every move.
- As a tribute to my hard working colleagues on the Staff Council, I also note that substantive comments on the draft proposal were provided by the Council. Although the proposed revisions are, in my view, an improvement over the current system, it would have been more constructive to have been positively engaged throughout the process.

Chairman, Honorable Delegates

Because of the President's unwillingness to engage with the Administration and the consequent litigious approach, we have wasted many opportunities for engagement and have failed in our duty of representing the collective interests of Staff at large. This intransigent opposition is baffling.

One way this reflexive opposition manifests itself is the President's insistence on filing oppositions to every possible Administrative decision. Most cases, especially once they go to the ILO Tribunal, incur external Legal Counsel costs. This has resulted in significant over-spending. In turn, the shortfall has been made up through a donation facilitated by the President of the WIPO Staff Association.

The reasons behind such donations may well be legitimate, but one must always be watchful for conflicts of interest. Last year's donation of CHF 100,000 was substantial. Moreover, it was directly paid to the Association's external Legal Counsel. This year's unpaid legal bills are also high, though few of these have been discussed, much less approved, by the Staff Council as required by the Association's own Statutes. Once again, we will require a donation to pay our liabilities. Without insinuating any motive, at a minimum, one ought to question the legitimacy of, and possible motives behind, the many appeals funded by these outside donations as the ILO Tribunal has also recently done (eg. ILOT 3206 of 2013).

To challenge administrative actions, when there is legitimate reason, is both appropriate and necessary. But the Staff Council betrays its constituents when it opposes *a priori* and fails to engage constructively. This is wrong. It defies the basic principles of good governance and definitely does not serve the interests of the Staff at large.

The principles that should govern the Association are clear. They were conceived at the first General Assembly of the UN in 1946, under then Secretary General Mr Lie, himself a former trade unionist: "... a Staff Committee which would reflect the views and opinions of its constituents, ... neither beholden to the Administration nor opposed to it *a priori*, ... neither seek[ing] to provoke crisis nor try[ing] by vague words to quiet legitimate discontent, ..."

All advocacy starts with us, as individuals. As an elected Staff Council member myself, I know that the first step in making WIPO more transparent, respected, credible, and effective must start, first and foremost, with me and the Staff Council itself as a good example for Staff at large. And it should not be unreasonable to expect that it be emulated—and even surpassed—by the Director General, by the Administration and by you, the Member States.

The less we, the Staff Council, play politics, the more time we have to devote to our good work. I count on your support—and, especially, on your good example.

To my well-intentioned colleagues on the Council, I ask you not to confuse my dissent today with disloyalty. I am merely advocating for more transparency, respectability, credibility and effectiveness, first and foremost inside the Council. William Fulbright, a multilateralist who strongly supported the creation of the UN, said that "In a democracy, dissent is an act of faith."

I have faith that such time will come when we will be able to implement, at WIPO, the 1946 Resolution, when we will break free from the shackles of old animosities and ossified patterns of thinking, when we will identify both where we can work with the Administration and where we must challenge and oppose it, credibly and constructively, to act for the good of the whole.

Chairman, Honorable Delegates

Again, I count on your support—and good example.

Thank you.