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组织

CDIP/9/15
原 文：英文
日 期：2012 年 5 月 8 日

发展与知识产权委员会(CDIP)

第九届会议
2012 年 5 月 7 日至 11 日，日内瓦

WIPO 合作促进发展领域技术援助外部审查问题特设工作组的报告

1. 发展与知识产权委员会（CDIP）在第八届会议上成立了 WIPO 合作促进发展领域技术援助外部审查（文件 CDIP/8/INF/1）问题特设工作组。本文件的附件中载有特设工作组的报告。

2. 请 CDIP 注意本文件附件中所载的信息。

[后接附件]

1.　在发展与知识产权委员会第八届会议上，委员会审议了文件 CDIP/8/INF/1“对 WIPO 合作促进发展领域技术援助的外部审查”，并同意成立一个技术援助外部审查（CDIP/8/INF/1）问题特设工作组，以查明哪些建议是多余的，或不再具有相关性，但不得对各项建议划分优先次序。特设工作组还在有限的范围内讨论了本项研究的其他内容，以争取为委员会第九届会议的讨论节省时间。

程序事项

2.　特设工作组举行了五次会议，时间和议程如下：

i)　2012 年 3 月 16 日（重点是工作计划和程序事项）
ii)　3 月 21 日（重点是外部审查第 2 和第 3 部分）
iii)　4 月 4 日（重点是外部审查第 5 部分）
iv)　4 月 10 日（重点是外部审查第 4 和第 6 部分）
v)　4 月 26 日（工作组的报告草案）

3.　特设工作组的会议由比利时的 Mathias Kende 先生和埃及的 Mokhtar Warida 先生共同主持。共同报告员是巴基斯坦的 Ahsan Nabeel 先生和哥伦比亚的 Juan Camilo Saretzki-Forero 先生。秘书处为会议提供了便利，出席会议的有各地区协调员和感兴趣的成员国代表团。

4.　秘书处未对工作组的会议提供口译。许多代表团和地区集团对没有联合国正式语言口译表示了不快，本组织《议事规则》的第 12 条结合第 41 条包括了这种情况下的口译。但是，其他一些代表团提到，尽管对没有口译表示遗憾，但成立工作组时的任务授权规定工作组将不造成财务影响，因此不能提供口译，而且根据“特别法优于普通法”的原则，特设工作组的职责规定优于议事规则。这样，在口译问题上没有协商一致。为便于非英语成员国理解报告，非洲集团协调员和 GRULAC 协调员代表各自集团要求秘书处用联合国所有正式语言提供完整的外部审查报告（文件 CDIP/8/INF/1）。

5.　本报告中载有讨论文件 CDIP/8/INF/1 以及秘书处的《管理层答复》中提到的主要问题。本报告仅作为加快 CDIP 讨论此事项的手段。共同报告员编写的工作组五次会议的会议记录不影响实际的发言和立场，并将向 WIPO 所有成员国提供。

实质事项——多余或不再具有相关性的建议

6.　工作组就各项实质性问题进行了讨论。会议记录中有关于这些问题的背景。其中一些问题是：

a)　“多余”和“不再具有相关性”两词的定义和影响

关于“多余”和“不再具有相关性”两词的定义和影响，存在不同的意见和观点。由于工作组在此问题上没有一致意见，共同主席指出，该具体问题不应由工作组解决。

b)　秘书处在《管理层答复》中对建议的分类

一些代表团支持把建议分为 A、B、C 三类，对秘书处的这种分法表示赞同。但是，一些代表团认为，秘书处在《管理层答复》中把建议分为 A、B、C 三类，尤其是同一建议在没有任何说明的情况下被重复归入两类，造成了混淆和某些问题，而且最好把 A、B 两类合为一类。就秘书处认为 C 类建议引起顾虑、因此不能考虑落实的原因，一些代表团也要求提供澄清和解释。一些代表团在听取了秘书处关于几条建议在《管理层答复》中被归入两类或三类的说明后，对回答表示满意。工作组在这几点上有不同意见。

c)　对《外部审查》和《管理层答复》的评论

工作组就多余或不再具有相关性的建议对《外部审查》和《管理层答复》进行了审议。一些代表团认为“外部审查”是非常重要的一步，因为它显示了设法改进 WIPO 合作促进发展领域技术援助活动这一目标。工作组的一些成员认为，《外部审查》不是对 WIPO 工作的批评，而是在对 WIPO 成员国至关重要的一个领域加以改进的机会。其他一些代表团认为，《外部审查》的各项建议是作者的观点，并指出，由于秘书处正在考虑和/或已经落实的活动的期间，许多建议已经过时。另一些代表团认为，许多建议值得成员国和秘书处引起注意、做出响应和采取行动。一些代表团认为，工作组的任务授权要求以多余的和不再具有相关性的建议为重点。

工作组就一些具体建议交换了观点，讨论结束时，工作组未就多余的或不再具有相关性的建议达成任何决定。

d)　关于《管理层答复》的详细说明

在会议中，成员国就《管理层对外部审查的答复》提出了许多询问。秘书处努力对这些询问尽可能做了回答。一些代表团指出，《管理层答复》尽管提供了让人非常感兴趣的信息，但不应限制 CDIP 就《外部审查》的各项建议进行讨论，也不应成为这种讨论的依据。

e)　多余或不再具有相关性的建议清单

关于《外部审查》中提到的多余或不再具有相关性的建议清单没有协商一致。

其他事项

在工作组的讨论中，不同代表团指出了《外部审查》中它们认为很重要、应予落实的建议。但是，由于工作组没有就可落实的建议开展工作的任务授权，只能处理多余或不再具有相关性的建议，工作组同意，这些代表团可以在 CDIP 上提出此问题。

[后接附录（英文）]

GENERAL STATEMENTS

African Group Submission
For the *Ad Hoc* Working Group on the External Review of
WIPO Technical Assistance in the Area of Cooperation for Development

The African Group would like to thank the co-chairs for steering the five meetings of the *Ad Hoc* Working Group, the co-rapporteurs for their work in preparing the minutes of the meetings as well as this compiled report, and the Secretariat for the clarifications presented in the ensuing discussions during the five meetings on both the External Review Report and the Management Response.

I. Organizational Matter

African Group requested French interpretation for the meetings of the working group in accordance with WIPO rules of procedures, in particular Rule 12 in conjunction with rule 41. African Group expressed regret that the French interpretation has not been provided in response to this request and emphasized that translation of all documents (including the External Review Report and the WG report to CDIP) and interpretation for six UN languages should be ensured in all future WIPO meetings in accordance with WIPO policy on languages and WIPO rules of procedures.

II. Identification of redundant or no longer relevant recommendations

The African Group found that, for the purpose of this *Ad Hoc* Working Group, "redundant recommendations" are those “repeated in several parts of the External Review Report 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". In light of the above, the African group has not identified redundant or no longer recommendations in the external review report.

As for the Management Response, the African Group questioned the generality, ambiguity of its content as well as its arbitrary categorization of the recommendations into three clusters, A, B and C. In addition, the African group found that the Management Response has "double classified" the same recommendation under two different categories without proper justification or explanation, which was confusing. As an example, it could well be the case that category A and category B be merged together because they deal with recommendations acknowledged by the Secretariat for implementation. However such implementation is still a work in progress, in its early stages, and therefore implementation not completed or, in some instances, not yet initiated. As for Category C, the African Group requests clarifications about and explanation for the reasons Secretariat considered they raise concerns, and therefore, can not be considered for implementation.

For all these reasons, the African Group emphasizes that the Management Response should neither limit CDIP discussions nor constitute the basis of considering the recommendations that need to be implemented.

III. Other Elements of the External Review Report Identified

The African Group has identified important issues that merit actions and decisions by relevant WIPO bodies and organs, examples of which include: defining development – oriented assistance; developing guidelines for providing development – oriented assistance; aligning extra-budgetary resources with WIPO Program and Budget; strengthening the management, monitoring and independent evaluation; developing a coherent policy on WIPO engagement with stakeholders; ensuring stuff orientation with and knowledge of Development Agenda Recommendations; enhancing process of selecting external experts and consultants and avoidance of conflict of interest; maintain existing UN classification of Member States, and enhancing WIPO internal and external coordination.

Development Agenda Group submission
for the report of Ad Hoc Working Group on External Review on WIPO's Technical assistance

The Development Agenda Group thanks the co-chairs and the co-rapporteurs for their work, also the Secretariat for its assistance and clarifications throughout the discussions in the *Ad Hoc* Working Group. The DAG has taken note of the positions expressed by the regional groups and the delegations on the various recommendations of the External review and the content of the management response.

DAG's members would like to recall the highest importance of the External review on WIPO's technical assistance, for enhancing the role of WIPO in the field of development activities which would allow our Organization to implement fully and effectively the development Agenda. The DAG has been engaged in the process of the *Ad Hoc* Working Group in order to facilitate the discussion in the CDIP/9 on how to implement the relevant recommendations of the External review. It is within this context that the DAG would like to clarify its position on:

I. Organizational Matter

The DAG expresses deep regrets and discomfort about the absence of interpretation in the working group. The DAG sees that the interpretation is a standard requirement which had to be met by any international United Nations Organization, especially WIPO which has in its Rules of Procedures, Rule 12 in conjunction with rule 41, a clear provision of interpretation in the conduct of the Working Group.
The DAG emphasizes the need to translate all documents, including the Working Group report and the External Review and recalls the fact that interpretation in all WIPO languages should be ensured in the future WIPO's meetings in accordance with WIPO rules of procedures.

II. Identification of redundant or no longer relevant recommendations

The DAG shares the African Group's definition of redundancy and irrelevancy. We found that, for the purpose of this *Ad Hoc* Working Group, "redundant recommendations" are those that are repeated in several parts of the External Review Report 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".

Regarding the management response provided by the Secretariat, the DAG's members found that the categorization of the recommendations in A, B and C, while it provides interesting information, could not neither, orient, nor, be the basis of our work in the CDIP. Actually, DAG is confused by the generality and the lack of evidence in the content of the management response, especially in the category A. we are in the view that though the secretariat had taken some actions in that particular category of recommendation, however the recommendations were not fully implemented and more actions need to be done. As for recommendations in Category C, the DAG requests clarifications about the reasons Secretariat considered they raised concerns or they cannot be implemented.

III. Other Elements of the External Review Report Identified

The DAG, as many developing countries, has identified important issues that merit actions by relevant WIPO bodies and organs, examples of which include: defining development – oriented assistance; developing guidelines for providing development – oriented assistance; aligning extra-budgetary resources with WIPO Program and Budget; strengthening the management, monitoring and independent evaluation; developing a coherent policy on WIPO engagement with stakeholders; ensuring stuff orientation with and knowledge of Development Agenda Recommendations; enhance process of selecting external experts and consultants and avoidance of conflict of interest; maintain existing UN classification of Member States, and enhancing internal and external coordination.

Group B

"The Group B considered the recommendations under category A of the management response to be redundant since they were already reflected in WIPO activities or in ongoing reform programs. Moreover, the recommendations which raised concerns as to their implementation and are therefore classified under Category C of the management response - should not be further entertained. Finally group B understands that the recommendations contained in the Deere Report shall not be implemented unless there is a decision of the Member States to do so (the decision could be a past one ,justifying implementation under Cluster A, or a future one for Cluster B).

GRULAC

With respect to the External Review of Technical Assistance (CDIP/8/INF/1), the Member States of the Group of Latin America and the Caribbean, stated the following:

- Implementing the Development Agenda is a priority in the activities of WIPO. In this regard, the consideration of *"An External Review of Technical Assistance in the Area of Cooperation for Development"* is a very important step in the discussion of the topic, since it implies the goal of identifying ways in which technical assistance activities of WIPO in the area of cooperation development can be improved. It shouldn't be seen as a critic to WIPO´s work but rather the opportunity to improve an area of crucial importance for developing countries; given the fact that they are the main beneficiaries of technical assistance.

- The Member States of WIPO should review the document as a tool to improve the activities of all parties involved. The report should not be used to generate confrontation in the debate or to promote greater disagreements.

- The recommendations contained in the report "Deere Roca" must have appropriate monitoring in the future in order to ensure continuous follow up and evaluation of activities in the framework of existing mechanisms in the Committee on Development and Intellectual Property.

- With regard to the "Management Response", although the initiatives described in the report are positive, the document has not fully explained to what extent these initiatives have been effective in achieving its objectives. Nevertheless, it showed a good level of commitment of the Secretariat to improve their activities and to acknowledge challenges.

- Regarding the proposal to establish "Guidelines for Development" (Rec.5, section 2), the guidelines should not limit the right of Member States to request, make and promote any activity with WIPO technical assistance, based on specific needs.

- Recommendation 7.A (Section 2) states that Funds in Trust (FITs) supported activities should be reflected in WIPO´s regular budget, programming and reporting process, and into country planning processes. In these cases, the activities derived from the FITs should be proposed by the concerned countries at any time, without any administrative restraints from the PBC. Therefore, this recommendation should be considered "no longer relevant". Guidelines in this regard should be adopted to promote but not to limit the alignment of FITs activities.

- Concerning the role of Geneva based missions; the Permanent Missions represent the government, so they should be aware of all activities being carried out in the country concerned. To this end, WIPO should report to the Permanent Missions permanently on any initiative.

- Finally, we reiterate the commitment of our countries to continue to support initiatives that help to improve the activities of WIPO in an effective contribution to the development of its Member States.

United Kingdom

Following is the list of Deere/Rocca recommendations which the UK considers as now redundant:

- B5xi, p12: 'Processes by which Member States can guide overall planning and prioritization of WIPO DC activities'

WIPO already has the CDIP and the PBC, so another process or processes is/are not required.

- D6e, p28: 'WIPO's Website should be upgraded to serve as a more effective vehicle for communicating with stakeholders, beneficiaries and donors about DC activities:'.

WIPO already has a plan to improve their website, and much has been done since Deere-Roca came out, so this is now redundant.

- D7c, p30: 'WIPO should adopt a code of ethics'

This has been done.

- B5j, p 13: 'Priority should be given to DC activities that enable South-South cooperation, and enhance sharing of experiences/expertise among developing countries'.

Since Deere-Roca came out, CDIP has made progress on this issue, so this recommendation is now redundant.

[附录和文件完]