

Twenty-fifth meeting of the Council
Abu Dhabi, 23-24 May 2023

Report of the Director-General on Proposed Membership of the Arbitration Panel

1. At its third session, the Assembly established an arbitration system for IRENA and adopted the IRENA Provisional Arbitration Rules (the “Arbitration Rules”).¹ At its fifth session, the Assembly amended the Arbitration Rules, as at present in effect.²
2. Rule 7 of the Arbitration Rules sets out the process to be followed for the appointment of the arbitrators. It provides *inter alia* that the Council shall approve a list of at least five arbitrators to be appointed for a renewable two-year term, amongst a list of at least six qualified candidates communicated by the Director-General for inclusion in the Arbitration Panel, after obtaining the views of the staff representative body. Rule 7.2 reads as follows:

“In order to be considered for inclusion in the Arbitration Panel, candidates shall have experience in handling and resolving employment cases, preferably in the context of an international organization, either as member of a judicial or arbitral body or as a senior manager in an international organization; be familiar with issues and functions relevant to an international organization; be of good character; and have a reputation as a knowledgeable, fair and impartial individual. Due account shall be taken of the need to ensure geographical and gender balance among Panel members.”

3. Consistent with Rule 7, upon the proposal of the Director-General, the Council appointed the following arbitrators at its twenty-first meeting³ for a two-year term from 19 August 2021 to 18 August 2023:
 - a. Ms. Jan Beagle
 - b. Ms. Rosemary McCreery
 - c. Mr. Francis M. Ssekandi
 - d. Mr. Dayendra Sena Wijewardane
 - e. Mr. Ralph Zacklin
 - f. Mr. Alberic Kacou
 - g. Ms. Maritza Struyvenberg

¹ Decision [A/3/DC/7](#) on Administration of Justice at IRENA, which took note of the relevant Report of the Director-General on the matter ([A/3/18](#)). The arbitration system was put in place in implementation of Staff Regulation 12, which mandated the establishment of an internal appeals process for the review of staff appeals. Specifically, Staff Regulation 12.3 required the Agency to provide to staff “*access to an independent judicial or arbitral mechanism if they wish[ed] to present a recourse against the validity of the final decision taken by the Director-General.*”

² Decision [A/5/DC/6](#) on Administration of Justice at IRENA. The approved amendments were of a technical and clerical nature and did not include any material changes to the Arbitration Rules, as initially approved by the Assembly at its third session. Further information on the nature of the amendments may be found at the related Director-General’s Report to the Assembly on the matter ([A/5/11](#)).

³ The twenty-first meeting of the Council took place on 25-26 May 2021.

4. The Secretariat contacted the members of the current Arbitration Panel, considering that their two-year appointment term is soon to expire. The following four members - Ms Jan Beagle, Mr Francis M. Ssekandi, Mr Alberic Kacou, and Ms Maritza Struyvenberg - have confirmed their willingness to have their term renewed by the Council and to continue serving as members of the Arbitration Panel for a further two-year term. Ms. Rosemary McCreery, Mr Dayendra Sena Wijewardane and Mr Ralph Zacklin informed the Secretariat that they did not wish the Council to renew their term.
5. In order to ensure that the Arbitration Panel is composed of the requisite number of arbitrators and taking into account the Council's prior decisions on the matter and the principles for the appointment of the arbitrators set out in Rule 7, the Director-General proposes to the Council to:
 - a. renew the appointment of four arbitrators previously appointed by the Council, namely Ms. Jan Beagle, Mr. Francis M. Ssekandi, Mr. Alberic Kacou and Ms. Maritza Struyvenberg, for a further two-year term from 19 August 2023 to 18 August 2025; and,
 - b. approve for the same two-year term the appointment of two new arbitrators, namely Mr Andreas Vaagt and Mr Jay Pozenel.
6. Accordingly, the following six candidates are proposed for the inclusion in the Arbitration Panel:
 - a. Mr. Andreas Vaagt
 - b. Ms. Jan Beagle
 - c. Mr Jay W. Pozenel
 - d. Mr. Francis M. Ssekandi
 - e. Mr. Alberic Kacou
 - f. Ms. Maritza Struyvenberg
7. A detailed *Curriculum Vitae* for each of the candidates is available to the Members on [REmember](#), the secured area of the IRENA website.
8. In compliance with Rule 7.1 of the Arbitration Rules, the Director-General consulted with the IRENA Staff Association, which agreed to the list of the proposed arbitrators.
9. The Council is invited to consider the six candidates referred to in paragraph 6 above and to approve them for inclusion in the Arbitration Panel for a two-year term from 19 August 2023 to 18 August 2025.