

Twenty-first meeting of the Council
Abu Dhabi, 25-26 May 2021

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 envisages, among others, 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. In accordance with Rule 7.2:

“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 seventeenth meeting³ for a two-year term, effective from 19 August 2019 to 18 August 2021:
 - a. Ms. Antigoni Axenidou
 - b. Ms. Jan Beagle
 - c. Ms. Rosemary McCreery
 - d. Mr. Francis M. Ssekandi
 - e. Mr. Dayendra Sena Wijewardane
 - f. Mr. Ralph Zacklin

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 seventeenth meeting of the Council took place on 25-26 June 2019.

4. From the arbitrators referred to in section 3 above, Ms. Antigoni Axenidou was the only newly appointed arbitrator by the Council at its seventeenth meeting.⁴ The other five arbitrators were initially appointed by the Council at its fifth meeting⁵ and their respective appointment was renewed by the Council for several subsequent two-year terms, namely at the ninth⁶, thirteenth⁷ and, most recently, at the seventeenth meeting of the Council.⁸
5. The Secretariat contacted the members of the current Arbitration Panel, considering that their two-year appointment term is soon to expire. With the exception of Ms. Antigoni Axenidou, all the arbitrators 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. Antigoni Axenidou informed the Secretariat that she did not wish the Council to renew her term.
6. In order to ensure that the Arbitration Panel is composed by 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 the five arbitrators previously appointed by the Council (Ms. Jan Beagle, Ms. Rosemary McCreery, Mr. Francis M. Ssekandi, Mr. Dayendra Sena Wijewardane and Mr. Ralph Zacklin) for a further two-year term, effective from 19 August 2021; and,
 - (b) approve for the same two-year term the appointment of two new arbitrators, namely Mr. Alberic Kacou and Ms. Maritza Struyvenberg.
7. Accordingly, the following candidates are proposed for inclusion in the Arbitration Panel:
 - 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
8. A detailed *Curriculum Vitae* for each of the candidates is available to the Members on [REmember](#), the secured area of the IRENA website.
9. 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.
10. The Council is invited to consider the seven candidates referred to in paragraph 7 above and to approve them for inclusion in the Arbitration Panel for a two-year term, effective from 19 August 2021 to 18 August 2023.

⁴ The need to appoint a new arbitrator for the Arbitration Panel arose after one of the previously appointed arbitrators (Mr. Jerome Ackerman) indicated lack of availability for the renewal of his appointment term. See Paragraph 130 of the Report of the seventeenth meeting of the Council ([C/17/SR/1](#)) and the related Report from the Director-General ([C/17/8](#)).

⁵ The arbitrators Ms. Jan Beagle, Ms. Rosemary McCreery, Mr. Francis M. Ssekandi, Mr. Dayendra Sena Wijewardane and Mr. Ralph Zacklin were initially appointed as arbitrators by the Council at its fifth meeting. See Paragraph 77 of the Report of the fifth meeting of the Council, ([C/5/SR/1](#)) and the related Report from the Director-General on the matter ([C/5/5](#)).

⁶ Paragraph 92 of the Report of the ninth meeting of the Council ([C/9/SR/1](#)) and the related Report from the Director-General on the matter ([C/9/4](#)).

⁷ Paragraph 91 of the Report of the thirteenth meeting of the Council ([C/13/SR/1](#)) and the related Report from the Director-General on the matter ([C/13/8](#)).

⁸ See footnote 4.