**Functional Autonomy for the IPPC Secretariat**

1. The issue of operational autonomy from FAO of the statutory bodies stipulated under Article XIV and VI of Basic Text continues to be a subject that is under increasing scrutiny in FAO.
2. Although FAO would like to deal with this subject as soon as possible, there are no specific deadlines to which we are working (according to FAO Legal Office). The FAO Article XIV questionnaire is still under development and has not been sent out to countries yet. The IPPC Secretary is informed that the draft questionnaire will be circulated for the comments when it is developed and before distribution to member countries.
3. A discussion paper (PC 108/10) was prepared for the next Programme Committee meeting (10-14 October 2011, just after the SPTA meeting) after individual interviews with Secretariats to the statutory bodies, which is attached to this paper. The paper provides a list of issues of possible consideration, the current situations under various statutory bodies, and certain options to consider. It should be noted that depth of such discussions differ and the some parts of the listed issues are discussed little.
4. Other information is available and provide background information to allow us to actively investigate this before SPTA:
	1. Legal background information available in CCLM 88/3: ftp://ftp.fao.org/docrep/fao/meeting/017/k5829e.pdf
	2. Compilation of Elements for Preparation of a List of Functional Needs of the International Treaty: ftp://ftp.fao.org/ag/agp/planttreaty/gb4/acfs6/acfs6\_repe.pdf
	3. An FAO Agriculture workshop was held on 13 June 2011 to discuss how Treaties and Convention can become more effective and efficient within the AG Department.
	4. Early ideas from the Secretariat (based on SPTA discussions) [https://www.ippc.int/index.php?id=1110798&tx\_publication\_pi1[showUid]=2180891&frompage=13330&type=publication&subtype=&category=&date=2011&L=0#item](https://www.ippc.int/index.php?id=1110798&tx_publication_pi1%5bshowUid%5d=2180891&frompage=13330&type=publication&subtype=&category=&date=2011&L=0#item)
5. FAO Legal Office has said there will be money available for 2-3 months to hire a consultant to develop relevant background material to allow the SPTA and CPM to make an informed decision about operational autonomy for the IPPC Secretariat / IPPC. This could possibly include 2 months before the end of 2011.
6. In addition, Mr Ashby kindly drafted proposed terms of reference (see Appendix 1) for a consultant that could specifically develop a paper for CPM 7, via the Bureau, on the subject of increased operational autonomy from CPM.
7. The Bureau is invited to provide advice for the improvement of the terms of reference and possible consultants who could undertake this work in paragraph 6 above.

**Appendix 1**

**Proposed terms of reference for a consultancy on the IPPC as an FAO Article XIV body**

**Background**

1. Document CCLM 88/3 was prepared for the 88th session of the FAO’s Committee on Constitutional and Legal Matters in September 2009. It quoted the Immediate Plan of Action (IPA) for FAO Renewal (2009-11) which had been approved at the 35th (Special) session of the FAO Conference as follows:

“*28. The statutory bodies and conventions will be strengthened, enjoying more financial and administrative authority within the framework of FAO and a greater degree of self-finding by their Members. They will have a direct line of access to the appropriate FAO Technical Conference for the use of that proportion of their funding which is provided for from FAO Assessed Contributions*.”

2. The Action Matrix included:

“*Conferences of parties to treaties, conventions and agreements such as Codex and the IPPC (incorporated under FAO statutes) may bring issues to the attention of the Council and Conference through the relevant Technical Committee (Basic Texts change) (IPA action 2.68)*

*Undertake a review with a view to making any necessary changes to enable those statutory bodies which wish to do so to exercise financial and administrative authority and mobilize additional funding from their members, while remaining within the framework of FAO and maintaining a reporting relationship with it (IPA action 2.69).*”

 The implementation of these actions is related to another action, IPA action 3.17, which reads:

“*Review treaties, conventions, agreements and similar bodies and instruments established under articles VI, XIV and XV of the FAO Constitution with a view to their developing a greater degree of self-funding from their members (see also 2.69). Present report to Council and reports to the parties to the agreements*”.

3. The possibility of some self determination for the IPPC within FAO, in particular the possibility of financial and administrative authority, was discussed briefly at the IPPC/CPM’s Strategic Planning and Technical Assistance (SPTA) meeting in October 2010 and again at the plenary session of the Commission on Phytosanitary Measures (CPM) in March 2011.

4. There was strong support for further investigation of the legal, administrative and practical implications for the IPPC and its members of obtaining some self determination as described above.

5. FAO has made funds available for exploration of this issue so that IPPC members can be informed fully about the implications. This paper describes the terms of reference for the production of a report.

**Task required**

6. Describe Article XIV of the FAO Treaty and the place of the International Plant Protection Convention in that article

7. Explain the process by which a change on status for Article XIV bodies is being considered.

8. Describe the implications of some self determination for the IPPC within FAO, listing what changes this would involve and possible benefits and disadvantages which could arise from a change in status for the IPPC, to include the following:

i. Staff recruitment

ii. Staff activities – would they be able to focus 100% on IPPC or would they continue to be expected to do other FAO work?

iii. Staff Salary levels and other employment conditions

iv. Control of finances – to what extent would this be delegated to the Secretariat?

v. Would the IPPC budget be approved by the CPM plenary session?

vi. Would retention of FAO core funding be guaranteed, or would it become dependent on whether additional extra-budgetary funds would be raised?

vii. Extra-budgetary funding – would the FAO still take a percentage of the funds received?

viii. Daily Subsistence Allowance for meeting participants – would this remain linked to FAO rules?

ix. Would use of FAO interpretation and translation services be obligatory or could external contractors be used?

x. Plenary meetings – would these continue to be governed by FAO rules, e.g. on requiring delegates to have credentials?

xi. Reporting of progress, e.g. on Impact Focus Areas, to other FAO bodies – would this remain an obligation?

**Timing**

1. The report should be completed by 1st October 2011 to allow consideration by the CPM Bureau meeting and the SPTA prior to finalization for presentation to the CPM meeting in March 2012.