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# COMMISSION ON PHYTOSANITARY MEASURES

## Seventh Session

Rome, 19 - 23 March 2012

### Proposal for the Establishment of an Oversight Structure on Capacity Building

#### Agenda item 10.3 of the Provisional Agenda

1. The Fifth Session of the Commission on Phytosanitary Measures (CPM-5), 2010, agreed to create an Expert Working Group (EWG) to review and refine the phytosanitary capacity development (CD) operational plan and assist the IPPC Secretariat with developing national phytosanitary capacity. The EWG would also provide, under established terms of reference, recommendations on the future structure and mode of operation of the EWG, including the possibility of forming a Subsidiary Body on Capacity Building (SBCD).
2. At the Second Expert Working Group on Capacity Development (EWGCD), the discussion on the establishment of a Body or specialized structure on CD was addressed, beginning with a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis, which led to the decision that the best course of action would be to recommend to the CPM, through the Strategic Planning and Technical Assistance group (SPTA) and the Bureau, the creation of a Subsidiary Body (SB). The EWGCD prepared an explanatory paper in support of the establishment of the Subsidiary Body, including draft Terms of Reference (TORs) and Rules of Procedure (ROPs).
3. In June 2011, the Bureau discussed the outcomes and recommendations of the EWGCD with respect to the possible establishment of a CD oversight body. The Bureau shared the concerns of the EWGCD on the financial and operational problems of currently established IPPC subsidiary bodies and on the need to establish a more permanent and stable structure to deal with the capacity development.
4. For these reasons the Bureau instructed the Secretariat to prepare another proposal of a structure, different in nature to a SB and under terms of reference (TORs) and rules of procedure (ROPs) that could be more realistic, technically driven and with less financial and operational impacts.

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5. Based on these discussions in June 2011, the Bureau recommended that:
- a more formal structure to provide guidance and oversight of the IPPC capacity development programme was needed
  - the Secretariat prepare a proposal to send to the CPM via the SPTA, for the establishment of either a capacity development subsidiary body or for a capacity development group with more formality than an EWG, but not as formal as a subsidiary body.
6. Both proposals were presented to the SPTA 2011 and there was agreement to send them to CPM for consideration. The SPTA recognized the need for the existence of a permanent structure to oversee CD activities, considering the current developments of the area in the IPPC and the existence of the new strategic framework to be approved by CPM. It also found the proposal of an structure different to a SB more relevant and appropriate and expressed concern on the creation of a new SB. The SPTA provided comments to the proposed TORs and ROPs for both proposals that have been incorporated by the Secretariat to the Appendices of this paper.

### **Proposal for the establishment of a sustainable Subsidiary Body to oversee Capacity Development in the IPPC**

7. The EWGCD worked on the basis of the SWOT analysis (Appendix 1) and provided draft TORs and accompanying ROPs (Appendix 2) for an SBCD. The justification for the proposal, developed and strongly supported by the EWGCD, is as follows.

#### On the establishment of a Subsidiary Body:

8. The purpose of the SBCD should be to contribute to the achievement of the IPPC strategic objective D: develop phytosanitary capacity for members. The inputs provided for the achievement of this objective will have an impact on the protection of sustainable agriculture, enhancement of global food security through the prevention of pest spread, protection of the environment, forests and biodiversity against plant pests and to facilitate economic and trade development through the promotion of harmonized, scientifically-based phytosanitary measures. This is one of the main IPPC Strategic Objectives and is currently not supported by any other structure in the IPPC.

9. The EWGCD concluded that it was essential to continue to have a body responsible to the CPM that would provide oversight and guidance of the CPM capacity development work programme. The EWGCD also concluded that by formalizing the body (i.e. as a subsidiary body of the CPM) it would provide appropriate recognition of the capacity development needs of contracting parties, allow formal feedback through the chair into the various CPM processes, ensure a high level of transparency, and ensure the capacity development programme meets the needs of CPM members.

10. In a historical analysis of the capacity building initiatives performed by the IPPC in the past ten years, at least four EWGs were created and subsequently deactivated or not called to work, mainly because of funding or reprioritization issues. This shows the low level of commitment to one of the key priorities of the IPPC, regarding the implementation of the Convention. This situation creates specific concerns regarding future support to the area from the perspective of not getting the adequate level of recognition through the creation of a structure stronger than an EWG.

11. As a testimony to the need and benefits of the creation of a more permanent IPPC capacity development structure, it should be mentioned that the EWGCD, after two meetings has provided valuable input for the capacity development work programme of the IPPC. In addition, the EWGCD has improved transparency and regional engagement as well as produced concrete results for the implementation of the IPPC capacity development strategy. In addition, the EWGCD has jointly mobilized funding for the production of technical resources to be made available to all IPPC contracting parties.

12. Finally, it was clear to the EWGCD that nothing should impede the CPM in approving the creation of a structure such as a CPM Subsidiary Body on Capacity Development (SBCD), except for the current operational problems of existing bodies. Some of the specific issues included lack of sufficient resources, a possible limitation in flexibility, and the false impression that contracting

parties would need to provide additional funding. This led to the subsequent formulation of creative solutions to these issues as expressed in the proposed TORs and Rules of procedures.

On the Objectives of a Subsidiary Body:

13. The proposed objectives are always based on the contracting party's needs, are fully compatible with the IPPC national capacity building strategy and not different from the ones formulated for other CPM SBs. What is different is that the objectives of this proposed Subsidiary Body are framed under an approved strategy and directly linked to a country's needs to implement the Convention.

On the functions and responsibilities:

14. The proposed functions and responsibilities are fully compatible with the IPPC national capacity building strategy, not different from the ones formulated for other CPM SBs and not overlapped with any other current body or structure of the IPPC.

On the composition of the Subsidiary Body and resources needed:

15. The size and composition of the subsidiary body shall ensure geographical representation and the participation of delegates from developing countries, taking into consideration financial implications. The single annual meeting of the SB is the only necessary expenditure to be considered under Rule XI.5 of the Rules of Procedure of the CPM, for the creation of a new subsidiary body to the CPM.

On the qualifications, experience and commitment of the members:

16. It was considered essential that members of the SB shall have interest and documented experience in capacity development and no conflicts of interest with the provision of independent private technical assistance. Contracting Parties should also clearly assume the responsibility to allocate the time, resources, and support necessary for its nominee to fulfil their role in the SB.

17. The mechanisms to fill these requirements were carefully considered by the EWGCD in the proposals of TORs and ROPs.

On the review of the existence of the Body:

18. The SBCD would be the only SB of the CPM to periodically review its existence as a way to promote efficiency and clear decision making on the needs of the IPPC community, considering the financial situation of the Convention and the changing needs of its membership.

**On the alternative proposal for the establishment of an oversight structure for Capacity Development**

19. As instructed by the Bureau, the Secretariat developed proposals for the creation of a capacity development group with more formality than an EWG, but not as formal as a CPM SB.

20. The following are the relevant and differential characteristics of this alternative structure, under the model of a Technical Committee, that would follow in general and as applicable, the guidelines provided by the EWGCD in terms of objectives, roles, functions and general procedures:

Nature

21. The IPPC Capacity Development Technical Committee (CDTC) should be a technical structure of the IPPC, whose membership is voluntary, adjoined and accountable to the Secretariat, which contributes to the achievement of the IPPC strategic objective to develop the phytosanitary capacity of its members. The work of this Committee shall be in all cases guided by the IPPC national phytosanitary capacity building strategic framework adopted by the Commission. This type of structure should not be considered a subsidiary body of the governing body of the IPPC (CPM) and should be compatible with Article XII.3 of the Convention.

### Structure and operation of the CDTC

22. The composition of this Committee shall be based on geographical representation, preferably with one delegate being from each FAO region and at minimum of three members being from developing countries. The selection of member experts shall be performed by the Bureau, supported by the Secretariat and through an open call. The provision of appropriate references of technical expertise and qualifications of the candidates shall be the guiding criteria for selection. The Committee shall be composed of a maximum of seven experts. The members shall have no personal interest in providing independent technical assistance in order to prevent conflicts of interest within the framework of the CDTC.

23. Financial arrangements for the meetings should follow the general guidelines used for all IPPC activities with implied expenses equivalent to a meeting of an EWG with seven members and Secretariat support once a year.

### Qualifications of CDTC members

24. On this key issue, candidates shall present documented evidence of experience in capacity development particularly on:

- demonstrated experience in managing phytosanitary systems
- demonstrated experience in delivering phytosanitary capacity development activities
- in depth knowledge of the IPPC and International Standards for Phytosanitary Measures
- experience in the application of phytosanitary regulations/legislation
- preferably, knowledge, qualifications and/or experience in developing training materials, and
- adequate knowledge of English to be able to actively participate in the meetings and discussions.

### Working methods

25. The CDTC shall meet annually, have impromptu meetings when necessary and make use of innovative work options as an alternative (such as videoconference, teleconference, work by mail, facsimile and e-mail) in the most cost-effective manner within the available resources.

### Procedure to review the existence of the CDTC

26. The CDTC shall periodically review its functions and procedures. It is proposed that every six years, the Commission will review the need for the CDTC, and its functions and operation, taking into account experience and changing conditions.

### Role of the IPPC Secretariat

27. The Secretariat shall be responsible for coordinating the activities of the CDTC and provide administrative, technical and editorial support, as required by the CDTC.

28. During the SPTA meeting it was noted that it is important to maintain the current momentum of work in capacity development and to solve the problems of lacking continuity in this activity detected in the past. At the same time it was requested to minimize the costs of any further structure and to perform minor changes to the proposals presented by the EWGCD. The Secretariat informed the SPTA that the oversight structure would meet once each year. The financial arrangements for the meetings should follow the general guidelines used for all IPPC activities and should imply expenses equivalent to the meeting of an EWG. The SPTA and the Bureau supported the proposal to establish an IPPC TCCD, as the oversight structure of this area of the Secretariat.

29. The CPM is invited to:

- *decide* to establish an oversight structure for the IPPC Capacity Development and select the working format of the structure:
  - a Subsidiary Body of CPM on Capacity Development or
  - an IPPC Capacity Development Technical Committee (CDTC).
- *agree* on the Terms of Reference and Rules of Procedure for the selected structure.

**Appendix 1****SWOT Analysis on the establishment of a CPM Subsidiary Body on Capacity Development**

<b>Strengths</b>	<b>Weakness</b>	<b>Opportunities</b>	<b>Threats</b>
Affirmation of the importance of the Capacity development function in the IPPC	Less flexibility due to stricter rules adopted by CPM	Terms of reference can be designed based on lessons learned from other IPPC subsidiary bodies	Costs can overrun if the CPM expectations of the work of the body becomes unrealistic
Greater recognition of the value of the produced outputs	Cumbersome to put together participants and call for meetings	The affirmation of the importance of capacity development by CPM-3 prepares the ground for the creation of a SB dedicated to it	Possibility that CPM may mandate the application of procedures/requirements with high costs implications, such as translation/interpretation or a high number of members.
Regularity of meetings ensures better planning, continuity and validation of the work of the body	Membership selection process inflexible	Maintain the momentum and interest in capacity development and attract the attention of previously passive contracting parties.	The false impression of some contracting parties that the creation of a SB would lead to the obligation to fund its work programme
Commitment to get full representation of regions and members	Regional representation process can affect quality of representation	Build upon the experiences of other standard setting bodies in capacity building	The establishment of the Body would trigger a higher degree of expectations than what is achievable given available resources.
Representation of the body by its chair at the CPM and other SB (SPTA) facilitates the presentation and the clarification of the agreed positions		Develop linkages with organizations to establish and/or enhance partnerships and create synergies to avoid duplication	The process of election of officers of the Body could lead to weaker leadership
Allows expeditious response from CPM		A SB would have a greater degree of influence and more weight of decisions	Potential bureaucratic procedures for the SB could reduce the effectiveness of the CD programme.
Maintains the momentum and interest in capacity development and attracts the attention of previously passive contracting parties.		Early feedback on acceptance of work produced by the SB	
Members influence in regions		Members' influence in regions could be increased	
A SB would have a greater degree of influence and more weight of decisions		The process of election of officers of the Body could lead to a strong leadership	

**Appendix 2****Suggested Terms of Reference and Rules of Procedure for a Subsidiary Body on Capacity Development****Terms of reference****1. Scope of the Subsidiary Body on Capacity Development**

The Subsidiary Body on **Capacity Development** contributes to the achievement of the IPPC strategic objective to develop the phytosanitary capacity of its members. The work of this Body shall be guided by the IPPC national phytosanitary capacity building strategic framework adopted by the Commission.

**2. Objectives**

Objectives of a subsidiary body on capacity development shall be based on contracting parties' needs and shall include:

- implementation of the IPPC national capacity building strategy at all levels;
- sustainable funding for the IPPC national capacity building strategy;
- implementation of the IPPC and ISPMs by contracting parties;
- assist and advise the CPM, other SBs and organizations.

**3. Structure of the Subsidiary Body on Capacity Development**

The size and composition of the subsidiary body shall be based on geographical representation with one delegate being from each of 7 FAO regions and at minimum of three members being from developing countries. The quorum shall consist of 4 members. The members shall have no personal interest in providing independent technical assistance.

**4. Functions of the Subsidiary Body on Capacity Development**

The Subsidiary Body on **Capacity Development** has the following functions:

- inform CPM of its activities;
- Review the IPPC national phytosanitary capacity development strategy, on a regular basis;
- provide oversight of the IRSS program;
- identify, promote, promote and/or develop appropriate capacity development activities in line with the IPPC national phytosanitary capacity development strategy including technical resources, such as manuals, SOPs, guidelines, training materials and databases;
- assess and prioritize for inclusion in the IPP those manuals, SOPs, guidelines, training materials and databases provided by partners, other public-private organizations, NPPOs and RPPOs, relevant for the implementation of the IPPC and its ISPMs;
- monitor and evaluate the implementation of the IPPC national phytosanitary capacity development strategy;
- enhance links and liaise with donors, partners and other public - private organizations concerned with capacity development in the phytosanitary area;
- provide guidance and direction to the IPPC Secretariat capacity development and standard setting programs based on the identification of challenges associated with the implementation of the IPPC and its standards;
- review periodically its functions and procedures;
- liaise with other CPM Bodies and the Bureau;
- undertake other functions as directed by the Commission, which may include:
- in consultation with the Chair of the SB, represent the Secretariat in capacity development initiatives of other organizations, provided that those initiatives are consistent with the mandate of the SB;

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- report on IPPC related capacity development activities and challenges relevant to the phytosanitary community;
  - assist in identifying appropriate experts for capacity building/standard implementation activities;
  - coordinate closely, as needed, with other CPM subsidiary bodies, on relevant actions;
  - coordinate closely with standard setting bodies and capacity development initiatives and mechanisms under the WTO framework.

#### **5. IPPC Secretariat**

The Secretariat provides administrative, technical and editorial support as required by the Subsidiary Body on **Capacity Development**. The Secretariat is responsible for reporting and record keeping regarding the capacity development activities.

## **Rules of procedure**

### ***Rule 1. Membership***

Membership of the SBCD is open to contracting parties.

The size and composition of the subsidiary body shall be based on geographical representation with one delegate being from each FAO region and at minimum of three members being from developing countries.

Members serve for terms of two years, with a maximum of six years. Regions may submit requests for additional exemptions for the same member on a term-by-term basis. Partial terms served by replacements shall not be counted as a term under these Rules.

### ***Rule 2. Replacement of members***

A potential replacement shall be nominated for each region for members of the SBCD and submit it to the Commission for confirmation. Once confirmed, potential replacements are valid for the same period of time as specified in Rule 1. These potential replacements should meet the qualifications for membership set forth in these Rules.

A member of the SBCD will be replaced by a confirmed potential replacement from within the same region if the member resigns, no longer meets the qualifications for membership set forth in these Rules, or fails to attend two consecutive meetings of the SBCD.

The national IPPC contact point should communicate to the Secretariat any circumstances where a member from its country needs to be replaced.

A replacement will serve through the completion of the term of the original member, and may be nominated to serve additional terms.

### ***Rule 3. Chair***

The subsidiary body shall elect its Chairperson and Vice-Chairperson from among its membership.

### ***Rule 4. Qualifications of subsidiary body members***

Members shall have interest and experience in capacity development.

The members should possess the following:

- demonstrated experience in managing phytosanitary systems;
- demonstrated experience in delivering phytosanitary capacity development activities;
- in depth knowledge of the IPPC and International Standards for Phytosanitary Measures;
- experience in the application of phytosanitary regulations/legislation; and
- preferably knowledge, qualifications and/or experience in developing training materials.

### ***Rule 5. Sessions***

The SBCD shall meet annually, have extraordinary meetings when necessary and make use when possible of innovative work options, such as videoconference, teleconference, work by mail, facsimile and e-mail, in the most cost-effective manner within the available resources.

A meeting of the SBCD shall not be declared open unless there is a quorum of 4 members.

### ***Rule 6. Observers and participation of invited experts***

Meetings of the subsidiary body are generally open according to Rule VII of the Rules of Procedure for the Commission.

In specific cases, with prior agreement of the subsidiary members, the Chair of the SBCD may invite individuals or representatives of organizations with specific expertise to participate on an ad hoc basis at a specified meeting or part of a meeting or for specified business, as invited experts.

However, the subsidiary body may determine that certain meetings or business need to be conducted without observers, in particular where controversial information is involved.



***Rule 7. Decision-making***

The subsidiary body shall strive for consensus on all decisions but may vote where necessary using a 2/3 majority to take decisions. Decisions shall include dissenting opinions where requested.

***Rule 8. Review***

The SBCD shall periodically review its functions and procedures.

The Commission shall review every six years the need for a subsidiary body, and its functions and operation, taking into account experience and changing conditions.

***Rule 9. Amendments***

Amendments to the functions and procedures of the subsidiary body will be decided by the Commission as required, upon recommendation of the body.

***Rule 10. Confidentiality***

The subsidiary body shall exercise due respect for confidentiality where sensitive information is identified.

***Rule 11. Language***

The meetings of the SBCD shall be conducted in English.

The activities proposed or undertaken by the SBCD should be conducted in the languages of the Organization if resources are available.

**Appendix 3****Suggested Terms of reference and Rules of procedure for an IPPC Capacity Development Technical Committee****Terms of reference****1. Scope of the IPPC Capacity Development Technical Committee (CDTC)**

The IPPC Capacity Development Technical Committee (CDTC) should be a technical structure of the IPPC, whose membership is voluntary, adjoined and accountable to the Secretariat, to contribute to the achievement of the IPPC strategic objective to develop the phytosanitary capacity of its members.

The work of this Committee shall be in all cases, guided by the IPPC national phytosanitary capacity building strategic framework adopted by the Commission on Phytosanitary Measures.

This structure should not be considered a subsidiary body of the governing body of the IPPC (CPM) and should be compatible with Article XII.3 of the Convention.

**2. Objectives**

Objectives of a Technical Committee on Capacity Development shall be based on contracting parties' needs and shall include:

- implementation of the IPPC national capacity building strategy at all levels;
- sustainable funding for the IPPC national capacity building strategy;
- implementation of the IPPC and ISPMs by contracting parties;
- assist and advise the CPM, other SB and organizations.

**3. Structure**

The composition of the Committee shall be based on geographical representation, preferably with one delegate being from each FAO region and a minimum of three members being from developing countries. The selection of member experts shall be performed by the Bureau, supported by the Secretariat through an open call. The provision of appropriate references of technical expertise and qualifications of the candidates shall be the guiding criteria for selection. The Committee shall be composed by a maximum of 7 experts. The members shall have no personal interest in providing independent technical assistance, in order to prevent any conflicts of interest in the framework of the CDTC.

**4. Functions**

The CDTC will have the following functions:

- inform the CPM of its activities;
- review the IPPC national phytosanitary capacity development strategy on a regular basis.
- participate in the triennial review group of the IRSS;
- identify, promote and/or develop appropriate capacity development activities in line with the IPPC national phytosanitary capacity development strategy including technical resources, such as manuals, SOPs, guidelines, training materials and databases;
- assess and prioritize for inclusion in the IPP those manuals, SOPs, guidelines, training materials and databases provided by partners, other public-private organizations, NPPOs and RPPOs, relevant for the implementation of the IPPC and its ISPMs;
- monitor and evaluate the implementation of the IPPC national phytosanitary capacity development strategy;
- enhance links and liaise with donors, partners and other public - private organizations concerned with capacity development in the phytosanitary area;

- provide direction to the IPPC Secretariat capacity development and standard setting programs based on the identification of challenges associated with the implementation of the IPPC and its standards;
- review periodically its functions and procedures;
- liaise with CPM Bodies and the Bureau;
- undertake other functions as directed by the Secretariat and the Commission, which may include:
  - upon consultation with the Secretariat, members may represent the IPPC Secretariat in capacity development initiatives of other organizations, provided that those initiatives are consistent with the mandate of the Committee;
  - report to the Secretariat on IPPC related capacity development activities and challenges relevant to the phytosanitary community;
  - assist in identifying appropriate experts for capacity building/standard implementation activities;
  - coordinate closely, as needed, with other CPM subsidiary bodies, on relevant actions;
  - coordinate closely with standard setting bodies and capacity development initiatives and mechanisms, under the WTO framework.

#### **5. IPPC Secretariat**

The Secretariat shall be responsible for coordinating the activities of the CDTC and provide administrative, technical and editorial support, as required by the CDTC.

The Secretariat is also responsible for reporting and record keeping regarding the capacity development activities.

## **Rules of procedure**

### ***Rule 1. Membership***

Membership of the CDTC is open to IPPC contracting parties.

The size and composition shall be based on geographical representation with one delegate being from each FAO region and a minimum of three members being from developing countries.

Members serve for terms of two years, with a maximum of six years. Requests for additional periods for the same member shall be subject to the selection procedures and conditions established in item 3 of the Terms of reference. Partial terms served by replacements shall not be counted as a term under these Rules.

### ***Rule 2. Replacement of members***

A potential replacement shall be nominated for each region for members of the CDTC, under the same selection procedures and conditions established in item 3 of the Terms of reference. Once confirmed, potential replacements are valid for the same period of time as specified in Rule 1.

A member of the CDTC will be replaced by a potential replacement from within the same region if the member resigns, no longer meets the qualifications for membership set forth in these Rules, or fails to attend two consecutive meetings of the CDTC.

A replacement will serve through the completion of the term of the original member, and may be nominated to serve additional terms.

### ***Rule 3. Chair***

The CDTC shall elect its Chairperson and Vice-Chairperson from among its membership.

### ***Rule 4. Qualifications of members***

Candidates shall present documented evidence of experience in capacity development and particularly on:

- demonstrated experience in managing phytosanitary systems;
- demonstrated experience in delivering phytosanitary capacity development activities;
- in depth knowledge of the IPPC and International Standards for Phytosanitary Measures;
- experience in the application of phytosanitary regulations/legislation;
- preferably knowledge, qualifications and/or experience in developing training materials and
- adequate knowledge of English to be able to participate in the meetings and discussions

### ***Rule 5. Sessions***

The CDTC shall meet annually, have extraordinary meetings when necessary and make use, as an alternative, of innovative work options, such as videoconference, teleconference, work by mail, facsimile and e-mail, in the most cost-effective manner within the available resources.

A meeting of the CDTC shall not be declared open unless there is a quorum of 4 members.

### ***Rule 6. Observers and participation of invited experts***

Meetings are generally open according to FAO Rules.

In specific cases, with prior agreement of the members, the Secretariat may invite individuals or representatives of organizations with specific expertise to participate on an ad hoc basis at a specified meeting or part of a meeting or for specified business, as invited experts.

However, the CDTC may determine that certain meetings or business need to be conducted without observers, in particular where controversial information is involved.

***Rule 7. Decision-making***

The CDTC shall strive for consensus on all decisions but may vote where necessary using a 2/3 majority to take decisions. Decisions shall include dissenting opinions where requested.

***Rule 8. Review***

The CDTC shall periodically review its functions and procedures.

The Commission shall review the need for a CDTC every six years, its functions and operation, taking into account experience and changing conditions.

***Rule 9. Amendments***

Amendments to the functions and procedures of the CDTC will be decided by the Commission as required, upon recommendation of the body.

***Rule 10. Confidentiality***

The subsidiary body shall exercise due respect for confidentiality where sensitive information is identified.

***Rule 11. Language***

The meetings of the CDTC shall be conducted in English.