



RULES OF OBSERVERS

During the June meeting of the Bureau, the Secretariat presented the paper on the Rules for Observers to the CPM, noting that while FAO is working on new rules for FAO observers, the amount of time this process is expected to take is of such length that the CPM should develop at least interim rules of its own. The Bureau agreed with the concepts presented in the paper and requested it be presented to the SPG.

In addition, the Bureau noted that the Chair of a meeting may limit the possible interventions of observers, and this should be stressed. It was also noted that other bodies under the CPM may also have to reconsider their rules for observers. The Bureau agreed with the concepts presented in the paper on CPM observers and asked the Secretariat to make minor modifications to reflect the discussion and present the paper to the SPG.

The SPG is invited to:

- 1) *review* the Secretariat papers on the rules of observers to CPM, and
- 2) *make recommendations* for presentation to CPM8 in 2013.

Talking points on Rule VII Observers of the CPM - Rules of Procedure

Type of meeting/ type of observer	FAO-LEGA interpretation	Rights	Bureau comments and requests in June 2012
1.- Granting Observer Status to a Country (all types of meetings, Bureau and SDBs)			
1.a - A FAO member country, but not an IPPC contracting party.	Any <u>country that is not a contracting party but is a Member of FAO</u> , as well as the United Nations, any of its specialized agencies and the International Atomic Energy Agency, may, upon request communicated to the Director-General, attend sessions of the Commission, and its subsidiary bodies, as an observer (paragraph 1 of CPM Rule VII).	i) to participate in the discussions, subject to the approval of the Chairman of the particular meeting and without the right to vote; ii) to receive the documents other than those of a restricted nature, and iii) submit written statements on particular items of the agenda.	Bureau agreed
1.b - Not FAO or UN member country	Any <u>country that is not a Member of the Organization, or a member of the United Nations</u> any of its specialized agencies or the International Atomic Energy Agency is not be permitted to send observers to any meeting of the Organization.	What about an IPPC contracting party that is not an UN or FAO member?	Discuss further with FAO - LEG
1.c - A UN member country that is not an FAO member or an IPPC contracting party	Any <u>country that is not a contracting party and is not a Member of the Organization</u> , but is a Member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, may, upon request be invited to attend, in an observer capacity, sessions of the Commission or of its subsidiary bodies (paragraph 1 of CPM Rule VII).	i) to participate in the discussions, subject to the approval of the Chairman of the particular meeting and without the right to vote; ii) to receive the documents other than those of a restricted nature, and, iii) submit written statements on particular items of the agenda.	Bureau agreed
1.d - Contracting parties which are not current members of CPM subsidiary bodies	<u>Contracting parties which are not current members of CPM subsidiary bodies</u> (either because membership in the concerned body is limited to selected members of the Commission or because the subsidiary body is composed of individuals appointed in their respective capacity) may attend subsidiary body meetings as an observer, upon request to the Secretary of the IPPC (paragraph 5 of CPM Rule VII). As paragraph 5 is silent regarding what these observers may be permitted to do as such and therefore, general rules concerning observer status of countries apply.	i) to participate in the discussions, subject to the approval of the Chairman of the particular meeting and without the right to vote; ii) to receive the documents other than those of a restricted nature, and iii) submit written statements on particular items of the agenda.	NO, this should be considered in the RoP's of each body
2.- Granting Observer Status to a regional plant protection organization	Representatives of RPOs shall be invited to attend all sessions of the Commission and its subsidiary bodies as observers.	They may submit memoranda and participate in discussions without a vote (CPM Rule VII, paragraph 2).	Bureau agreed

3.-Granting Observer Status to International Organizations	International organizations, whether intergovernmental or non-governmental, may be invited to attend sessions of the Commission in an observer capacity (paragraphs 3 and 4 of CPM Rule VII). These provisions are silent regarding international organizations' attendance as observers to subsidiary body meetings. Since all the other paragraphs clearly refer to subsidiary bodies when attendance is permitted (by countries and RPPOs), these provisions are interpreted as <u>not allowing</u> international organizations (except for RPPOs) to attend subsidiary body meetings as observers.	Relations shall be dealt with by the Director-General, taking into account guidance given by the Commission. The CPM has not established yet guidance on this issue.	CPM to establish guidance
4.- International intergovernmental organizations (IGOs)	<p>The organization should have been set up by an intergovernmental convention (a convention to which the parties are States); the governing body of the organization should be composed of members designated by governments; and the income of the organization should be made up mainly, if not exclusively, of contributions from governments.</p> <p>Under the current rules, the status of observers of IGOs depends on whether they have established formal relations with FAO or not.</p> <p>For <u>IGOs that have established formal relations with FAO</u>, paragraph 2 of Rule XVII of the GRO applies. Thus, their representatives, accompanied by advisers and assistants, may speak at the sessions of the CPM, and upon the request of the Chairperson, participate in the discussions. They may also circulate, without abridgement, the views of the organizations which they represent. As any other observer, they do not vote.</p> <p>For <u>IGOs that have not established formal relations with FAO</u>, "they may be invited to send observers (...) if, in the judgement of the Director-General, there are concrete reasons for inviting them which would forward the work of the [Commission]" (as established in Part N of Volume II on "Granting of Observer Status in respect of International Governmental and Non-Governmental Organizations"). If invited, they participate in the same manner as indicated above for IGOs that have established formal relations with FAO.</p>	<p>Circulate, without abridgement, the views of the organizations which they represent. As any other observer, they do not vote.</p> <p>A good differentiation between international and regional is needed.</p>	<p>Bureau agreed on using CODEX developed criteria to set CPM criteria, as a basis.</p> <p>The decision should be taken by the Bureau and not the FAO authorities</p>
5.- International non-governmental organizations (INGOs)	<p>The minimum common requirements are the following:</p> <ul style="list-style-type: none"> (a) they shall be international in their structure and scope of activity and representative of the field of interest in which they operate; (b) they shall be concerned with matters covering a substantial portion of FAO's field of activity; (c) they shall have aims and purposes in conformity with the general principles embodied in the Constitution of FAO; and (d) they shall have a permanent directing body, authorized representatives and systematic procedures and machinery for communicating with its membership in various countries. <p>Under the abovementioned Policy, formal relations with an INGO may take one of three forms according to the importance of its field of activity in relation to the activities of FAO. These are consultative status, specialized consultative status or liaison status. The Policy establishes detailed eligibility</p>	<p>Variable</p> <p>In practice, a system has been developed where a list of organizations that are invited to Commission meetings is maintained. If requests from organizations that have not been invited previously are received, the criteria explained above are reviewed and the Director-General of FAO may decide to invite them.</p>	<p>Bureau agreed on using CODEX developed criteria to set CPM criteria, as a basis.</p> <p>The decision should be taken by the Bureau and not the FAO authorities</p>

	<p>criteria and a procedure for selecting the Organizations with which FAO may enter into formal relationship.</p> <p>For <u>INGOs having consultative status</u>, paragraph 3 of Rule XVII of the GRO applies. Thus, their representatives, accompanied by advisers and assistants, may attend the meetings of the CPM as observers. As such, they may, without vote, speak before the CPM and participate in the discussions therein upon the request of the Chairperson. They may circulate, without abridgement, the views of the organizations which they represent.</p> <p><u>INGOs having specialized consultative status</u> are entitled to attend as observers with the approval of the Director-General, to receive appropriate publications, and to submit memoranda (paragraph 21 of the aforementioned Policy).</p> <p>Regarding <u>INGOs having liaison status</u>, the Director-General of FAO may invite them to send observers when he is satisfied that such participation may make a significant contribution to the meeting concerned. The rights of any such observers shall be determined in an exchange of correspondence but in no case shall they exceed those accorded to observers of organizations in specialized consultative status (paragraph 24 of the Policy).</p>		
1.- Granting of Observer Status in Private Meetings			
2.- Granting of Observer Status in CPM Meetings	<p>Paragraph 5 of Rule IV of the Rules of Procedure of the CPM provides that <i>"meetings of the Commission shall be held in public unless the Commission decides otherwise"</i>. Thus, private meetings are exceptional in FAO practice. The general principle regarding private meetings is that when a body, such as the CPM, decides to hold a private meeting, it shall determine at the same time whether observers may attend or not and the scope of such a decision.</p>	<p>If CPM, decides to hold a private meeting, it shall determine at the same time whether observers may attend or not and the scope of such a decision.</p>	Bureau agreed
3.- Granting of Observer Status in Bureau Meetings	<p>The interpretation given to the CPM Rules of Procedure is that observers are not allowed. Rule II of the CPM Rules of Procedure, which governs the composition of the Bureau makes no provision for the participation of observers in it. Rule VII is similarly silent on the matter.</p>	<p>Not allowed because of lack of provisions.</p>	<p>Include clear indications in the ToRs that Bureau meetings are private meetings.</p> <p>Add also some indications to allow the Chair to manage participation</p>

4.- Granting of Observer Status in Subsidiary bodies meeting	<p>SBDS: Rule 6 of the Rules of Procedure for the Subsidiary Body on Dispute Settlement, which specifies <i>“the subsidiary body may determine that certain meetings or business need to be conducted without observers, in particular where confidential or controversial information is involved.”</i></p> <p>SC: Rule 7. Observers</p> <p>For observer status, Rule 7 of the Rules of Procedure of the CPM will apply.</p> <p>CDC: <i>Rule 6 on Observers and participation of invited experts specifies that meetings are open according to FAO Rules.</i></p> <p>However, the CDC may determine that certain meetings or business need to be conducted without observers, in particular where controversial information is involved.</p> <p>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.</p>	<p>Need for uniform guidance?</p>	<p>To be considered in the RoP's of each body and attendance to the meetings of the bodies should be restricted to technical staff.</p> <p>Observer status for one meeting should be requested at least one month before</p> <p>Figure out the practical consideration of the requests.</p> <p>Take into account equity</p>
5. Granting of Observer Status in other IPPC meetings	<p>The <i>“Statement of Principles relating to the Granting of Observer Status to Nations”</i> (Part I of Volume II of the Basic Texts) provides that committees of limited membership are not open to observers from States which are not members of such committees. That limitation is extended to international organizations, and to RPPOs, in the CPM case.</p>	<p>Need of more consideration?</p>	<p>Clarify that in the case of RPPOs, they have an special status established in the IPPC text</p>

Current trend: *To establish a totally opened participation and to use the concept of private meetings.*

DRAFT FOR CONSIDERATION IN THE 14TH SPG.**RULE VII
OBSERVERS***

1.- Any country that is not a contracting party but is a Member of FAO, as well as the United Nations, any of its specialized agencies and the International Atomic Energy Agency, may, upon request communicated to the Director-General, attend sessions of the Commission, and its subsidiary bodies, as an observer. Any country that is not a contracting party and is not a Member of the Organization, but is a Member of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, may, upon request be invited to attend, in an observer capacity, sessions of the Commission. Any country that is not a Member of the Organization, or a member of the United Nations any of its specialized agencies or the International Atomic Energy Agency is not be permitted to send observers to any meeting of the Organization. Any such observer may i) participate in the discussions, subject to the approval of the Chairman of the particular meeting and without the right to vote; ii) to receive the documents other than those of a restricted nature, and, iii) submit written statements on particular items of the agenda.

2. Representatives of Regional Plant Protection Organizations shall be invited to attend all sessions of the Commission as observers. Any such observer may i) participate in the discussions, subject to the approval of the Chairman of the particular meeting and without the right to vote; ii) to receive the documents other than those of a restricted nature, and, iii) submit written statements on particular items of the agenda.

3. Subject to the provisions of paragraph 4 of this Rule, the Director-General, taking into account guidance given by the Commission, may invite international (intergovernmental and non-governmental) organizations to attend sessions of the Commission in an observer capacity.

4. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and other pertinent Basic Texts of the Organization. All such relations shall be dealt with by the Director-General, taking into account the following guidance given by the Commission.

A. For the case of International intergovernmental organizations (IGOs)

The organization should have been set up by an intergovernmental convention (a convention to which the parties are States); the governing body of the organization should be composed of members designated by governments; and the income of the organization should be made up mainly, if not exclusively, of contributions from governments.

Under the current rules, the status of observers of IGOs depends on whether they have established formal relations with FAO or not.

For IGOs that have established formal relations with FAO, paragraph 2 of Rule XVII of the GRO applies. Thus, their representatives, accompanied by advisers and assistants, may speak at the sessions of the CPM subject to the approval of the Chairperson, and upon the request of the Chairperson, participate in the discussions. They may also circulate, without abridgement, the views of the organizations which they represent. As any other observer, they do not vote.

For IGOs that have not established formal relations with FAO, *"they may be invited to send observers (...) if, in the judgement of the Director-General, there are concrete reasons for inviting them which would forward the work of the [Commission]"* (as established in Part N of Volume II on "Granting of Observer Status in respect of International Governmental and Non-Governmental Organizations"). If invited, they participate in the same manner as indicated above for IGOs that have established formal relations with FAO.

B. For the case of International non-governmental organizations (INGOs)

The minimum common requirements are the following:

- (a) they shall be international in their structure and scope of activity and representative of the field of interest in which they operate;
- (b) they shall be concerned with matters covering a substantial portion of FAO's field of activity;
- (c) they shall have aims and purposes in conformity with the general principles embodied in the Constitution of FAO; and

(d) they shall have a permanent directing body, authorized representatives and systematic procedures and machinery for communicating with its membership in various countries.

Under the abovementioned Policy, formal relations with an INGO may take one of three forms according to the importance of its field of activity in relation to the activities of FAO. These are consultative status, specialized consultative status or liaison status. The Policy establishes detailed eligibility criteria and a procedure for selecting the Organizations with which FAO may enter into formal relationship.

For INGOs having consultative status, paragraph 3 of Rule XVII of the GRO applies. Thus, their representatives, accompanied by advisers and assistants, may attend the meetings of the CPM as observers. As such, they may, without vote, speak before the CPM and participate in the discussions therein upon the request of the Chairperson. They may circulate, without abridgement, the views of the organizations which they represent.

INGOs having specialized consultative status are entitled to attend as observers with the approval of the Director-General, to receive appropriate publications, and to submit memoranda (paragraph 21 of the aforementioned Policy).

Regarding INGOs having liaison status, the Director-General of FAO may invite them to send observers when he is satisfied that such participation may make a significant contribution to the meeting concerned. The rights of any such observers shall be determined in an exchange of correspondence but in no case shall they exceed those accorded to observers of organizations in specialized consultative status (paragraph 24 of the Policy).

5. Granting observer status to all other meetings of CPM subsidiary bodies, including the CPM Bureau meetings, shall be subjected to what is established by the Terms of Reference and/or Rules of procedure of the particular body.

*TEXT BLOCKED IN YELLOW NEEDS FURTHER CONSULTATION.

ITEM 4 NEEDS FURTHER CONSIDERATION TO GIVE TO THE BUREAU THE APPROVAL RIGHT.

Other modifications needed:

RULE IV SESSIONS

Bullet 5. Add: If CPM, decides to hold a private meeting, it shall determine at the same time whether observers may attend or not and the scope of such a decision.