



OPINIONS ON RESPONSIBILITIES AND PROCEDURES OF THE IMPLEMENTATION OVERSIGHT BODY OF INTERNATIONAL PLANT PROTECTION CONVENTION

I. Status on the Implementation Oversight Body

The organizations which are clearly referred to in the International Plant Protection Convention (IPPC) include the Commission on Phytosanitary Measures (CPM), Secretariat, Regional Plant Protection Organization (RPPO), Contracting Parties. The organizations involved but not clearly referred to in the Convention are Standard Committee under the Commission on Phytosanitary Measures and Dispute Settlement Body. That is to say, there is no mentioning of the establishment of the Oversight Body. In Section 11(d) - Responsibilities of the CPM, however, it is stated clearly that the CPM can form a subsidiary organization to perform relevant functions. Therefore, the proposed Oversight Body is a subsidiary body to the CPM and operates under the leadership of the CPM.

The Oversight Body will carry out its roles to supervise the compliance with the Convention according to the requirements set forth by the CPM, including capacity building and technology assistance. Considering that implementation oversight is more related to dispute settlement, the dispute settlement subsidiary body should be integrated into the Oversight Body. What's more, dispute settlement should be one of the important areas which the Oversight Body works on. The Oversight Body will report its work to the CPM which will review and approve the conclusions of the overseeing activities.

II. Scope and Priorities for the Oversight Body to Carry out Supervision

Theoretically, the scope for the Oversight Body to carry out supervision covers all of the aspects that the IPPC requires the Contracting Parties and relevant organizations to comply with. But in practices, things must be done in the order of priorities and urgency and in a planned manner, without causing excessive workloads to the Contracting Parties. The oversight should not only focus on the compliance by the Contracting Parties, but also the compliance by the relevant regional organizations and subsidiary bodies of the CPM.

The focuses of the oversight include:

1. disputes among Contracting Parties;
2. what a Contracting Party or a regional organization proposes to supervise;
3. what CPM requires to supervise;
4. what most of the Contracting Parties attach their attention to;
5. what the developing countries attach their attention to, e.g., capacity building and technology assistance, as the developing countries is inadequate in capability and in an unfavorable position to comply with the Convention.

III. Members of the Oversight Body

When it comes to the membership of the Oversight Body, the following factors should be considered:

1. Regional representation. Seven regions of the Food and Agriculture Organization (FAO) should have their own representatives to make a balance between regions.

2. Representation of economic development level. Members of the developing countries are a majority in the Convention but have more difficulties in compliance with the Convention than the developed countries. Therefore, the representatives from the developing countries should make up at least 50% of the Supervisory Committee membership.
3. Discipline representation. The representatives should cover a broad range of disciplines and expertise.
4. Proper size. Number of representatives can be similar to that of the Standard Committee, preferably 20 members, with 3 representatives from each FAO region except North American region, which has two representatives. An oversized committee may take high cost and affect efficiency, but too few members may not be representative.

For the term of membership of the Oversight Body, it is preferable to set a term of 3 years and consecutive terms are allowed but totally no longer than 9 years. By referring to the Standard Committee, three years are suitable. Besides, the proper arrangement of replacement should be maintained to ensure the consecutive operation of the organization.

To be qualified for work in the Oversight Body, members are required to:

1. be familiar with the IPPC;
2. have extensive experience in plant quarantine;
3. be pleased to work for international cooperation in plant quarantine;
4. have adequate time to participate in the activities organized by the Oversight Body;
5. be good at one or more languages used in the FAO.

IV. Work on the Oversight Body

The Standard Committee, as an organization affiliated to the CPM, is responsible for raising work plans for the Oversight Body which should be subject for the approval by the CPM for implementation.

The Oversight Body needs to identify the specific tasks for supervision, rank them in order of importance and priority and make a phased work plan.

The Oversight Body needs to set concrete criteria or give specific description on the obligations to be performed by the Contracting Parties and obtain the approval by the CPM for implementation.

The Oversight Body needs to formulate its working procedures and obtain the approval by the CPM for implementation.

A minimum of one meeting a year must be held to deliberate on work plans, and the number of meetings can be increased when any of unexpected circumstances occurs. The meeting can be in the form of face-to-face meeting, video or telephone conference.

A core work group can be set up to do routine work and provide necessary support for the panel work of the Oversight Body.

The Oversight Body may set up expert working groups to incorporate external experts to work on a specific issue, in order to provide technology support for the Oversight Body and improve its work efficiency.

The Secretariat provides organizing and relevant services for the Oversight Body.

The Oversight Body will report the supervisory results to the CPM on a regular basis, raise proposals on the compliance with the Convention and dispute settlement for consideration and approval by the CPM.

The work languages used in the Oversight Body are the same as those used in the FAO.

V. A Few Relationships the Oversight Body should pay attention to

The Oversight Body needs to pay attention to the following relationships:

1. relationship between the obligations under the Convention and the sovereignty of the Contracting Parties which should be understood thoroughly to keep their balance. The supervision power should not be expanded without restraint by interfering with a Contracting Party's sovereignty in quarantine. On the other side, the sovereignty in quarantine should not be overstated by failing to perform the obligations under the Convention.
2. relationship between the priorities and the generals. A Contracting Party's obligations clearly stated in the Convention should be categorized to identify the key points of the supervision.
3. relationship between performing the obligations and a Contracting Party's ability to perform the obligations. Considering that some developing countries are inadequate in the capability, the gaps that exist in the capability of Contracting Parties should be properly taken into consideration.