**Oversight Body on Capacity Development**

1. At the Second Expert Working Group (EWG) on Phytosanitary Capacity Development the discussion on the establishment of a Body or specialized structure on Capacity Development was addressed, beginning by a SWOT analysis and lead to the decision that the best course of action should be to recommend to CPM, through the SPTA and the Bureau, the creation of a Subsidiary Body. The EWG prepared an explanatory paper in support of the establishment of the Body, including draft TORs and accompanying rules of procedure.
2. The Bureau in June briefly discussed the outcomes and recommendations of the EWG on Capacity Development with respect to the possible establishment of a CD oversight body, shared the concerns of the EWG on the operational problems of currently established IPPC subsidiary bodies and on the need to establish a more permanent and stable structure to deal with the key area of capacity development of the IPPC.
3. Based on these discussions the Bureau recommended:

* that a more formal body to provide guidance and oversight of the IPPC capacity development programme was needed;
* that the Secretariat prepare a proposal to send to the SPTA and CPM for the creation of a subsidiary body;
* that the Secretariat include an alternate proposal for the creation of a capacity development group with more formality than an EWG, but not as formal as a IPPC subsidiary body, as a fall-back proposal.

1. On the proposal for the creation of a sustainable Subsidiary Body to oversight Capacity Development in the IPPC, the EWG worked on the basis of a SWOT analysis (Appendix 1) and provided draft TORs and accompanying rules of procedure (Appendix 2)\*for a Subsidiary Body on Capacity Development.
2. The justification for the proposal performed and strongly sustained by the EWG, on the need to create a Subsidiary Body on Capacity Development, is based on the following reasons:
3. **On the existence of a Subsidiary Body:**

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.

The EWG concluded that it was essential to continue to have a body responsible to CPM that would provide oversight and guidance of the CPM CD work programme. The EWG 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 CD programme meets the needs of CPM members.

In a historical analysis of the capacity building initiatives performed by the IPPC in the past 10 years, at least 4 Expert working groups were created and subsequently deactivated or not called to work, mainly because of funding or reprioritization issues, what shows the low level of consideration of one of the key activities of the IPPC , leading to the implementation of the Convention. This situation creates specific concerns on the future support to the area, in case of not getting the adequate level of recognition through the creation of an structure stronger than an EWG.

As a testimony of the need and benefits of the creation of a more permanent IPPC capacity development structure, it could be mentioned that the EWG, through 2 meetings of 7 persons and the Secretariat, is providing valuable inputs in the CD work programme, has improved transparency and regional engagement and has produced concrete results for the implementation of the IPPC capacity development strategy in many areas as well as, has jointly mobilized funding for the production of technical resources , to be available to all IPPC contracting parties.

Finally, it was clear for the EWG that nothing should impede CPM to approve the creation of an structure as a CPM Body on capacity development, except for the current operational problems of existing bodies, what leaded to the formulation of creative solutions to the main problems, expressed in the TORs and Rules of procedures proposed.

1. **On the Objectives of a Subsidiary Body**

The proposed objectives are always based on the IPPC contracting parties needs, are fully compatible with the IPPC national capacity Building strategy and not different of the ones formulated for other CPM SB’s. What is different is that the objectives of this proposed Body are framed under an approved strategy and directly linked to the countries needs to implement the Convention.

1. **On the Functions and responsibilities**

The proposed functions and responsibilities are fully compatible with the IPPC national capacity Building strategy, not different of the ones formulated for other CPM SB’s and not overlapped with any other current body or structure of the IPPC.

1. **On the composition of the SBCD and resources needed**

The size and composition of the subsidiary body shall ensure geographical representation and grant the participation of delegates being from developing countries, even with the minimum membership , to take adequate consideration of the financial implications of the creation of a Body that are directly linked to the size of the meeting. The single annual meeting of the Body 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.

1. **On the qualifications, experience and commitment of the members**

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 asistance .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.

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

1. **On the review of the existence of the Body**

The SBDC should be the only SB of the CPM to propose to review periodically 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.

1. As instructed by the Bureau, the Secretariat developed an alternative proposal for the creation of a capacity development group with more formality than an EWG, but not as formal as a IPPC subsidiary body, as a fall-back proposal.

Alternative proposal for the creation of an IPPC Capacity Development Technical Committee (CDTC)

The following are the relevant and differential characteristics of an alternative structure that should follow in general the guidelines provided by the EWG in terms of objectives, roles, functions and general procedures:

1. Nature

The IPPC Capacity Development 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.

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.

2. **Structure** and operation of the CDTC

The composition of the Committee body 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 by a maximum of 7 experts. The members shall have no personal interest in providing independent technical assistance, to don’t create conflicts of interest in the framework of the CDTC.

The financial arrangements for the meetings should follow the general guidelines used for all IPPC activities what should imply expenses equivalent to the meeting of an EWG with 7 members and Secretariat support, once a year.

3. Qualifications of CDTC members

On this key issue, 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; and

preferably knowledge, qualifications and/or experience in developing training materials.

* adequate knowledge of English to be able to participate in the meetings and discussions

4. Working modality

The CDTC shall meet annually, have extraordinary meetings when necessary and make use as an alternative of choice, 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.

**5. Procedure to review of the existence of the CDTC**

Apart of the CDTC shall periodically review of its functions and procedures, it is proposed that the Commission review every six years the need for a CDTC, and its functions and operation, taking into account experience and changing conditions.

**6.** Role of the 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.

1. With the view to presenting these data to CPM-7 for their consideration, the SPTA is requested to make recommendations regarding the establishment of an oversight body for CD.

**\*** For the case of the TORs of the SBCD, the Bureau noted that the IRSS should not be under the exclusive supervision/guidance of the EWG on Capacity Building, or any subsequent body on capacity development, and recommended that the IRSS advisory body will consist of core team members of the IPPC Secretariat, a representative of the Bureau, SC, SBDS and EWG-CD or any other structure charged to oversight the CD activities.

Appendix 1. SWOT Analysis

| Strengths | Weakness | Opportunities | Threats |
| --- | --- | --- | --- |
| 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. ToR and Rules of procedures

Suggested Terms of References for a SB on Capacity Development

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 advice the CPM, other SB 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:

1. 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;
2. report on IPPC related capacity development activities and challenges relevant to the phytosanitary community;
3. assist in identifying appropriate experts for capacity building/standard implementation activities;
4. coordinate closely, as needed, with other CPM subsidiary bodies, on relevant actions;
5. 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.

**Suggested Rules of Procedure for a SB on Capacity Development**

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.