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INTERIM COMMISSION ON PHYTOSANITARY MEASURES

Fifth Session

Rome, 7-11 April 2003

The State of IPPC Implementation (Report of the Chairperson)

Agenda Item 3 of the Provisional Agenda

1. The International Plant Protection Convention (IPPC) is of critical importance to the protection of the world's plant resources. Since its reference in the Agreement on the Application of the Sanitary and Phytosanitary Measures (SPS) of the World Trade Organization (WTO) in 1995, it is also fundamental to the international trade of plants and plant products. In this latter respect, the IPPC is responsible for the international harmonization of phytosanitary concepts and the fixation of the international standards upon which countries can base their regulatory frameworks for domestic controls, import requirements and export programs. In addition, there are unique and increasing pressures on the IPPC as international interest increases in regard to biotechnology, invasive species, and the protection of biodiversity, all of which are areas where the IPPC has a key role and significant competencies.

2. The fundamental mandate of the IPPC to provide a forum for global action on phytosanitary issues was reaffirmed in 1997 when governments agreed to amendments formalizing the organization and activities surrounding the Convention, including the establishment of the Commission on Phytosanitary Measures (CPM) as the governing body of the IPPC, and the Secretariat which carries out the work programme. Simultaneously the FAO Conference created the Interim Commission on Phytosanitary Measures (ICPM) as the provisional body with the responsibility to discharge the functions of the CPM during the acceptance period. Two-thirds (2/3) of Contracting Parties that were contracting parties at the time of the adoption of the IPPC in 1998 must accept the amendments before they come into force. As at January 2003, 43 countries have already formally communicated to the Secretariat their acceptance. (see ICPM 03/27)

3. Accordingly with Article XI.2 of the IPPC, the mandate of the ICPM is "... to promote the full implementation of the objectives of the Convention" The IPPC Strategic Plan addresses the multiple issues associated with the IPPC implementation through six main strategic

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directions and the specification of its corresponding goals. (ICPM 03/15 Annex) Consequently, the achievements and difficulties to reach the goals of each of the strategic directions can be used to assess the state of the IPPC implementation.

A. STRATEGIC DIRECTION 1

4. Strategic Direction 1 addresses the **development, adoption and monitoring of the implementation of International Standards for Phytosanitary Measures (ISPMs)**. Since the initiation of the ISPM development process in 1992, and starting from the absolute inexistence of international phytosanitary standards, 17 ISPMs have been adopted by the IPPC in the ten years from 1992-2002. In addition five new documents (ICPM 03/9 Annexes I-V) are submitted to the present session of the ICPM for consideration. Two of these documents represent new ISPMs (*Guidelines for the use of irradiation as a phytosanitary measure*; and *Guidelines for regulated pest lists*) and the others include amendments to ISPM No. 5: *Glossary of Phytosanitary Terms* and supplements to ISPM No. 5 and ISPM No. 11 (respectively, *Guidelines on the understanding of potential economic importance and related terms including reference to environmental considerations* and *Analysis of environmental risks*).

5. The average of less than two ISPMs per year is considered absolutely insufficient to solve the current needs in relation to the increase in international trade of plant and plant products.

6. This is not only because of the limited number of ISPMs, but also because of the nature of the standards that are available. The ISPMs established to date deal primarily with the general principles and concepts that are needed to establish the foundation upon which more precise standards for specific pests and commodities can be addressed. The lack of specific standards precludes the possibility of the IPPC members to justify their phytosanitary measures on ISPMs (WTO SPS Agreement, Art. 3.1 and 3.2¹) and in all the situations the technical justification must be provided through Pest Risk Analysis (PRA). This situation is peculiar to the IPPC and distinguishes it from the situation existing under the two sister international standard setting organizations recognized by the WTO SPS Agreement, Codex and OIE (where a large number of specific standards are already available). It also represents a severe impediment for developing countries because of their intrinsic difficulties to perform PRA.

7. Furthermore the lack of specific ISPMs is impelling the development of regional phytosanitary standards that are necessary to facilitate the intra-regional trade of specific plants and plant products in relation with specific pests. From a global perspective and depending on the consistency of regional standard setting with the relevant international agreements, the end result of the regional standards setting processes has the intrinsic risk that at the same time that the intra-regional trade is facilitated, the inter-regional trade could be made more difficult. This is not to say regional standards are not useful, but to recognize that their need and intrinsic risks could be mitigated by the availability of specific ISPMs at the global level.

8. The emphasis in standard setting is shifting now toward specific phytosanitary problems affecting trade. With the aim to accelerate this change, the Bureau has requested that the Members and RPPOs submit their priorities for specific ISPMs. The initiatives submitted by several members and RPPOs are presented for consideration the present session of the ICPM (Agenda Item 7).

¹ Article 3 Harmonization

1. To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3.

2. Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement and of GATT 1994.

9. Notwithstanding the urgent need to accelerate the availability of ISPMs, the current level of the ICPM standard-setting activities has been reduced and certain activities have been postponed as a result of capacity limitations within the Secretariat, primarily in regard to personnel and funds. An increase in core resources is required for the work programme to achieve the level of activity envisioned by the ICPM. Based on member country expectations, the ICPM has established a minimum level of work on four standards per year; including the development of new concept and specific standards as well as the review of existing standards to ensure their continued relevancy.

10. The current limiting factors in standard setting to be addressed in the next biennial budget are:

- funds to undertake the number of meetings needed to produce standards; and
- Secretariat staff to organize the meetings and process the results.

11. An incremental adjustment is required for the subsequent biennial budgets in order to address the additional work required to establish specific standards, ensure the review of existing standards, as well as increasing the regional technical consultations to correspond to the increased number of standards (ICPM 03/16 Annex: IPPC Business Plan).

B. STRATEGIC DIRECTION 2

12. Strategic Direction 2 (ICPM 03/15 Annex) addresses the issue of **information exchange**, covering members and the IPPC Secretariat's obligations to provide information as specified in the IPPC and information exchange that may be specified by the ICPM or in ISPMs. The proper implementation of the Convention requires that governments make certain official information such as pest lists and phytosanitary requirements available to the Secretariat and to other governments. The Convention also assigns specific information exchange responsibilities to the Secretariat. The ICPM has agreed that an Internet-based information exchange system known as the International Phytosanitary Portal (IPP) is the most effective mechanism that will be used for these purposes. This system, including the provision of access to information for officials who do not have Internet access, is being implemented.

13. Again the rapid development of the IPP depends on the availability of necessary funds and its implementation on adequate Secretariat support (Agenda point 8: Strategic Planning and Technical Assistance, including the IPPC Business Plan). It is hoped that in the following biennium most IPPC members will be in a position to fulfill their information sharing obligations under the IPPC using the IPP.

C. STRATEGIC DIRECTION 3

14. Strategic Direction 3 addresses the **IPPC provision of dispute settlement mechanisms**. This relates to the non-binding dispute settlement provisions contained in Article XIII of the IPPC (1997). The ICPM is charged to develop rules and procedures for dispute settlement under the IPPC. The IPPC has a complimentary role in this area given the formal binding dispute settlement process that exists under the WTO. However the existence of such mechanisms within the ICPM could represent a good opportunity for dispute avoidance, contributing to alleviate the load of the WTO binding dispute settlement procedures. This could be also a helpful for developing countries to avoid the usually high expenses associated with the formal binding dispute settlement procedures. However, ICPM-4 did not support the inclusion of an ICPM permanent agenda item to allow Members to present their difficulties in relation to the IPPC.

15. Nevertheless, it must also be pointed that since the approval of the IPPC dispute settlement mechanisms by the ICPM-4 (April 2002), no dispute cases have been submitted for consideration. This is a different situation from the use of those mechanisms in the SPS Committee. The time span to evaluate the IPPC dispute settlement mechanism may be too short to develop any conclusions, but it is suggested that the tool—under its present formulation—does not have a high priority in relation to the IPPC implementation issues. It is concluded that the ICPM has completed its work and any improvements or changes in the dispute

mechanism that the ICPM would consider necessary to introduce, can be made without increases to the IPPC budget. (ICPM 03/16 Annex: IPPC Business Plan)

D. STRATEGIC DIRECTION 4

16. Strategic Direction 4 addresses the **development of the phytosanitary capacity of Members by promoting the provision of technical assistance**. Article XX of the IPPC (1997) requires members “to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties, either bilaterally or through appropriate international organizations, with the objective of facilitating implementation of the Convention.” Adequate capacity and infrastructure for all Members are critical to accomplish the IPPC’s goals. The central issues in global discussions are referred to the level of participation by developing countries in standard setting and their possibilities in relation with the effective implementation of those standards. These problems have been recognized by the WTO at Doha. Since the majority of the members of the ICPM are developing countries, considerable funding and support is required for these governments to participate fully and benefit from the development of ISPMs. Considerably more funding for capacity building is required for these governments to implement the IPPC.

17. The participation of officials from developing countries in IPPC activities has been addressed through the provision, as necessary, of resources from the IPPC regular programme budget. This policy extends to expert meetings as well as ICPM business meetings such as for strategic planning. As a result, increases in regular programme funding for standard setting automatically account for increasing developing country participation. Conversely, limitations in the work programme further limit the opportunities for developing countries. The annual meeting of the ICPM is the only IPPC meeting where funding from the regular programme budget has not been made available to assist developing country representatives.

18. In relation to the phytosanitary capacity it must be noted that IPPC is not a convention designed for capacity building. However, the ICPM has, within the limits of its mandate and resources identified an important and unique role in technical assistance by undertaking to develop technical assistance (TA) tools that benefit both governments and donors. The Phytosanitary Capacity Evaluation (PCE) is the first official TA tool developed and adopted by the ICPM. The purpose of the PCE is to assist countries to identify the strengths and weaknesses in their phytosanitary systems, in order identify their additional TA-needs, and to formulate a strategic plan to address the full implementation of the IPPC. The PCE, however, does not go beyond the needs assessment and strategic planning phase. (ICPM 03/22)

19. Over the past three years, PCE has been applied in a supervised manner in over 35 countries in the Pacific, Africa, Europe, Latin America, the Caribbean and Andean countries, through the phytosanitary capacity building projects funded under FAO’s Technical Cooperation Programme (TCP). As a result, governments are becoming increasingly clear and more precise about their technical assistance needs. At the same time, they are faced with the lack of substantial assistance necessary to address the needs identified by the PCE since FAO interventions and achievements are often undermined by the lack of resources for sustainability beyond the TCP. (ICPM 03/7)

20. PCE has provided important insight into the new types of technical assistance tools that could be developed to further support this process. PCE results to date have helped to identify the main limiting factors impeding the full implementation of the IPPC and international standards. These include:

- inappropriate or out-of-date legislation and regulations;
- lack of documented national phytosanitary operational procedures;
- deficiencies in institutional and human resources;
- lack of information, access to information, and information management systems; and
- inadequate facilities supporting phytosanitary control.

21. The need to upgrade national legislation is being approached through the FAO-TCP and other projects with the support of the FAO Legal Office, and through the development of Guidelines for Phytosanitary Legislation. The need for information is partially addressed through the International Phytosanitary Portal (IPP) as well as through initiatives by other organizations (EPPO Reporting Service, CABI-Global Compendium on Pest and Diseases, etc.). There is, however, little available in relation to the development of additional TA tools. For example, it is envisioned that a new TA tool could be developed to address the identified priority to improve the documented national phytosanitary procedures in developing countries. That tool could be developed as a set of several interrelated modules including software and manuals, each one dealing with specific operational aspects of ISPMs such as PRA, import inspection and pest interception, export certification, surveillance, sampling and inspection specifications.

22. However, such an initiative will require relevant expertise and experience and needs to be considered by ICPM Members. Presently, and despite decisions adopted in previous ICPM sessions and the recommendations of the Strategic Planning and Technical Assistance Informal Group, the ICPM lacks a mechanism to review and recommend priorities in Technical Assistance. It is advised the ICPM consider the convenience to constitute an informal TA working group to deal with TA priorities and to set up an expert group to develop TA tools.

E. STRATEGIC DIRECTION 5

23. Strategic Direction 5 relates to **maintaining an effective administrative framework (Secretariat capacity)**. The Secretariat was established in 1992. At that time FAO had a level budget and there was uncertainty at the time about how significant the IPPC might be as a global standard setting organization. A minimalist approach was therefore taken to create a Secretariat without severely impacting internal resources. This small initial budget has not been revised in any significant way since this period. It is also clear that the Secretariat is comparatively very small when viewed alongside other international organizations having similar responsibilities (Codex and OIE).

24. At the present time, the budget of the IPPC is approximately US\$1 million per year (\$2.1M per biennium). While the Secretariat is very small, almost two-thirds (2/3) of this amount is required for staff whilst the remainder—roughly US\$400 000 per year—constitutes the funding base for the entire work programme. The Secretariat currently includes five FAO staff: the Secretary, the Coordinator, two professional officers, and one administrative support position. In addition, one associate professional officer (APO) has been sponsored by the United States for the past four years.

25. The lack of an adequate number of personnel resources for the Secretariat is currently a major limiting factor to the implementation of the work programme of the ICPM. The consequences of these limitations are significant when considering the expectations of governments associated with the SPS Agreement and the extensive needs that exist for the harmonization of phytosanitary measures. In addition, issues concerning environmental protection and cooperation with the CBD are not being addressed to the benefit of either organization.

26. An incremental increase in resources is necessary to sustain the modest work programme that has been developed and to ensure that the Secretariat has the personnel and financial resources to meet programme targets for the near-term. The Business Plan (ICPM 03/16 Annex) developed within the Informal Group on Strategic Planning and Technical Assistance, and submitted by the Bureau to the ICPM consideration recognizes that IPPC requires immediate increases in its Secretariat and proposes an incremental increase in core work programme resources that would add a full-time Secretary and two professional positions dedicated to the IPPC.

F. STRATEGIC DIRECTION 6

27. Strategic Direction 6 is the **promotion of IPPC and cooperation with relevant international organizations** and recognizes the need to communicate IPPC issues, obligations,

processes and interests to all concerned, including other bodies with similar or overlapping interests, and to encourage RPPOs to promote regionally the implementation of the IPPC.

28. Since the scope of the IPPC covers cultivated plants and wild flora and there is an increasing concern by governments for also controlling the spread of organisms that threaten biological diversity and the environment, there are initiatives underway within the IPPC work programme to address specific environmental concerns through IPPC standards (e.g. risk analysis). This implies the need to pursue linkages and cooperative efforts with other organizations (such as the Convention on Biological Diversity and the Cartagena Protocol). The IPPC through its Secretariat (ICPM 03/19), has responded to those external pressures and in particular to the requests from COP-6 to take account of threats to biological diversity from alien invasive species. Currently, there are three draft supplements to ISPMs relating to the joint work between the IPPC and the CBD:

- Supplement No. 2 to the Glossary of Phytosanitary Terms: Guidelines on the understanding of potential economic importance and related terms including reference to environmental considerations;
- Supplement to ISPM No. 11 (Pest risk analysis for quarantine pests): Analysis of environmental risks; and
- Supplement to ISPM No. 11 (Pest risk analysis for quarantine pests): Risk analysis for living modified organisms (LMOs).

29. The first two are being submitted to the consideration of the present session of the ICPM. The third was drafted by an expert working group in Ottawa in September 2002 according to the specifications adopted by the ICPM at its Fourth Session. CBD experts were included in the working group. It is anticipated that this draft supplement will be reviewed by the Standards Committee in May 2003 prior to being distributed to governments for consultation.

30. In an additional approximation to the goals of this Strategic Direction, the ICPM-4 considered the need for links between the ICPM and research and educational institutions. ICPM-4 asked that the Informal Working Group on Strategic Planning and Technical Assistance (SPTA) develop a plan of action for linkages with research and educational institutions for consideration at the Fifth Session of the ICPM (Report of the Fourth Session of the ICPM, Paragraph 72/5).

31. The SPTA noted that there would be clear benefits from associations with research and educational institutions. It was noted that a systematic approach could enhance the possibilities for the ICPM and NPPOs to benefit more fully from contributions that may be made by research and educational institutions. It was also noted, that bodies such as the OIE and CBD had strong links with research institutes. Also highlighted was the positive results from the liaison between the CBD and the Global Invasive Species Programme (GISP). The SPTA has recommended that an Informal Working Group on Research and Educational Liaison should be proposed to the consideration of the present session of the ICPM. (ICPM 03/20)

32. The ICPM might also want to consider that the liaison with other relevant international scientific bodies such as the International Seed Testing Association (ISTA) and the international centers for the interchange of genetic resources could be of mutual benefit, and particularly provide an important input to boost the development of specific ISPMs, in seed testing methods, and safe germplasm transfer.

33. This is not a strategic direction that requires specific additional funding beyond the increase of human resources proposed for the Secretariat. Nevertheless it is of importance for IPPC implementation and requires the ICPM's attention.

G. CONCLUSION

34. The present level of activity in most of the IPPC Strategic Directions is insufficient to meet the goals and the demands imposed the ICPM mandate. The current budget of the IPPC only supports limited aspects of these strategic directions. Some strategic directions as **standard**

setting, technical assistance, and **information exchange** are more sensitive to the shortage of resources than other equally important strategic directions, such as the **cooperation and liaison with other relevant international organizations** that only require the ICPM endorsement. However, since all of them are dependant on the core budget to support the human resources of the Secretariat (**Secretariat capacity**), which is the main limiting factor; all of them are effected. Present resources provide for the establishment or review of approximately two standards per year and small programmes to assist Members with technical assistance and the exchange of official information. This is far from the basic demands associated with the IPPC implementation and configures a differential situation in respect to the situations under the Codex and OIE. This also jeopardizes the possibilities and expectations of most of the Members in relation with the international trade of plants and plant products, as well as their concerns in relation to the protection of the biological diversity and environment.

35. It is now time that the core funding for the IPPC to be re-examined in reference to other standard-setting organizations and with respect to its own strategic plan. In addition, there are unique and increasing pressures on the IPPC as international interest increases in regard to biotechnology, invasive species, and the protection of biodiversity, all of which are areas where the IPPC has a key role and significant competencies. The IPPC needs to develop its own core competencies in order to operate in a sustainable manner and to optimize the effectiveness of any ad hoc resources.

36. An increase in core resources is required for the work programme to achieve the level of activity required to implement the IPPC and to satisfy the Members' needs in relation to international trade and protection of the environment. The IPPC Strategic Plan (ICPM 03/15 Annex) and its associated Business Plan (ICPM 03/16 Annex) submitted to the consideration of the present session of the ICPM, are critical issues and their endorsement could represent a substantial step toward IPPC implementation.