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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

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Abolition of the Caribbean Plant Protection Commission established in 1967 by Council Resolution 8/48

I. Background

1. This item has been placed in the Provisional Agenda of the Committee on Constitutional and Legal Matters (CCLM or the Committee) under Rule XXXIV, paragraph 7 (e), of the General Rules of the Organization (GRO), whereby the Committee shall consider specific items referred to it which may arise out of: *"the establishment of commission and committees under Article VI of the Constitution, including their membership, terms of reference, reporting procedures and rules of procedure"*.
2. At its Forty-eighth Session, held from 12 to 23 June 1967, the FAO Council adopted Resolution 8/48 by which it established the Caribbean Plant Protection Commission (CPPC or the Commission) under Article VI.1 of the FAO Constitution.
3. For the reasons set out in this document, the Committee is now requested to consider a proposal to abolish the CPPC. Article VI, paragraph 1 of the FAO Constitution provides that the Conference or Council *"may establish regional commissions open to all Member Nations and Associate Members whose territories are situated wholly or in part in one or more regions."* As such commissions may be established by a resolution, they may, likewise, be abolished by a resolution adopted by the Conference or Council.
4. Due to various reasons, the CPPC has been inactive for the past decade. During the past twenty years, only two Sessions of the Commission were convened in 1993 and 2001, respectively. Of particular significance in this connection is the fact that the CPPC was recognized as the Regional Plant Protection Organization (RPPO) for the Caribbean area under the framework of the International Plant Protection Convention (IPPC). Since the CPPC is not operational, the Member countries are not represented in RPPO meetings nor involved in other initiatives organized in the context of the IPPC for RPPOs.

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II. Rationale for the Abolition of the CPPC

A. Inactivity of the Commission and Lack of Funding

5. The purpose of the Commission is to strengthen intergovernmental cooperation in plant quarantine in the Caribbean area in order to prevent the introduction of destructive plant pests and diseases and to preserve the existing plant resources of that area.

6. The Commission was established in 1967, and its first Session was convened in 1968. Membership of the Commission comprises Member Nations and Associate Members whose territories are wholly or partly in the Caribbean area. At present 22 countries are Members of the CPPC.¹

7. The CPPC has had no regular activity since 1987 and, most importantly, no activity since 2001. According to Rule VII of its Rules of Procedure, *the Commission shall hold one regular session every two years*. Until 1989, the Commission met almost regularly. However, since then, it met only twice, in regular session, in 1993 and in 2001. Many Members were facing financial difficulties in attending CPPC sessions and in order to overcome that situation, CPPC sessions were organized back to back with other fully funded technical workshops which facilitated the participation of the Members at CPPC Session. However, such *ad-hoc* biennial arrangements could not be easily repeated. Neither would they have offered a means for long term sustainability of the CPPC. The last regular session organised under such Ad-Hoc arrangement was the 2001 Session.

B. CPPC as a RPPO under the Framework of the IPPC

8. Contracting Parties to the IPPC undertake to cooperate with one another in establishing RPPOs in appropriate areas. The IPPC makes provision for the recognition of regional organizations and acknowledges their potential to facilitate resource sharing, enhance cooperation, strengthen national organizations, establish regional standards for phytosanitary measures and participate in the development of international standards for phytosanitary measures. The RPPOs play an important role in the cooperative endeavour to implement the IPPC. The CPPC was recognized by the IPPC to undertake this role in the Caribbean Sub-region.

9. Due to the inactivity of the CPPC, there is no functional RPPO for the Caribbean sub-region. Indeed, at every RPPO meeting, the lack of representation from the CPPC has been recorded and the sub-region has been urged to rectify the situation during the Technical Consultations among RPPO's convened for the purposes of the IPPC.

10. In 1999, in the context of IPPC activities and in light of the limited activity of the CPPC, the Director-General sent a letter to all CPPC Members requesting the concerned governments to *seriously and urgently consider the relevance and future of this Commission and to consider whether the present FAO Commission can be sufficiently realigned and funded to become a relevant and functional regional organization, or whether to pursue the establishment of an independent regional organization*.

11. In 2001, the CPPC held round table discussions on strengthening phytosanitary capabilities among Caribbean Community (CARICOM) countries where the possibility of having a formal body within the CARICOM structure to deal with regional plant health issues was discussed. Since then, the Caribbean Agriculture Health and Food Safety Agency (CAHFSA), and inter-governmental agency has been established, under a CARICOM Agreement, whose primary objective is to provide regional and national support to CARICOM in the establishment, management and operation of their National

¹ Barbados, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, France, Grenada, Guyana, Haiti, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago, United Kingdom, United States of America, Venezuela (Bolivarian Republic of).

Agricultural Health and Food Safety Systems and to execute on behalf of CARICOM Members such actions and activities that can be more effectively and efficiently executed through a regional mechanism. Since its establishment, numerous discussions have taken place within CAHFSA and FAO on CAHSFA as a likely and sustainable mechanism to replace the CPPC as a RPPO for the Caribbean sub-region.

12. In 2007, with the support of the Government of the United States of America, a Caribbean Plant Health Directors ("CPHD") Forum, a network consisting of the Directors of Plant Health from mostly the English speaking Caribbean countries and various territories, was established. The CPHD Forum addresses plant health related matters for the sub-region, actively serving as the technical resource base proposing recommendations on matters to safeguard against or minimizing the impact of plant pests and diseases to the region's agriculture and environment.

13. An inter-governmental agency, such as CAHFSA, could be presented in the near future to the Commission on Phytosanitary Measures (CPM), the governing body of the IPPC, for recognition as a new RPPO for the Caribbean sub-region. The CPHD Forum cannot be recognized as an RPPO under FAO rules because it is not an intergovernmental organization. The CPHD could, however, serve to provide technical support to CAHFSA.

14. Before the Caribbean sub-region could request formal recognition of another inter-governmental organization as a RPPO within the IPPC framework there is a need to first abolish the CPPC.

III. Suggested Action by the Committee

15. The CCLM is invited to review this document and to make such recommendations as it considers appropriate.

16. In particular, the CCLM is invited to recommend to the Council that it formally abolish the Caribbean Plant Protection Commission. If the CCLM concurs with this recommendation, it may wish to consider and endorse the draft Council Resolution entitled "*Abolition of the Caribbean Plant Protection Commission*", set forth in Appendix I to this document, with a view to its submission to the Council for adoption.

Appendix I
Draft Resolution
Abolition of the Caribbean Plant Protection Commission

THE COUNCIL

Recalling that the Caribbean Plant Protection Commission was established under Article VI.1 of the FAO Constitution by Resolution 8/48 adopted by the Council at its Forty-eighth Session in 1967;

Noting that the purpose of the Commission was to strengthen intergovernmental cooperation in plant quarantine in the Caribbean area in order to prevent the introduction of destructive plant pests and diseases and to preserve the existing plant resources of that area and that not having such purpose fulfilled may carry out risks for the plant health of the sub-region;

Noting that the Commission has undertaken limited activities and that its last regular Session took place in 2001;

Recalling Resolution 13/97 adopted by the FAO Conference, at its 29th Session, whereby, *conscious of the continuing need to enhance the efficiency of the Organization and its governance in a time of financial challenge*, the Conference proposed to eliminate Statutory Bodies that are obsolete;

Hereby abolishes the Caribbean Plant Protection Commission;