

Committee on Sanitary and Phytosanitary Measures

**THE ROLE OF INTERNATIONAL INTERGOVERNMENTAL OBSERVER
ORGANIZATIONS IN MEETINGS OF THE COMMITTEE**

Note by the Secretariat

1. At its meeting of November 2000, the Committee decided to hold an informal meeting to discuss the criteria for granting observer status to international intergovernmental organizations. For the purposes of this discussion, the Secretariat prepared a background document which presented the criteria used to date by the Committee in making its decisions and identified some of the concerns which have been raised by Members (G/SPS/GEN/229). In considering this issue at an informal meeting on 14 March 2001, many Members suggested that the Committee should review the role of observer organizations in its meetings.

2. The role of observer organizations was addressed, *inter alia*, in the 1996 decision by the General Council regarding Observer Status for International Intergovernmental Organizations in the WTO:

1. "Representatives of organizations accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to circulate papers or to make proposals, unless an organization is specifically invited to do so, nor to participate in decision-making.

2. "Observer organizations shall receive copies of the main WTO documents series and of other documents series relating to the work of the subsidiary bodies which they attend as observers. They may receive such additional documents as may be specified by the terms of any formal arrangements for cooperation between them and the WTO.

3. "If for any one-year period after the date of the grant of observer status, there has been no attendance by the observer organization, such status shall cease. In the case of sessions of the Ministerial Conference, this period shall be two years."¹

3. The SPS Committee has granted observer status to 15 international intergovernmental organizations and to the International Organization for Standardization (ISO). The Committee granted observer status to the Codex, OIE and IPPC in March 1995; to the FAO and WHO in June 1995; to ISO and ITC in November 1995; to UNCTAD in March 1996; to the World Bank and the IMF in November 1996², and on an ad-hoc meeting-by-meeting basis since November 1999 to ACP, EFTA, IICA, OECD, OIRSA and SELA.

¹ WT/L/161, 25 July 1996, Annex 3.

² Observer status in WTO subsidiary bodies was provided through the WTO Agreements with the Fund and World Bank (WT/L/194 and WT/L/195).

4. In practice, the Chairperson of the SPS Committee has permitted interested observer organizations to make interventions on any item of the agenda after all interested Members have taken the floor. Observer organizations have on occasion been invited by the Chairperson to provide further information with regard to a specific issue before the Committee. The Committee has included an agenda item on "Matters of Interest Arising from the Work of Observer Organizations" at each of its regular meetings. Under this agenda item, observer organizations are invited to briefly report on any activities which are relevant to the work of the Committee and which were not covered under other agenda items. A number of observer organizations also regularly report on their technical assistance activities under that specific agenda item.

5. Following suggestions from several Members, the Chairperson has encouraged the observer organizations to provide information on their activities in writing, in advance of the meeting. Prior to the last meeting of the Committee, the Secretariat sent a fax to all observer organizations reminding them of the request to provide the reports in writing in advance of the meeting, to permit their circulation as documents so that Members could be better prepared to raise questions or seek additional information. The observers were informed that they would be given the opportunity at the meeting to summarize the information they had provided in writing, highlighting the most important elements and adding any more recent information.

6. Observer organizations have been invited to participate in certain informal meetings, where their activities and expertise may be particularly useful to the discussions of the Committee. The Committee's recent discussions regarding the implementation of the provisions of Article 4 (equivalence) are a case in point. In addition, the WHO has requested the organization of special meetings with the Committee to discuss the revision of the International Health Regulations (IHR), and other observer organizations have been invited to participate in these meetings given the relevance of the IHR to their own activities.

7. There are considerable differences in the extent and manner of participation by the various observer organizations. The "three sister" organizations identified in the SPS Agreement -- Codex, OIE and IPPC -- have attended every meeting of the SPS Committee since they were granted observer status in March 1995, regularly provide information on their relevant activities in writing, report on their technical assistance programmes, and frequently submit additional documentation on matters of interest to the SPS Committee. Other observer organizations, and in particular the WHO and IICA, have frequently provided documentation on matters of interest to the SPS Committee. Some organizations, including the World Bank and the ITC, have occasionally submitted information, orally or in writing, on specific issues such as technical assistance. Several observer organizations are regularly present at meetings of the Committee, but do not take the floor. Some do not participate regularly, or indeed at all.

8. In the discussions of the role of observers on 14 March 2001, several Members suggested that the Committee should consider developing guidelines to ensure the efficient conduct of meetings. Some Members expressed the view that, given the specific status of the OIE, Codex and IPPC, these organizations should be treated differently than other observer organizations, and permitted to take the floor on any relevant agenda item. Nonetheless, the Committee should request that these organizations submit written reports regarding their activities of interest to the SPS Committee in advance of the meetings.

9. With respect to other observer organizations, some Members suggested that they should normally provide written reports or statements in advance of the meeting, and be given the floor only to respond to any questions or requests for further information. Other Members, while agreeing with the suggestion that written reports be solicited in advance of the meetings, suggested that the observer organizations should nonetheless be given the opportunity to make brief oral summaries at the meeting.

10. The Secretariat recalled that one of the criteria for granting observer status was that the observer organization provided reciprocal treatment to the WTO. The Secretariat therefore frequently participated as an observer in the meetings of other organizations, and was familiar with the different procedures followed by many of these. In some organizations, observers were expected to submit reports in advance in writing, and there was little opportunity for them to take the floor. In other organizations, observers were permitted to take the floor, normally after member governments had spoken, on any issue of interest to them. The Secretariat noted that this latter approach often permitted a prompt clarification of inaccurate or misleading information.

11. Some Members suggested that the Committee also consider developing a method for evaluating the participation of ad hoc observers in the work of the Committee. Such an evaluation should examine the value of their participation to the SPS Committee, as well as the value of their participation to their own organizations. This latter information would presumably be solicited from the governments who were members of the particular observer organization being examined.
