

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
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Agenda Item 5

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON GENERAL PRINCIPLES

Fifteenth Session, Paris, 10-14 April 2000

COMPOSITION OF THE EXECUTIVE COMMITTEE AND RELATED MATTERS

1. The Codex Commission at its Twenty-third session in 1999 discussed a number of issues relating to the composition of the Executive Committee and participation of observers in its work. These issues were the possibility of participation in meetings of the Executive Committee of a limited number of INGOs as observers, the possibility of enlarging the membership of the Executive Committee to include a number of Members from the different Regions along the lines of the FAO Council, and clarification of the rights of Member countries to participate as observers in sessions of the Executive Committee. The Commission agreed to ask the Committee on General Principles to develop proposals for its consideration on the first matter, and requested the Secretariat to consult the Legal Counsels and Offices of the Directors-General of FAO and WHO on the second and third matters, taking into account the status of the Executive Committee as described in the Commission's Statutes, and to report to the Committee on General Principles. The present document considers each of the above issues and presents proposals for consideration by the Committee on General Principles.

PARTICIPATION OF INGOS AS OBSERVERS

DISCUSSIONS IN THE CODEX COMMISSION

2. During its Twenty-third session in June 1999, the Commission considered the recommendation that the Codex Committee on General Principles develop proposals that would allow for a limited number of representatives of the INGOs in Observer Status with the Codex Commission to be invited as observers to sessions of the Executive Committee. Several delegations indicated that the Executive Committee was an executive organ of the Commission and that according to the Rules of Procedure of the Commission, its composition was strictly limited. It was stated that it would be unfair to Member countries of the Commission to extend "observer status" to INGOs at sessions of the Executive Committee when Members themselves were not invited to attend as observers. Other delegations favoured the proposals, but noted that there were a number of issues that had to be considered carefully, including the assurance of a fair representation of all of the INGOs contributing to the Codex process; the rights of such organizations as observers; how such organizations would be selected; and how to ensure that the Executive Committee would continue to function as an effective and efficient body under the Commission. It was noted that three broad classes of INGOs had been identified in the working document, namely consumers and other public interest groups; the food industry, trade and marketing organizations; and professional and scientific international non-governmental organizations. It was noted that all of these groups had made valuable contributions to the Codex process and therefore consideration could be given to enhancing the transparency and credibility of Codex decisions by involving these groups in the work of the Executive Committee. **Without prejudice to any decision that might be taken at a later stage, the Commission agreed to ask the Committee on General Principles to develop proposals for its consideration on this matter.**

3. It is suggested that the issue of the concerns of the Commission regarding the fairness of allowing observer representation of INGOs on the Executive Committee while disallowing such representation for individual Member countries and the impact of increases in the size of the Executive Committee should be addressed in the context of the wider proposals made below concerning the membership structure of the Executive Committee. This section will therefore address only the issues of selection of INGOs as observers and the way in which observer rights would be implemented.

SELECTION OF INGO OBSERVERS

4. The discussions in the Commission clearly reflected the conflicting concerns to allow for more transparency in the Codex process and in particular in the deliberations of the Executive Committee while preserving its efficiency as an organ of the Codex Commission charged with overseeing the implementation of Commission decisions and preparing procedurally for Commission sessions. The Commission itself has suggested a way of achieving this balance, through the representation of the three main groups of INGOs as observers on the Executive Committee, namely consumers and other public interest groups; the food industry, trade and marketing organizations; and professional and scientific international non-governmental organizations. A similar approach was taken during the World Food Summit, when INGOs were asked to network themselves into representatives of different interest groups or constituencies at the Summit, with a single observer representing and speaking for each constituency¹. An important element of this approach was that the INGOs in each group should be responsible for selecting their representatives and not the session itself. Following this approach, **it is recommended that the INGOs of each group be asked to form a network or caucus and to nominate a single representative of that network to be invited to attend sessions of the Executive Committee as an observer.**

MODALITIES OF PARTICIPATION OF INGO OBSERVERS

5. The normal rules regarding the participation of INGO observers in any session of FAO or WHO, and indeed of the Codex Commission itself, are that INGO observers should speak only after members of the body itself have spoken, and, in the event that there are observers from Members of the Commission that are not members of the body concerned, after those Member countries observers have spoken. Of course, a certain flexibility is given to the Chairman of the meeting, under the authority of the meeting, in the application of this rule in practice. **The Committee may wish to consider the extent to which this principle should be followed or modified with respect to INGO observers in the Executive Committee.**

ENLARGING THE MEMBERSHIP OF THE EXECUTIVE COMMITTEE

DISCUSSIONS IN THE CODEX COMMISSION

6. During the discussion of this item at the Twenty-third Session of the Codex Commission, some delegations expressed the opinion that the composition of the Executive Committee as set out in Rule III.1 of the Rules of Procedure required consideration, as the basic Rule had been in place since the First Session of the Commission in 1963. The Delegation of Japan pointed out that clarification was needed regarding the participation, as observers, of Member countries. Proposals included the enlargement of the Executive Committee with the possibility of electing several Members from the different Regions as was the case with FAO Council and other bodies. The Secretariat was requested to consult the Legal Counsels and Offices of the Directors-General of FAO and WHO on these matters, taking into account the status of the Executive Committee as described in the Commission's Statutes, and to report to the Committee on General Principles. The present section will describe first the present membership of the Executive Committee as set out in Rule

¹ Rule 53 of the Rules of Procedure of the World Food Summit provided as follows:

Observers of Non-Governmental Organizations

1. Non-governmental organizations invited to the Summit may designate representatives to sit as observers at public meetings of the Summit on questions within the scope of their activities.
2. The Chairman shall invite such non-governmental organizations to form themselves into a limited number of constituencies. Upon the invitation of the Chairman, and subject to its approval, such constituencies may, through their spokespersons, make oral statements on questions within the scope of their activities.

III.1 of the Rules of Procedure of the Commission, second the clarification regarding the participation of Member countries as observers in the Executive Committee and third proposals for the enlargement of the Executive Committee.

THE PRESENT MEMBERSHIP OF THE EXECUTIVE COMMITTEE

7. Rule III.1 of the Rules of Procedure of the Commission were amended at the Twenty-third session of the Commission in 1999. The present membership of the Executive Committee is composed of the Chairperson and Vice-Chairpersons of the Commission and seven further Members representing the seven FAO Regions (Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and South-West Pacific). The rules require that not more than one delegate from any one country shall be a member of the Executive Committee. In accordance with earlier decisions of the Commission, each Member representing a region may be accompanied by two advisers from that region and the seven Regional Coordinators are also each entitled to participate in the sessions of the Executive Committee as observers. As from the end of the mandates of the present Regional Coordinators, the new Regional Coordinators will be countries rather than individuals.

CLARIFICATION REGARDING THE PARTICIPATION OF MEMBER COUNTRIES AS OBSERVERS IN THE EXECUTIVE COMMITTEE

8. Clarification has already been given to the Committee on General Principles regarding participation of Member countries as observers in the Executive Committee by the Legal Counsels. Basically the situation is that on a strict interpretation of the present Statutes of the Codex Alimentarius Commission, the Executive Committee would appear to fall into the category of a “subsidiary body” and that Member countries not members of the Executive Committee would therefore be entitled to attend as observers in accordance with Rule VII.1 of the Rules of Procedure of the Commission. In practice, however, no such member has ever attended as observer and the practice has been to regard the Executive Committee as closed to observers from Member countries. This practice is in line with the practice followed for other FAO and WHO bodies. It has been pointed out however that the above interpretation and practice may need to be reviewed, particularly in the light of the present proposals for enlargement of the Committee.

PROPOSALS FOR THE ENLARGEMENT OF THE EXECUTIVE COMMITTEE

9. At the present time, there are three different categories of participation by Member countries in the work of the Executive Committee. With the change in the status of the Regional Coordinators, **the Committee may wish to consider rationalizing the membership structure of the Executive Committee and the modes of participation. One possible approach could be to change the status of the Regional Coordinators to that of Members, to eliminate the posts of advisers and to increase the number of Members from each Region, perhaps on the basis of proportional representation, such as two members from each of the regions of Africa, Asia, Latin America and the Caribbean, and Europe and one each from the regions of the Near East, North America and South-West Pacific. If such an approach is adopted, it may also be necessary to review the provision in Rule III.1 of the Rules of Procedure prohibiting membership of the Executive Committee by more than one delegate from any one country to allow for the possibility of an officer of the Commission elected in a personal capacity to be from the same country as one of the elected regional representatives. The Committee may also wish to consider the possibility of allowing for a limited number of observers from developing countries, perhaps with financial assistance to facilitate participation, as a means of improving the participation of developing countries in the Codex process and allowing such countries to gain wider experience in the functioning of Codex bodies.**

CONCLUSIONS

10. The Committee is invited to consider the above analyses and proposals regarding membership of the Executive Committee and participation in its work