

Performance, vision and strategy (PVS)

Eric Bolaños Ledezma
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Interaction within the
public sector and with
the private sector



Capacity to access
international markets



Human and
financial capital

For sanitary and phytosanitary measures
An institutional vision

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Presentation

In recent years, the Inter-American Institute for Cooperation on Agriculture (IICA) has designed instruments for evaluating the performance and implementation of development strategies for the institutions involved in agricultural health and food safety.

At present, IICA has validated instruments for veterinary, food safety, and phytosanitary protection services. These instruments envision participation and interaction by various actors within the official services with the purpose of improving their performance. However, the particularity of this new instrument being launched by IICA is that it approaches the issue of sanitary and phytosanitary measures from an institutional, international, and horizontal perspective. Institutional and international because it focuses on the responsibility of national public and private entities of maximizing the benefits from and compliance with commitments made by the country to international standardization organizations and the World Trade Organization (WTO). In addition, the instrument is horizontal, because it analyzes all sectors rather than just one in particular.

Nevertheless, it should be clear that an assessment of the performance of technical functions is not the goal of this new instrument; rather, its objective is to determine the characteristics of the various means of coordination and communication used to take advantage of the multilateral trade system.

We hope that the international community will value the efforts that IICA is making to promote, through this instrument, the modernization of the official entities and services responsible for ensuring the correct application of sanitary and phytosanitary norms. We also hope to make a useful contribution to the countries on their path towards development and the strengthening of the agrifood sector.

*Dr. Ricardo Molins
Director, Agricultural Health and Food Safety • IICA*

Introduction

In these times of globalization, the development and growth of many countries depends, to a great extent, on the agrifood sector and this, in turn, is linked to the performance of the National Agricultural Health and Food Safety Services (National Services). These National Services must be based on solid, independent scientific principles; in other words, they must be kept free of political influences, either from the users or from the administrators themselves. Strengthening them is a shared responsibility that requires investment and the participation of the public and private sectors.

International reference organizations such as the International Plant Protection Convention (IPPC), the World Organization for Animal Health (OIE) and the Codex Alimentarius Commission are responsible for promoting agricultural health and food safety in international trade. To this end, they issue international standards, guidelines and recommendations to improve the legal framework and the resources of the National Services and to maintain a satisfactory balance between protection and trade.

The efforts made by countries within the framework of these international organizations have been strengthened since 1995 with the approval of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organization (WTO). The SPS Agreement established the ground rules for international trade as regards sanitary and phytosanitary measures and expressly recognized the work of the above-mentioned organizations.

The SPS Agreement reaffirms the right of member countries to protect the health of plants, animals, and human beings. It also requires that the countries base their sanitary measures on scientific principles, which is the basis for the correct functioning of National Services and for guaranteeing the existence of international trade without unjustified restrictions or discriminations.

Traditionally, the general mandate of the National Services was to protect domestic plant, animal, and human health. Their resources were channeled, above all, towards controlling pests and diseases that could harm primary production; their programs began at the borders and were focused inwards. The credibility of National Services—internally and externally—revolved around the effectiveness of domestic programs and the way in which they responded to emergencies derived from the entry of unexpected agents.

Nowadays, in order to deal with demands arising from globalization, National Services must expand their field of activities and adopt a global perspective. The countries will have to incorporate new services or entities that complement traditional ones. This will require stronger partnerships and greater cooperation with users and with other ministries and State institutions.

Experience has shown that countries having the most highly developed National Services and greatest credibility in the eyes of both national users and trading partners—as a result of their satisfactory implementation of the SPS Agreement—owe their success to three fundamental components: **(1) the interaction among public sector institutions, and between the latter and the private sector**; in other words, the capacity to collaborate and achieve an active and decided participation of the private sector in the design and application of public policies, programs and activities; **(2) the capacity to promote access to international markets**, which consists of the necessary skills, credibility and authority to penetrate international markets and retain them, according to the principles established by international standards; and **(3) the human and financial capital**; in other words, these countries have the necessary human talent and financial backing to ensure that their programs are institutionally and financially sustainable. These three components form the basis for the present “SPS-PVS Instrument”, and comprise a series of variables regarding functions, responsibilities and processes that a country should have in place to benefit the most out of the international organizations that regulate animal and plant health and food safety.

The purpose of this instrument is to help characterize a country's institutional level of performance and capacity to implement SPS regulations and to take advantage of the international forums where such regulations are discussed. Therefore, the PVS also covers factors linked to transparency and the country's official representation in international organizations, as well as technical topics that originate from SPS Committee discussions.

Institutional vision of PVS:

Article 10.4 of the SPS Agreement, on special and differential treatment, establishes that: *"Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations."* The issue of active participation by developing countries in international organizations has been discussed both in events devoted to examining the operation of the SPS Agreement and at the Doha Ministerial Meeting (G/SPS/36 and WT/MIN(01)/17). This concern—which has been voiced by the countries on many occasions—added to the importance that multilateral forums have on agrifood trade, motivated IICA to undertake the SPS Initiative for the Americas (the Initiative) in October 2002. The main objective of the Initiative was to promote the active participation of the countries of the Americas in the WTO/SPS Committee.

Thirty four countries have taken part in the Initiative—six of them as members of a cooperating Steering Group and 28 as direct beneficiaries—and a large number of technical experts (215 up until July 2007) have benefited from it. These technical experts, from ministries and entities responsible for food safety, plant and animal health, and foreign trade, have taken part in the meetings of the SPS Committee and are now better prepared to take advantage of the international forums.

The Initiative has enabled IICA to gather valuable information over the years to assess the impact of this program on the region. Based on that information and on direct observations in developing countries that actively participated in the SPS Committee, five variables were identified that appear to be fundamental for fostering active participation within the Committee. These variables were presented by IICA to the SPS Committee for the first time in the document G/SPS/GEN/497 (WTO, Geneva) in June 2004 and form the basis for the development of this SPS-PVS Instrument with an institutional perspective.

The five variables that were identified are:

1. Coordination and interaction mechanisms: mechanisms that allow the various stakeholders involved in the processes of SPS negotiations, administration and implementation to carry out monitoring and follow-up tasks, evaluate the impact of the SPS, and take advantage of opportunities that arise in the international forums.

2. Priority assigned to SPS issues: the level of support that the national authorities accord to the development of national capacities in the area of SPS.
3. Human resources dedicated to the issue: the resources assigned to attract and retain professionals having technical capacity and leadership qualities.
4. Coordination between the Capital and the Mission in Geneva: to improve the country's international participation through links and feedback between the experts working in the country and the representatives to the WTO.
5. Financial and technical resources: this refers to the country's technical and financial capacity to implement the SPS and play an active role in the WTO/SPS Committee.

These fundamental variables were identified following five years of observation in the countries of the Americas that have an active international participation in the SPS Committee. Therefore, they constitute a "lesson learned" in institutional capacity building that can be replicated and adapted to other countries.

How the PVS instrument is applied

The PVS instrument and the methodology for its application can help countries characterize their level of performance with regard to SPS, build a common vision with the private sector, and establish priorities. It can facilitate strategic planning, help countries comply with their obligations, and take advantage of the new opportunities.

To apply the instrument, a series of variable (15 in all) have been identified for the three fundamental components described above. Each variable has cumulative levels of progress and is represented graphically by a pie chart, next to the written explanation of each level. A higher level of progress indicates that the National Services comply with the current level and with the preceding ones. A hypothetical example for the variable "Coordination Mechanisms" is shown below.

Example:

I. Coordination mechanisms

-  There is no established coordination mechanism to discuss issues of interest related to the WTO/SPS Committee.
-  There is no established coordination mechanism to discuss issues of interest related to the WTO/SPS Committee, but *ad hoc* meetings are held within the public sector.
-  There is no established coordination mechanism to discuss issues of interest related to the WTO/SPS Committee, but *ad hoc* meetings are held between the public sector and the private sector.
-  There is an established coordination mechanism that defines the country's positions, but it does not meet regularly to coordinate the meetings of the WTO/SPS Committee.
-  There is an established coordination mechanism that defines the country's positions and operates on a regular basis.

The ad hoc meetings that have been held with the various sectors have led to the definition of each sector's role as regards complying with and taking advantage of the SPS Agreement. However, it is still difficult to obtain resources to allow constant participation in the Committee. In this regard, conversations are being held with both the ministries and the private sector to find ways to improve the process. We hope to resolve this issue within the next two months.

The Ministries of Agriculture and of Commerce are currently evaluating the desirability of formalizing a coordination mechanism. However, the main obstacle is the possibility of appointing responsible people to follow up on the work of the coordination mechanism. Conversations are being held to see if a regional cooperation organization would support the process of institutional strengthening and establishment of the mechanism, at least during the initial stage.

The application of the PVS instrument must be accompanied by a broad, representative consultation process that allows the criteria and current situation of the relevant public and private sector institutions to be included, so that each variable measured is not biased because the consultation was not sufficiently representative.

Owing to the characteristics of the matter in question, it is recommended that, at the very least, the Ministries of Agriculture, Commerce, and Health, the National Services, and the private sector take part in the consultations.

A combination of strategic planning methodologies and individual interviews is used to apply the PVS instrument. This allows different criteria or perceptions concerning the level of performance for each variable to be captured, according to the perspective of each sector, institution or stakeholder.

Utilization of results

The SPC-PVS instrument application and use are flexible and focuses on the functions of public sector institutions. It can be shared with various users in the public and private sectors who have a common interest in improving the vision and performance of such institutions. For example, it can be used to monitor the progress on each of the three fundamental components at the national level. Moreover, the users can take part in the analysis and discussion of results, so as to help adopt common positions, identify priorities, and propose actions.

The implementation methodology allows for the design of institutional improvement strategies, because—based on the performance revealed—it is possible to strengthen variables that have a direct impact on the use of the multilateral trading system, as regards both implementation of standards and participation in international forums.

Application of the SPS-PVS instrument in 28 countries of the Americas will begin when an SPS Institutional Strengthening Project implemented by IICA with resources from the Standards and Trade Development Facility (STDF) commences. This project will allow the mapping of institutional capacities in relation to SPS and of the advantage being taken of benefits that the international organizations offer.

The SPS-PVS was also designed so that technical cooperation agencies could use it as a guidance mechanism in the identification, prioritization and planning of cooperation actions. It is also useful for planners and leaders of public institutions because they can obtain an institutional X-ray that shows their institution's performance over time.

Fundamental components

I. Interaction within the public sector and with the private sector

II. Capacity to access international markets

III. Human and financial capital

I. INTERACTION WITHIN THE PUBLIC SECTOR AND WITH THE PRIVATE SECTOR



Capacity of the National Services to collaborate with other entities of the public sector and obtain the private sector's collaboration and active participation in the implementation of programs and activities.

Critical competencies:

1. Information
2. Communication
3. Official representation
4. Coordination mechanisms
5. Coordination between the Capital and the Mission in Geneva
6. Priority of the issue

2.1 External Communication

The capacity of the public sector to maintain fluid communications within and with the private sector regarding their participation in international organizations.

Level of progress:

- There are no mechanisms for dialogue within the public sector and with the private sector on the agendas of the international organizations concerned with SPS. There is no communication among national contact points for each of the international organizations.
- There is only informal communication within the public sector and with the private sector on the agendas of the international organizations involved in SPS. There is no communication among national contact points for each of the international organizations.
- The public sector initiates and promotes dialogue with the private sector on the agendas of the international organizations involved in SPS and on the national participation strategy. There is informal communication among national contact points for each of the international organizations.
- The public sector actively promotes dialogue and feedback with users regarding the official representation in the WTO/SPS, the OIE, Codex Alimentarius, and the IPPC. There is formal communication among national contact points for each of the international organizations to coordinate on issues of common interest and define national positions when needed.

3. Official representation

The capacity of the public sector to play a continuous and active role in the meetings of international organizations such as the WTO/SPS Committee, the OIE, the IPPC, and Codex Alimentarius, and to follow up on these meetings appropriately.

Level of progress:

- The public sector does not attend the meetings of the WTO/SPS Committee, the OIE, the IPPC, and Codex Alimentarius, or follow up on them.
- The public sector is present sporadically, or plays a passive role,* in the meetings of the WTO/SPS Committee, the OIE, the IPPC, and the Codex Alimentarius.
- The public sector takes users' opinions into consideration and plays a continuous and active role** in the meetings of the WTO/SPS Committee, the OIE, the IPPC, and the Codex Alimentarius.
- The public sector, in consultation with users, identifies strategic issues, assumes the leadership in coordinating the national delegations, and promotes the inclusion of these strategic issues in the agendas of WTO/SPS Committee, OIE, IPPC, and Codex Alimentarius meetings.

* *Passive participation* means attending the meetings but with little participation and intervention.

** *Active participation* means a process that includes preparations prior to the meetings, active intervention, seeking joint solutions with other delegations, and generating proposals to be discussed during and after meetings.

4. Coordination mechanisms¹

This variable describes the national forum that brings together the various ministries or entities of the public sector and the private sector, to discuss issues of interest relating to the WTO/SPS Committee and to its three "sister" organizations.²

Level of progress:

- There is no established coordination mechanism to discuss issues of interest related to the WTO/SPS Committee and to the three "sisters."
 - There is no established coordination mechanism to discuss issues of interest related to the WTO/SPS Committee and to its three "sisters," but *ad hoc* meetings on these issues are held in the public sector.
 - There is no established coordination mechanism in which the public and private sectors participate to discuss issues of interest of the WTO/SPS Committee and of the three "sisters," but *ad hoc* meetings on these issues are held between the public and private sectors.
 - There is an established coordination mechanism in which the public and private sectors participate and which define the country's positions, but it does not meet regularly for coordination regarding meetings of the WTO/SPS Committee and of the three "sisters."
 - There is an established coordination mechanism in which the public and private sectors participate and which defines the country's positions, meets regularly and is linked to the WTO/SPS Committee and to the three "sisters."
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1 The coordination mechanism can be formal or informal. A formal coordination mechanism has institutional backing and is officially (i.e., by regulation) constituted. An informal one has institutional backing but is not officially (i.e., by regulation) constituted.

2 The three "sisters": IPPC, OIE, and Codex Alimentarius.

5. Coordination between the Capital¹ and the Mission in Geneva²

This indicates the degree of interaction between personnel in the country (the Capital) and the Mission in Geneva.

Level of progress:

- Providing follow-up to the WTO/SPS Committee is not one of the priorities of the Mission in Geneva.
- The Capital coordinates in an ad hoc manner with the Mission in Geneva in cases of emergency or in special situations that may arise in relation to the WTO/SPS Committee.
- The Capital and the Mission in Geneva communicate about technical issues or special activities related to the WTO/SPS Committee.
- The Capital and the Mission in Geneva maintain permanent interaction in relation to the WTO/SPS Committee.
- There is constant interaction between the Capital and the Mission in Geneva. The representatives of the Capital are considered part of the virtual team of the Mission in Geneva in relation to the WTO/SPS Committee, and the information received is distributed to other stakeholders in the Capital.

(Indicate whether or not your country has a Mission to the WTO, and whether the Mission's principal mandate is to deal with WTO issues.)

- 1 Capital: this term is used to refer to the institution or expert located in the country that is responsible for coordinating SPS matters.
- 2 Mission in Geneva: refers to the national authorities (missions or embassies) responsible for attending the meetings of the WTO/SPS Committee and following up on the issues dealt with.

II. CAPACITY TO ACCESS INTERNATIONAL MARKETS

An aerial photograph of a port terminal. On the left, a large white ship is docked at a pier, with several yellow cranes extending over its deck. The pier is paved with dark asphalt and has several lanes. To the right of the pier, there are numerous stacks of colorful shipping containers in various colors, including blue, red, and white. In the background, there are more stacks of containers and some industrial buildings. The sky is clear and blue.

Capacity and level of authority of the National Services to support access to and retention of markets.

Critical competencies:

1. Compliance with regulatory norms
2. Setting of regulatory norms
3. Harmonization
4. Transparency
5. Technical cooperation and special and differential treatment

1. Compliance with regulatory standards

This refers to the capacity and authority of the public sector entities responsible for implementing sanitary and phytosanitary measures to ensure compliance with regulatory standards* that fall within their mandate.

Level of progress:

- The public sector has no specific program with regard to compliance with regulatory standards by the users.
- The public sector carries out a program of inspection and verification of compliance with regulatory standards in *selected* products or *specific* processes, but, in case of non-compliance, *it merely issues a warning*.
- The public sector carries out a program of inspection and verification of compliance with regulatory standards in selected products or *specific* processes, and, if necessary, *imposes sanctions* in case of non-compliance.
- The public sector carries out a program of inspection and verification that ensures that the regulatory standards are complied with by all products and processes within its mandate, and, if necessary, *imposes sanctions* in case of non-compliance.
- The public sector audits its inspection and verification programs on compliance with regulatory standards.

* *Regulatory standards* are the sanitary measures included in all relevant laws, decrees, regulations, requirements and procedures, in accordance with Annex A of the WTO/SPS Agreement.

3. Harmonization

This refers to the capacity and authority of the public sector to ensure that the national regulatory standards within their mandate conform to international standards, guidelines and recommendations.

Level of progress:

- The public sector entities responsible for sanitary and phytosanitary measures lack a process to harmonize national regulatory standards with international standards, guidelines and recommendations.
- The public sector entities responsible for sanitary and phytosanitary measures *have identified* the national regulatory standards that are in disagreement with international standards, guidelines and recommendations.
- The public sector is *revising* the national regulatory standards *and harmonizing* them with international standards, guidelines and recommendations.
- The public sector studies new international sanitary and phytosanitary standards, guidelines and recommendations to harmonize national regulatory standards with them.
- The public sector *participates at the international level* in the development of sanitary and phytosanitary standards, guidelines and recommendations.

4. Transparency

This refers to the capacity and degree of authority of the public sector to notify WTO about national sanitary and phytosanitary regulations, following the notification criteria and procedures established by the SPS Agreement and the SPS Committee.

Level of progress:

- The public sector does not comply with the obligation to notify WTO about national sanitary and phytosanitary regulations.
 - The public sector notifies WTO *partially* about its sanitary and phytosanitary regulations.
 - The public sector notifies WTO *totally* about its sanitary and phytosanitary regulations.
 - The public sector notifies WTO *totally* about national sanitary and phytosanitary regulations and informs users about changes in these regulations and in the sanitary and phytosanitary regulations of other countries. In addition, it educates users about the importance of maintaining a policy of transparency.
 - The public sector notifies WTO *totally* about its sanitary and phytosanitary regulations, informs users about changes in national sanitary and phytosanitary regulations and in the sanitary and phytosanitary regulations of other countries, and educates them about the importance of maintaining a policy of transparency. In addition, the public sector entities responsible for sanitary and phytosanitary measures, in collaboration with other State entities, audit their transparency procedures.
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5. Technical cooperation and special and differential treatment

This measures the country's capacity to identify, prioritize and negotiate relevant technical cooperation and special and differential treatment with regard to SPS.

Level of progress:

- The public sector does not have an internal mechanism enabling it, in conjunction with the private sector, to identify and prioritize technical assistance needs and negotiate special and differential treatment, and merely takes the necessary steps to obtain the technical cooperation it is offered.
 - The public sector alone identifies the needs for technical assistance and special and differential treatment, but has not established a formal procedure of consultation with the private sector.
 - The public sector, using a consultative process, identifies technical assistance and special and differential treatment needs and relays them to those offering cooperation and to trading partners.
 - The public sector has a permanent consultation mechanism to identify and prioritize technical assistance and special and differential treatment needs, and to negotiate them with those offering cooperation and with trading partners.
 - The public sector has a permanent consultation mechanism to identify and prioritize technical assistance and special and differential treatment needs, and to negotiate them with those offering cooperation and with trading partners. In addition, it has monitoring and evaluation mechanisms.
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III. HUMAN AND FINANCIAL CAPITAL

A photograph of a person in a white lab coat looking through a microscope. The image is overlaid with a blue tint and a yellow-green vertical bar on the left side. The person is in profile, looking intently at the eyepiece of the microscope. The background is a light blue gradient.

Institutional and financial sustainability based on available human talent and financial resources.

Critical competencies:

1. Updating
2. Technical independence
3. Financial and technical resources
4. Human resources assigned to the matter

1. Updating

This refers to the capacity of the public sector to keep its personnel updated regarding information and knowledge on the application of the SPS Agreement. This is measured through performance and the existence and implementation of an annual training plan for the staff.

Level of progress:

- The public sector does not offer training designed to increase the understanding and application of the WTO/SPS Agreement or, if it does, it is subject to the availability of resources.
- The public sector has an annual training plan designed to increase the understanding and application of the WTO/SPS Agreement, and this plan covers approximately one fourth of the personnel involved.
- The public sector has an annual training plan designed to increase the understanding and application of the WTO/SPS Agreement, and this plan covers approximately one half the personnel involved.
- The public sector has an annual training plan designed to increase the understanding and application of the WTO/SPS Agreement, and this plan covers approximately three fourths of the personnel involved.
- The public sector has an annual training plan designed to increase the understanding and application of the WTO/SPS Agreement, and this plan covers nearly all personnel involved.



2. Technical independence

The capacity of public sector entities responsible for sanitary and phytosanitary measures to carry out their functions autonomously and without external interference that affects technical and scientific decisions. This is measured by the political influence on and technical support for decisions.

Level of progress:

- The technical decisions taken by public sector entities responsible for sanitary and phytosanitary measures are almost always based on political criteria.
- The technical decisions taken by public sector entities responsible for sanitary and phytosanitary measures are based on scientific principles, but are easily modified by political criteria.
- The technical decisions taken by public sector entities responsible for sanitary and phytosanitary measures are based on scientific principles, but are subject to review and to possible modification based on political criteria.
- The technical decisions taken by public sector entities responsible for sanitary and phytosanitary measures are based on scientific principles and are not modified by any political criteria.

3. Financial and technical resources

This indicates the financial and technical capacity of the public sector to perform its allocated functions (e.g., operating the information and notification focal points) and actively participate in the WTO/SPS Committee.

Level of progress:

- There are no resources either to operate the information and notification points or to follow up on the issues, actions and resolutions of the WTO/SPS Committee.
- Technical and financial resources have been allocated to operate the information and notification points and to follow up on some actions of the WTO/SPS Committee, but these resources are not guaranteed.
- Resources have been allocated to operate the information and notification points and to follow-up on some actions of the WTO/SPS Committee.
- Resources have been allocated to operate the information and notification points, to follow up on some actions of the WTO/SPS Committee, and for the Capital to be officially represented at the Committee on special occasions.
- Resources have been allocated to administer efficiently the information and notification focal points, to monitor the WTO/SPS Committee, to coordinate the country's position, to carry out specific activities, and to ensure a permanent official representation.

4. Human resources assigned to the matter

This evaluates the importance accorded to the matter by the number of persons who have been appointed to monitor the WTO/SPS Committee and other international issues.

Level of progress:

- No one in the country has been appointed to operate the information and notification focal points. Also, no one is responsible for monitoring WTO/SPS Committee matters.
- At least one person in the country has been appointed to operate the information and notification focal points, and one person to monitor the WTO/SPS Committee, but these are not their principal responsibilities.¹
- At least one person in the country has been appointed to operate the information and notification focal points. There is also at least one person whose principal responsibility is to monitor the WTO/SPS Committee, but the latter does not have the necessary authority to coordinate the country's position with other sectors.
- At least one person in the country has been appointed to operate the information and notification focal points. There is also at least one person whose principal responsibility is to monitor the WTO/SPS Committee and he has the necessary authority to coordinate the country's position on SPS with other sectors.
- At least one person in the country has been appointed to operate the information and notification focal points. There is also at least one person whose principal responsibility is to monitor the WTO/SPS Committee and has the necessary authority to coordinate the country's position on SPS with other sectors, and also to represent it in international forums.

1 Personnel dedicated to the issue are those public officials who devote at least 50% of their time to monitoring the WTO/SPC Committee.

Abbreviations

Codex Alimentarius	Joint FAO/WHO Commission
IICA	Inter-American Institute for Cooperation on Agriculture
IPPC	International Plant Protection Convention
National Services	National Agricultural Health and Food Safety Services
OIE	World Organization for Animal Health
PVS	Performance, Vision and Strategy
SPS	Sanitary and Phytosanitary Measures
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
WTO	World Trade Organization
WTO/SPS Committee	Committee on Sanitary and Phytosanitary Measures of the World Trade Organization

Additional notes



A series of 20 thin, light blue horizontal lines spaced evenly down the page, providing a template for handwritten notes.