



**JOINT FAO/WHO FOOD STANDARDS PROGRAMME
EXECUTIVE COMMITTEE OF THE CODEX ALIMENTARIUS COMMISSION**

Seventy-eight Session

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OTHER BUSINESS

DEALING WITH EXCEPTIONAL INTERRUPTIONS TO CODEX MEETINGS

(Prepared by the Codex Secretariat)

1. INTRODUCTION

- 1.1. In October 2019, the twenty first session of the FAO/WHO Coordinating Committee for Latin America and the Caribbean (CCLAC21), which was organized in Santiago, Chile, had to be suspended before it completed its agenda due to the local security situation.
- 1.2. The unprecedented and unpredictable nature of the circumstances at CCLAC21 resulted in a situation where the host and Codex Secretariat worked together to adjust the meeting implementation approach to try and ensure the session could still proceed securely and in a productive manner. Despite the efforts made, it was ultimately not possible to maintain a secure environment for the participants and the session had to be suspended.
- 1.3. There are a numbers of lessons to be learned from this situation for all concerned (host Secretariats, Codex Secretariat and delegations) to be prepared for security situations that may arise.
- 1.4. While not explicitly addressed in this document, the Codex Secretariat is liaising with the FAO Security unit to follow-up on this issue and the upcoming workshop for host secretariats¹ will provide an opportunity to discuss this with host countries.
- 1.5. Following the suspension of CCLAC21 there was a keen interest from the Members to adopt the report of the work that had been completed and also to find a means of completing the outstanding agenda items.
- 1.6. This highlighted the need to have processes in place to facilitate continuation of Codex work when the regular processes are unexpectedly interrupted. This document summarises the approaches that were taken after CCLAC21 to: (1) adopt the report of items discussed at the physical meeting (section 2); and (2) to complete and adopt a report of the work that could not be addressed in the session (section 3).

2. ADOPTION OF ITEMS DISCUSSED IN THE PHYSICAL MEETING

- 2.1. In order to adopt the CCLAC21 report it was proposed by the Regional Coordinator/Chairperson and agreed by the CCLAC21 participants to work by correspondence using online tools. This led to the successful adoption of the report of items concluded at CCLAC21 and its publication in December 2019².
- 2.2. For this first online adoption of a Codex report, efforts were made to ensure that the process remained as close as possible to report adoption at a physical meeting, with the Chairperson providing similar guidance regarding the need to focus on substantive issues and propose specific text alternatives and not just general comments. A Circular Letter was issued to all participants of CCLAC21 to initiate the adoption and outline the multi-step process to be followed. The Codex online commenting system (OCS) was the primary tool used to facilitate commenting on the draft report prepared by the Codex Secretariat.
- 2.3. The process highlighted the feasibility of report adoption by correspondence but also identified some challenges. On the positive side, it was possible to adopt the report; the OCS function, which allowed participants to view the comments of others as they were submitted gave a real time dimension to the adoption process; and for all agenda items that had been fully concluded, the adoption was a

¹ Scheduled for 28-29 March 2020.

² REP 20/LAC

straightforward process. Among the challenges encountered was the adoption of the report on agenda items that had only been partially concluded, in particular Item 6 on Codex work relevant to the region. This highlighted the need to carefully consider the value of including partially concluded items in the report of a suspended meeting, and finding a balance between optimally capturing the discussions and facilitating report adoption.

- 2.4. The timelines for review were kept relatively short to ensure the multi-step adoption could proceed in a timely manner. Members and Observers made every effort to respect these timelines although some discomfort was observed given that quick feedback via the OCS is not the usual practice.
- 2.5. Both the Chairperson and the Secretariat needed to commit more time working virtually and the time for translating revisions needed to be factored in. More time was needed to achieve consensus when face-to-face discussions were not possible. It was also challenging for the Chairperson to demonstrate that all comments were being equally considered when relying on an asynchronous and one dimensional means of communication – the written word.
- 2.6. The adoption process used the most readily available technology, the OCS. However, in the future, either for addressing exceptional circumstances or for committees working by correspondence, additional technology such as webinars/video conferencing/virtual meeting rooms (multilingual) and the provision of real-time automated translation of written comments within existing tools such as the OCS or the e-forum may facilitate the interaction and speed of completion.

3. DEALING WITH UNCONCLUDED AGENDA ITEMS

- 3.1. As CCLAC21 was unable to complete its agenda, the Member countries participating were very keen to complete their discussions, particularly for time sensitive agenda items such as Codex work relevant to the region, implementation of the Codex Strategic Plan 2014-2019 and development of the regional work plan for the implementation of the Codex Strategic Plan 2020-2025.
- 3.2. This presented a challenge for the Regional Coordinator/Chairperson and the Codex Secretariat as the session did not have the opportunity to establish a mechanism for working between sessions. Considering the exceptional situation, it was agreed to propose that CCLAC21 complete its work by correspondence on a no objection basis.
- 3.3. To date Members from the CCLAC region are very supportive of such an approach while also wanting to ensure that procedures are followed and the process is implemented in a transparent manner. The CCLAC Membership has now agreed to complete the discussions of its 21st session by correspondence, using the previous and ongoing experience of other committees working in this manner. The experience can also contribute to the ongoing discussions in CCGP on committees working by correspondence.
- 3.4. As there were no formal procedures for dealing with unconcluded agenda items following an unforeseen interruption of a session, this mechanism of working is being applied on an exceptional basis. It should not be considered as establishing any precedence in terms of the use of virtual working mechanisms without a committee/Commission recommendation in cases where a committee has had the opportunity to complete its session as planned.

4. CONCLUSIONS

- 4.1 Unforeseen situations can occur preventing a Codex session from proceeding as planned. The priority in such situations is to ensure the safety of all participants to the meeting. Lessons learned from CCLAC21 should lead to a review of the preparations, responsibilities and actions of host countries, the Codex Secretariat and delegations to minimize potential risks, and the Codex Secretariat is already taking steps in this regard.
- 4.2 In order to minimize the impact of unforeseen meeting interruptions on Codex work, there is a need to be flexible and use the available working mechanisms to facilitate conclusion of the work, even though they may not have been envisaged for such situations.
- 4.3 As situations as happened during CCLAC21 are fortunately rare and also cannot be predicted it may not be necessary or useful to develop specific procedural guidance but rather make all involved parties aware of the possibility of such situations and then let them use the available tools flexibly to ensure safety first and then an orderly conclusion of the relevant session.
- 4.4 The development of informal guidance for such situations, requiring that any steps taken are fully transparent and participatory manner, can be considered to be included in handbooks for host governments and chairs.

5. RECOMMENDATIONS

- 5.1 CCEXEC78 may wish to consider the following recommendations:

- i. Acknowledge the difficult challenges faced by the Regional Coordinator, host secretariat, participants and the Codex Secretariat with regard to the conduct of CCLAC21 and express appreciation for the efforts made by the Regional Coordinator to ensure the security of all participants and subsequently to adopt a session report by virtual means. .
- ii. Note the ongoing efforts to complete the discussions of the CCLAC21 agenda by correspondence, recalling that this is an exceptional situation and while the interest of the Membership to conclude their discussions is to be applauded, this process should not be considered a standard procedure within Codex.
- iii. Encourage the Codex Secretariat to work with host secretariats to ensure that there is awareness and preparedness to address potential security situations at Codex meetings.
- iv. Request the Codex secretariat to be prepared to the extent feasible to deal with exceptional situations should they arise in the future.