
Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control

RECRUITMENT OF THE HEAD OF THE CONVENTION SECRETARIAT

1. On 27 May 2006, the Fifty-ninth World Health Assembly adopted resolution WHA59.17 establishing the “permanent secretariat of the Convention within the World Health Organization and located in Geneva pursuant to decision FCTC/COP1(10)”. Accordingly, the recruitment of the Head of the Convention Secretariat followed the process articulated in decision FCTC/COP1(10).
2. At the conclusion of the process, a short list of eight candidates was interviewed and the selection panel made a single recommendation to the Director-General. On 1 June 2007, the Director-General announced the appointment of Dr Haik Nikogosian to the position of Head of the Convention Secretariat.

STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

3. The WHO Framework Convention on Tobacco Control entered into force on 27 February 2005. The ratification by Ghana and the accession of Armenia on 29 November 2004 brought the total number of Parties to 40, thereby triggering the countdown for the entry into force of the WHO Framework Convention. Pursuant to Article 36, the Convention entered into force the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.
4. Pursuant to Article 23.1 and following the entry into force of the WHO Framework Convention, the first session of the Conference of the Parties was convened by WHO and was held in Geneva from 6 to 17 February 2006. At its first session, the Conference of the Parties to the WHO Framework Convention acting in accordance with Rules 3 and 4 of its Rules of Procedure, decided that the second session of the Conference of the Parties would be held, at a date and place to be determined, in the first six months of 2007 (decision FCTC/COP1(18)). Pursuant to decision FCTC/COP1(18), all Parties were invited by note verbale to submit a proposal before 31 May 2006 to the Bureau of the Conference

of the Parties¹ if they were interested in hosting the second session. Six Parties expressed interest, and three Parties submitted complete proposals: India, South Africa and Thailand. After careful deliberation, the Bureau decided that Thailand would host the second session of the Conference of the Parties, in Bangkok, from 30 June to 6 July 2007.

5. On 3 November 2005, the milestone of 100 Parties was reached when Brazil deposited its instrument of ratification. As of 6 June 2007, there were 147 Parties to the WHO Framework Convention (see Annex 1),² accounting for about 80% of the world's population. With nearly 90% of all Member States having signed within a year of its opening for signature, the WHO Framework Convention has become one of the most rapidly embraced treaties in the United Nations system.

6. Signature indicates, *inter alia*, the intention of a State or regional economic integration organization to be bound by the WHO Framework Convention at a later date. Ratification, acceptance, approval or formal confirmation are international acts by which States or regional economic integration organizations that have already signed the WHO Framework Convention formally express their consent to be bound by it.³ WHO encourages those Member States that have signed, but not ratified, accepted or approved the WHO Framework Convention to do so as early as possible (see Annex 2 for a model instrument of ratification).

7. States that were unable to sign by the 29 June 2004 deadline may still become Parties to the WHO Framework Convention by means of accession, a single-stage process equivalent to ratification. As of 6 June 2007, Armenia, Azerbaijan, Bahrain, Equatorial Guinea, Guyana, Nauru, Oman and The former Yugoslav Republic of Macedonia have acceded to the WHO Framework Convention. Additionally, Montenegro succeeded to the WHO Framework Convention on 3 June 2006.⁴

8. The goal is to have the greatest possible number of States and regional economic integration organizations become party to the WHO Framework Convention in order to maximize the Convention's full potential as a global public health tool.

STATUS OF REPORTING BY THE PARTIES

9. In accordance with Article 21 of the WHO Framework Convention, Parties are required to submit to the Conference of the Parties, through the Secretariat, periodic reports on implementation of the Convention. At its first session, the Conference of the Parties, in decision FCTC/COP1(14), decided to require national reports to be submitted in a graduated/progressive manner, as set out in the Annex to the decision. The following summarizes the status of submissions from those Parties due to

¹ The Bureau of the Conference of the Parties comprises the officers elected from among the representatives of the Parties present at the first regular session of the Conference of the Parties, and includes a President, and five Vice-Presidents, one of whom acts as Rapporteur. Each of the WHO regions is represented by one Bureau member.

² Of the 147 Parties, 146 deposited their instruments of ratification, acceptance, approval, formal confirmation, accession or succession by 1 April 2007 (90 days prior to the beginning of the second session of the Conference of the Parties) and therefore will have voting privileges for the entire second session of the Conference of the Parties.

³ Acceptance and approval have the same international legal effects as ratification. Formal confirmation is the equivalent of ratification for regional economic integration organizations, such as the European Community.

⁴ Succession has retroactive effect to the date the newly-formed State first became responsible for its international relations. Montenegro became responsible for its international relations on 3 June 2006.

report prior to the second session of the Conference of the Parties. Parties that were due to submit reports by 27 February 2007 and did so include: Armenia, Australia, Bangladesh, Bhutan, Canada, Cook Islands, Ghana, India, Japan, Jordan, Madagascar, Maldives, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Norway, Palau, Qatar, Slovakia, Sri Lanka, Syrian Arab Republic, Thailand and Uruguay. These reports were included in the synthesis of reports (document A/FCTC/COP/2/6). Three Parties that were not yet due to report by 27 February 2007 – Nepal (not due to report until after the second session of the Conference of the Parties), Timor-Leste and United Kingdom of Great Britain and Northern Ireland (both due to report between 28 February and 30 June 2007) – submitted their reports early and were also included in the synthesis of reports. Of those Parties that were due to report by 27 February 2007 but did not submit by that date, Fiji, France, Hungary, Kenya, Malta, Nauru, Seychelles, Singapore and Trinidad and Tobago have since submitted reports to the Convention Secretariat. Parties that were due to report by 27 February 2007 and have not yet submitted reports to the Convention Secretariat include Brunei Darussalam, Iceland, Pakistan, Panama, San Marino and Solomon Islands. Parties that were due to report between 28 February 2007 and 30 June 2007 and that have submitted reports include Honduras, Marshall Islands, Micronesia (Federated States of), Peru, Senegal and Spain. Parties due to report between 28 February 2007 and 30 June 2007 that have not yet submitted reports include Botswana, Denmark, Egypt, Finland, Germany, Latvia, Lesotho, Lithuania, Netherlands, Oman, Slovenia, Turkey and Viet Nam. Finally, two additional Parties not due to report before the second session of the Conference of the Parties – Estonia and the Islamic Republic of Iran – have submitted their reports to the Convention Secretariat.

ANNEX 1

Eligible States (by region) and regional economic integration organizations that have signed and/or become Parties to the WHO Framework Convention on Tobacco Control (as of 31 May 2007) – Total: 147 Parties¹

Regions					
African (40)	The Americas (33)	South-East Asia (10)	European (46 + European Community)	Eastern Mediterranean (20)	Western Pacific (27)
Algeria Angola Benin Botswana Burkina Faso Burundi Cameroon Cape Verde Central African Republic Chad Comoros Congo Côte d'Ivoire Democratic Republic of the Congo Equatorial Guinea (a) Ethiopia Gabon Gambia Ghana Guinea Kenya Lesotho Liberia Madagascar Mali Mauritania Mauritius Mozambique Namibia Niger Nigeria Rwanda Sao Tome and Principe Senegal Seychelles	Antigua and Barbuda Argentina Bahamas Barbados Belize Bolivia Brazil Canada Chile Costa Rica Cuba Dominica Ecuador El Salvador Grenada Guatemala Guyana (a) Haiti Honduras Jamaica Mexico Nicaragua Panama Paraguay Peru Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Suriname Trinidad and Tobago Uruguay United States of America Venezuela (Bolivarian Republic of)	Bangladesh Bhutan Democratic People's Republic of Korea India Maldives Myanmar Nepal Sri Lanka Thailand Timor-Leste	Albania Armenia (a) Austria Azerbaijan (a) Belarus Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia European Community Finland France (AA) Georgia Germany Greece Hungary Iceland Ireland Israel Italy Kazakhstan Kyrgyzstan Latvia Lithuania Luxembourg Montenegro (S) Malta Netherlands (A) Norway (AA) Poland Portugal (AA) Republic of Moldova Romania San Marino Serbia	Afghanistan Bahrain (a) Djibouti Egypt Iran (Islamic Republic of) Iraq Jordan Kuwait Lebanon Libyan Arab Jamahiriya Morocco Oman (a) Pakistan Qatar Saudi Arabia Sudan Syrian Arab Republic Tunisia United Arab Emirates Yemen	Australia Brunei Darussalam Cambodia China Cook Islands Fiji Japan (A) Kiribati Lao People's Democratic Republic Malaysia Marshall Islands Micronesia (Federated States of) Mongolia Nauru (a) New Zealand Niue Palau Papua New Guinea Philippines Republic of Korea Samoa Singapore Solomon Islands Tonga Tuvalu Vanuatu Viet Nam

¹ The 146 Member States highlighted in **bold**, as well as the European Community, have become Party to the WHO Framework Convention by ratifying, accepting, approving or acceding to or succeeding to the Convention as of 6 June 2007. These Parties should be understood to have deposited their instruments of ratification unless otherwise indicated by one of the following codes: (A) denotes acceptance; (AA) denotes approval; (a) denotes accession; (S) denotes succession.

Regions					
African (40)	The Americas (33)	South-East Asia (10)	European (46 + European Community)	Eastern Mediterranean (20)	Western Pacific (27)
South Africa Swaziland Togo Uganda United Republic of Tanzania ¹			Slovakia Slovenia Spain Sweden Switzerland The former Yugoslav Republic of Macedonia (a) Turkey Ukraine United Kingdom of Great Britain and Northern Ireland Ireland		

¹ In accordance with Article 36, the WHO Framework Convention will enter into force for the United Republic of Tanzania on the ninetieth day following the date of deposit of its instrument of ratification, which occurred on 30 April 2007. This means that the Convention will enter into force for Tanzania on 29 July 2007, after the close of the second session of the Conference of the Parties. The United Republic of Tanzania will be participating in the second session as an observer in accordance with Rule 29 of the Rules of Procedure of the Conference of the Parties.

ANNEX 2

(To be signed by the Head of State, Head of Government or Minister of Foreign Affairs)

INSTRUMENT OF RATIFICATION

WHEREAS the WHO Framework Convention on Tobacco Control was adopted on 21 May 2003 in Geneva, Switzerland,

AND WHEREAS the said WHO Framework Convention on Tobacco Control has been signed on behalf of the Government of **[name of country]** on **[date of country's signature of the WHO Framework Convention on Tobacco Control]**,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare that the Government of **[name of country]**, having considered the above-mentioned Convention, ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of ratification at **[place]** on **[date]**.

[Signature]

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