

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

1. This report summarizes the main activities of the Convention Secretariat and other related work conducted after the second session of the Conference of the Parties (30 June–6 July 2007, Bangkok) up to July 2008. The activities of the Secretariat since July 2008 will be included in its presentation to the third session of the Conference of the Parties.
2. This report also updates the status of the WHO Framework Convention on Tobacco Control, implementation of various decisions of the Conference of the Parties at its second session, activities related to other articles of the Convention and decisions of the Conference of the Parties, and preparations for the third session of the Conference of the Parties.

STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

3. After the second session of the Conference of the Parties, 10 countries submitted their instruments of ratification to the United Nations Treaty Section, each becoming a Party to the Convention within the following 90 days. This will bring the total number of Parties to the Convention to 157 as of the end of September 2008.
4. Twenty-three international intergovernmental organizations and 49 nongovernmental organizations are currently accredited as observers to the Conference of the Parties. The Convention Secretariat will present new applications for consideration by the Conference of the Parties at its third session, according to the procedures outlined in the Rules of Procedure of the Conference of the Parties and decision FCTC/COP2(6).

ELABORATION OF A PROTOCOL ON ILLICIT TRADE IN TOBACCO PRODUCTS (DECISION FCTC/COP2(12))

5. At its second session, the Conference of the Parties decided to establish an Intergovernmental Negotiating Body open to all Parties to draft and negotiate a protocol on illicit trade in tobacco products, which would build on and complement the provisions of Article 15 of the Convention (decision FCTC/COP2(12)). The Bureau of the Conference of the Parties decided to convene the first session of the Intergovernmental Negotiating Body on 11–16 February 2008 in Geneva. The Convention Secretariat sent letters of convocation to all Parties and observers in October 2007, inviting nominations of delegates and participants, and the provisional agenda, which was prepared in consultation with the Bureau. As requested by the Conference, the Secretariat also prepared a report on existing agreements and arrangements relevant to the objectives of the Intergovernmental Negotiating Body and made available comments received on the template for the protocol to Parties and observers through a protected web site. Representatives of 132 Parties, 20 States non-Parties, three intergovernmental organizations and nine nongovernmental organizations participated in the session.

6. In accordance with decision FCTC/COP2(12) and at the request of the Intergovernmental Negotiating Body, its Chairperson, Mr Ian Walton-George (European Community), with the support of the Secretariat and relevant experts, prepared a chairperson's text to be submitted to the second session of the Negotiating Body. The text was due for dispatch by the Secretariat in late July 2008 in the six official languages of the Conference of the Parties to provide time for Parties to review the text and to prepare for the next session of the Negotiating Body. In accordance with the decision of the Bureau of the Conference of the Parties, the second session of the Negotiating Body will be held in Geneva from 20 to 25 October 2008. The progress report of the Body to the third session of the Conference of the Parties is contained in document FCTC/COP/3/4.

ELABORATION OF GUIDELINES AND REPORTS ON IMPLEMENTATION OF THE CONVENTION

Elaboration of guidelines for implementation of Articles 5.3, 9 and 10, 11, 12 and 13 of the Convention (decisions FCTC/COP2(8) and FCTC/COP2(14))

7. The Conference of the Parties at its second session established four working groups, to elaborate guidelines for implementation of Articles 5.3, 11, 12 and 13 of the Framework Convention, and asked the working group established at the first session of the Conference of the Parties to continue to elaborate guidelines for implementation of Articles 9 and 10 of the Convention. In addition to the Parties identified in decisions FCTC/COP2(8) and FCTC/COP2(14) as key facilitators and partners in drawing up the guidelines, 16 new Parties had submitted applications to join the working groups by 31 July 2007 (the deadline). The five working groups now have 68 participating Parties, 16 of which act as key facilitators, several of them being key facilitators or partners in more than one working group.

8. Meetings of the working groups (some as meetings of key facilitators or drafting groups at the request of the working groups) were hosted by Brazil, the European Community, Finland, Germany, India, the Netherlands, the Philippines and the Convention Secretariat between late September 2007 and early April 2008. Details of the composition of the working groups and the meetings held are given in Annex 1.

9. Three of the working groups (on Article 5.3, Article 11 and Article 13) produced draft guidelines, and two working groups (on Articles 9 and 10 and Article 12) produced draft progress

reports. The Bureau of the Conference of the Parties reviewed the progress made by the working groups at its meeting on 23 and 24 April 2008 in Geneva. In accordance with decisions FCTC/COP2(8) and FCTC/COP2(14), the Convention Secretariat made drafts of the guidelines and progress reports available to Parties in mid-May 2008, six months before the third session of the Conference of the Parties. The Bureau, in line with the process and timeline established by decisions FCTC/COP2(8) and FCTC/COP2(14), asked the key facilitators of the working groups to provide feedback to the Bureau by 15 July 2008 on comments received by 1 July 2008, with the final draft guidelines and progress reports proposed for submission to the Conference of the Parties. The final draft guidelines and progress reports produced by the working groups for submission to the third session of the Conference of the Parties are contained in documents FCTC/COP/3/5, FCTC/COP/3/6, FCTC/COP/3/7, FCTC/COP/3/8 and FCTC/COP/3/9.

Elaboration of a first report on tobacco dependence and cessation in accordance with Article 14 of the Convention (decision FCTC/COP2(14))

10. The Conference of the Parties in decision FCTC/COP2(14) requested the Convention Secretariat to elaborate, in consultation with Parties particularly interested in the issue, a first report on tobacco dependence and cessation and to submit the report to the Conference of the Parties at its third session. The first draft of the report was prepared by March 2008 and the Convention Secretariat invited peer review by experts from Parties and nongovernmental organizations that had expressed interest in participating in the process; the draft was also circulated to other experts, including several nominated by WHO's Tobacco Free Initiative and regional offices. The subsequent draft, which reflected the comments and suggestions received from experts, underwent a second round of review internationally, in particular to incorporate aspects specific to different regional and subregional groups of Parties. Overall, more than 25 experts, representing all six WHO regions, participated in the review, providing valuable comments, suggestions and data. The Convention Secretariat would like to express its particular appreciation to Professor Ann McNeill for assisting in the drafting. The report is contained in document FCTC/COP/3/10.

STUDY GROUP ON ECONOMICALLY SUSTAINABLE ALTERNATIVES TO TOBACCO GROWING (DECISION FCTC/COP2(13))

11. The Conference of the Parties at its second session mandated the study group on economically sustainable alternatives to tobacco growing (established at the first session of the Conference as an ad hoc study group on alternative crops) to continue its work and submit a report to the Conference of the Parties at its third session. The second meeting of the study group was convened on 17 to 19 June 2008 in Mexico City at the invitation of the Government of Mexico. The Convention Secretariat invited not only the participants at the first meeting (27–28 February 2007, Brasília) but also other Parties in the list of top tobacco leaf producers and Parties in which tobacco growing has a strong impact on the national economy. Invitations were also extended to intergovernmental organizations, as outlined in decision FCTC/COP2(13), and to other international intergovernmental and nongovernmental organizations with expertise in the matter, academics and policy experts. The Convention Secretariat has commissioned several cross-country reviews, some in collaboration with international partners, to support the objectives of the meeting.

12. The second meeting of the study group was attended by representatives of 18 Parties to the Framework Convention, international intergovernmental and nongovernmental organizations, experts and observers. They reviewed national and international experiences and evidence and prepared a report outlining a national policy framework to promote alternative development and key policy

aspects, such as crop substitution and profitability; alternative livelihoods other than crop substitution, and means to counteract corporate practices that undermine the promotion of economically sustainable alternatives to tobacco growing. The report of the study group to the third session of the Conference of the Parties is contained in document FCTC/COP/3/11.

REPORTING SYSTEM UNDER THE CONVENTION

13. In accordance with Article 21 of the Framework Convention and the objectives outlined by the Conference of the Parties in decisions FCTC/COP1(14) and FCTC/COP2(9), the Convention Secretariat collected and analysed the initial (two-year) Party reports; revised the first phase (Group 1 questions) of the reporting instrument; prepared the second phase (Group 2 questions) of the reporting instrument, and prepared the summary analysis report on progress being made internationally in implementation of the Framework Convention.

Reporting by Parties

14. In accordance with Article 21 of the Framework Convention, Parties are required to submit to the Conference of the Parties, through the Convention Secretariat, periodic reports on implementation of the Convention. At its first session, the Conference of the Parties, in decision FCTC/COP1(14), decided that national reports should be submitted in a progressive manner, as set out in the Annex to that decision. Parties are initially to report two years after the entry into force of the Convention for that Party and then every subsequent three years, as follows: Group 1 questions within two years of entry into force; Group 2 questions within five years of entry into force; and Group 3 questions within eight years of entry into force.

15. By the end of the second session of the Conference of the Parties (6 July 2007), 53 Parties had submitted their reports to the Convention Secretariat; by 31 December 2007, 61 Party reports had been received. In February 2008, the Convention Secretariat asked the regional office focal points to expedite submission of the reports that were still outstanding. In May 2008, the Convention Secretariat sent a note to all Parties informing them that the content of all reports received by 15 July 2008 would be reflected in the summary progress report to be submitted to the Conference of the Parties at its third session. By 15 July 2008, 126 Parties were due to submit their reports; 75 reports had been submitted to the Convention Secretariat by this date.

16. The Parties that submitted their reports by 15 July 2008 were: Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Belize, Bhutan, Botswana, Brazil, Brunei Darussalam, Canada, China, Congo, Cook Islands, Denmark, Estonia, European Community, Fiji, Finland, France, Georgia, Germany, Ghana, Guatemala, Guyana, Honduras, Hungary, India, Iran (Islamic Republic of), Japan, Jordan, Kenya, Kuwait, Latvia, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, Nepal, New Zealand, Norway, Oman, Palau, Panama, Peru, Portugal, Qatar, Republic of Korea, Romania, Senegal, Serbia, Seychelles, Singapore, Slovakia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Timor-Leste, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay and Viet Nam.

17. Fifty-two Party reports expected by 15 July 2008 are still outstanding. The WHO Framework Convention Party reporting timeline is available on the WHO web site.¹ Party reports received by the Secretariat between 15 July 2008 and the third session of the Conference of the Parties will be summarized in an addendum to this document.

Revision of the first phase (Group 1 questions) of the reporting instrument

18. In accordance with decision FCTC/COP2(9), the Convention Secretariat revised the format of the reporting instrument for Group 1 questions. The Bureau, at its meeting on 28 January 2008, agreed in principle with the proposed revised version and recommended that it undergo pilot testing with interested Parties. On the basis of recommendations received from those Parties, further changes were made to the questionnaire.

19. During its meeting on 23–24 April 2008, the Bureau accepted the final version of the revised questionnaire for provisional use by Parties, pending a decision of the Conference of the Parties at its third session. The revised questionnaire, the cover note for its use and a new set of instructions to assist Parties in completing the questionnaire were made available for provisional use by Parties in mid-May 2008. The revised reporting instrument for consideration by the Conference of the Parties is presented in document FCTC/COP/3/15.

Preparation of the second phase (Group 2 questions) of the reporting instrument

20. In decision FCTC/COP2(9), the Conference of the Parties at its second session mandated the Convention Secretariat, under the guidance of the Bureau and with the assistance of WHO and experts in the relevant fields, to elaborate a draft of the Group 2 questions and to revise the format of the questionnaire. This constitutes the second phase of the reporting instrument. The questionnaire will be used by each Party to submit its second report within 5 years of entry into force of the Convention for that Party, with the timeline set out in decision FCTC/COP1(14). The Conference of the Parties had also requested that several issues be addressed, including increasing the comparability of national data over time, provision of data in a standardized way and clear definitions and standards.

21. The Convention Secretariat finalized the draft Group 2 questions between June and August 2008, to allow time for incorporation of the revised format for Group 1 questions, as provisionally adopted by the Bureau, and the draft guidelines on several articles of the Convention prepared by the working groups. The Convention Secretariat worked closely with WHO's Tobacco Free Initiative and other experts and representatives of Parties that expressed interest in contributing. The draft Group 2 questions, presented in document FCTC/COP/3/16, build on the Group 1 questions and the lessons learnt while analysing Parties' reports; they also take into account the recommendations of the Conference of the Parties and input from the representatives of Parties and experts.

Summary analysis of progress in implementation of the Convention internationally

22. In accordance with decision FCTC/COP1(14), the Convention Secretariat is expected to prepare summary reports of the progress being made internationally in implementation of the Framework Convention. This report was prepared on the basis of the 75 Party reports received by the Convention Secretariat by 15 July 2008. It covers international and regional progress and highlights substantial

¹ http://www.who.int/fctc/reporting/who_fctc_party_reporting_timeline/en/index.html.

achievements and challenges in implementation of the Convention. It also reflects the spirit of shared learning, as requested by the Conference of the Parties. The report is contained in document FCTC/COP/3/14.

23. The Convention Secretariat expects that the next summary report, to be presented to the fourth session of the Conference of the Parties, will be based on a substantially larger number of two-year implementation reports. It would also reflect the information provided in the second implementation reports, expected within five years of entry into force of the Convention, which some Parties may be able to submit before the fourth session.

ASSISTANCE TO PARTIES FOR IMPLEMENTATION OF THE CONVENTION

24. The Convention Secretariat provided assistance to Parties in implementing the WHO Framework Convention, in line with decisions of the Conference of the Parties, and aiming at synergy and complementarity with the work of WHO's Tobacco Free Initiative and the regional offices. The work included:

- assisting Parties to prepare for the sessions of the Conference of the Parties and the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, including informing them about the agenda and expected outcomes, providing information on documentation in progress and on organizational aspects of the sessions;
- providing information and assistance to Parties, on request, in fulfilling their obligations under Article 21 of the Framework Convention, including: details of the revised reporting instrument and the second phase, assistance in completing the reporting instrument, and sharing lessons learnt by other Parties during reporting;
- raising awareness about the different convention instruments and providing advice and assistance on matters related to their use in countries; and
- raising awareness about existing and potential sources and mechanisms of assistance for promoting implementation of the Framework Convention, including further development and updating of the database on available funding and the launch of bilateral support to Parties with low resources, at their request, in assessing needs in light of their obligations under the Convention.

25. The last component required particular knowledge and mechanisms, which are now established and will allow progress to be made before the next session of the Conference of the Parties. The Convention Secretariat will increasingly support Parties in assessing their needs and accessing internationally available resources. Such support is expected to be requested after awareness raising about the available resources and mechanisms of assistance, particularly at regional workshops.

26. In order to conduct this work promptly and efficiently, the Convention Secretariat is cooperating with the WHO regional offices and host Party governments in channelling knowledge and assistance through jointly designed and co-organized regional workshops. All the workshops are designed to provide information and assistance in relation to the upcoming sessions of the Conference of the Parties and the Intergovernmental Negotiating Body, on the various Convention instruments, the reporting system under the Convention and financial resources and mechanisms of assistance for implementation of the Convention. In addition, bilateral support was initiated for needs assessment

and access to internationally available resources by Parties resulting from awareness-raising in the regional workshops. Details of the regional workshops and their outcomes and issues related to bilateral assistance to Parties are presented in document FCTC/COP/3/12.

PARTNERSHIPS AND COORDINATION WITH INTERNATIONAL BODIES

27. Following the second session of the Conference of the Parties, the Convention Secretariat began to promote awareness and cooperation for implementation of the decisions of the Conference. This included meetings with permanent missions of the Parties to the United Nations Office and other international organizations in Geneva; meetings with senior officials in governments and intergovernmental and regional economic integration organizations; meetings with representatives of civil society, and presentations in major professional forums. The Convention Secretariat also invited international intergovernmental and nongovernmental organizations with expertise in the matter to participate in the working groups established by the Conference of the Parties. Contributions were received both in writing and in presentations at the meetings of the working groups, and these were important elements in drafting guidelines for implementation of articles of the Convention.

28. Valuable cooperation was established with several intergovernmental and nongovernmental organizations accredited as observers to the Conference of the Parties, such as the African Union, the World Customs Organization, the Framework Convention Alliance and Corporate Accountability International. Their contributions included support for preparation of the third session of the Conference of the Parties, the work of the Intergovernmental Negotiating Body and the working groups established by the Conference of the Parties. Cooperation with several other observers, particularly the World Bank and the Food and Agricultural Organization of the United Nations, and their contributions to the work of the Conference of the Parties can be expected to be strengthened, in view of the economic and development dimensions of the global tobacco control agenda.

29. Valuable contributions were also received from the United Nations Office on Drugs and Crime and the International Development Research Centre for the second meeting of the study group on economically sustainable alternatives to tobacco growing. The Convention Secretariat was represented at, and contributed to the work of, the United Nations Ad Hoc Interagency Task Force on Tobacco Control, particularly in discussions on alternatives to tobacco growing and on illicit trade in tobacco products. The Secretariat also established coordination with the Common Market of the Southern Cone (MERCOSUR) and the International Telecommunication Union in relation to their applications for observer status to the Conference of the Parties.

WORK ON PERFORMANCE ASSESSMENT AND THE NEXT BUDGET

30. In decision FCTC/COP2(11), the Conference of the Parties requested the Convention Secretariat to prepare and submit to it at its third session an interim performance report for the 2008–2009 budget and a final performance report for the 2006–2007 budget. This work was completed in consultation with relevant departments of WHO and in line with the model used by WHO in its performance reports to Member States, as requested by the Conference of the Parties.

31. The final and interim performance reports are contained in documents FCTC/COP/3/18 and FCTC/COP/3/19. The Convention Secretariat also assessed various scenarios with regard to the timeline for preparation and adoption of the next budget and workplan of the Conference of the Parties. This review is contained in document FCTC/COP/3/20.

PREPARATORY WORK AND ARRANGEMENTS FOR THE THIRD SESSION OF THE CONFERENCE OF THE PARTIES

32. In decision FCTC/COP2(15), the Conference of the Parties decided that its third session would be held in South Africa in the last quarter of 2008 and that the exact date and venue should be confirmed by the Bureau. A Secretariat team visited South Africa at the end of January 2008 in order to initiate preparations with the host Government and to investigate possible venues. At its meeting in May 2008, the Bureau reviewed the proposal of the Government of South Africa and decided that its third session should be held on from 17 to 22 November 2008 at the International Convention Centre in Durban. Arrangements between the Convention Secretariat and the host Government for the organization of the third session were under way at the time of writing of this report.

33. Regular in-house coordination meetings took place with relevant units of WHO to follow progress. The Convention Secretariat also established a documentation plan for the third session in collaboration with the relevant units of WHO. A dedicated web site¹ was created to disseminate relevant information.

34. In a *note verbale* to Parties in May 2008, the Head of the Convention Secretariat provided advance information on upcoming activities, in particular on the third session of the Conference of the Parties and the draft guidelines prepared by the working groups established by the Conference. For the latter, a protected web site was established by the Convention Secretariat for Parties to access the draft guidelines and progress reports, in accordance with decision FCTC/COP2(14).

35. To support Parties in preparing for the Conference of the Parties and its subsidiaries bodies, meetings were organized with regional groups of permanent missions in Geneva, facilitated by their respective coordinators; further information on this aspect will be provided to the regional coordination meetings during the third session of the Conference. Other coordination efforts were initiated through regional workshops co-organized by the Convention Secretariat and the WHO regional offices, and additional information on this activity is contained in document FCTC/COP/3/12.

36. The Convention Secretariat provided support for the work of the Bureau of the Conference and to the Office of the President. Several meetings of the Bureau were organized: three face-to-face meetings in October 2007 and January and April 2008, two video and audio conferences in May and July 2008 and a meeting in October 2008 to review preparations for the third session. The Bureau reviewed and made decisions on a wide range of issues, including the date and venue of the second session of the Intergovernmental Negotiating Body and the third session of the Conference of the Parties and their respective provisional agendas, progress in the elaboration of draft guidelines, the revised reporting instrument for provisional use, and other issues relevant to the agenda and workplan of the Conference of the Parties.

IN-HOUSE COORDINATION, COMMUNICATION AND PUBLICATIONS

37. The Convention Secretariat worked with relevant departments and services of WHO to ensure synergy, complementarity and effective use of resources, existing knowledge and capacity. These departments include the Tobacco Free Initiative, the Office of the Governing Bodies, Office of the

¹ <http://www.who.int/fctc/cop>.

Legal Counsel, Partnerships and United Nations Reform and Conference Services. The Convention Secretariat was invited to provide input to related WHO processes, such as preparation of WHO's next programme budget, relevant cluster strategy reviews, marking World No Tobacco Day, and other in-house events related to the objectives of the Convention. The Convention Secretariat was fully involved in in-house training for and the transition to the Global Management System.

38. To improve and streamline information and communication, the Convention Secretariat has established a web site for the WHO Framework Convention, which lists current developments and activities, with background information on earlier phases of the Convention. The Convention Secretariat also published guidelines for implementation of Article 8 of the Convention on protection from exposure to tobacco smoke, the first of a series of Convention instruments. Finally, the Convention Secretariat prepared a booklet containing the history of the WHO Framework Convention on Tobacco Control, to serve as an information and advocacy tool and to commemorate a decade of intense work by governments, WHO and the international public health community in drafting, negotiating and implementing the treaty.

ANNEX 1

Working groups for the preparation of guidelines on implementation of various articles of the WHO Framework Convention on Tobacco Control

	Article 5.3	Articles 9 and 10	Article 11	Article 12	Article 13
Key facilitators	Brazil Ecuador Netherlands Palau Thailand	Canada European Community Norway	Australia Brazil Canada Peru Philippines	Germany Palau Sweden Turkey	European Community India Finland
Partners	Benin Djibouti European Community Fiji France Islamic Republic of Iran Jamaica Kenya Malaysia Namibia Nigeria Philippines Republic of Korea Turkey Uruguay Viet Nam	Algeria Australia Brazil Bulgaria China Congo Denmark Finland Ghana Hungary India Jordan Kenya Mali Mexico Netherlands Thailand Turkey Ukraine United Kingdom	Bahrain Bulgaria Cape Verde China Cook Islands Djibouti European Community Fiji France Guatemala Honduras India Islamic Republic of Iran Jamaica Japan Lesotho Malaysia Mauritius Namibia Palau Republic of Korea Singapore South Africa Sudan Thailand Turkey Ukraine United Kingdom Uruguay Viet Nam	Algeria Bahrain Barbados Benin Cameroon Canada Chad Congo Estonia Guatemala Honduras Hungary India Ireland Kenya Mauritius Malaysia Namibia Republic of Korea Spain Sri Lanka Swaziland Thailand Togo United Republic of Tanzania Uruguay	Australia Brazil Bulgaria Burkina Faso Canada China Cook Islands Djibouti Fiji France Iceland Israel Madagascar Malaysia Mauritania Netherlands New Zealand Palau Republic of Korea Sweden Thailand

Working groups	Article 5.3	Articles 9 and 10	Article 11	Article 12	Article 13
First meeting	12-14 December 2007 (The Hague)	26-28 Sept 2007 (Brussels)	7-9 Nov 2007 (Manila)	16-17 October 2007 (Geneva) (<i>Key Facilitators only</i>)	27-29 November 2007 (Helsinki)
Second meeting	3 March 2008 (Brasília) (<i>Key Facilitators only, at the request of the working group</i>)	5-7 March 2008 (Brasília)	4-5 March 2008 (Brasília) (<i>Key Facilitators and some Partners at the request of the working group</i>)	21-23 February 2008 (Berlin)	31 March-2 April 2008 (New Delhi), (<i>followed by 2 day meeting of drafting group at the request of the working group</i>)
COP3	Draft guidelines	Progress report	Draft guidelines	Progress report	Draft guidelines and recommendations on key elements of a protocol