



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

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Cooperation with international organizations and bodies for strengthening implementation of the Convention

Report by the Convention Secretariat

BACKGROUND

1. This report has been prepared in accordance with decision FCTC/COP4(17), adopted by the Conference of the Parties (COP) at its fourth session (Punta del Este, Uruguay, 15–20 November 2010), that requested the Convention Secretariat, inter alia, to continue to actively engage with relevant international organizations and bodies, in accordance with Article 24.3(e) of the WHO Framework Convention on Tobacco Control (WHO FCTC), and to present a report on progress made in this area to the COP at its fifth session. The Secretariat had presented a comprehensive report¹ to the COP at that session on the potential of cooperation with international organizations and bodies for strengthening implementation of the Convention. In the report, the Secretariat presented frameworks and opportunities regarding the potential of international organizations and bodies to provide multisectoral assistance at country level, including an initial matrix of such cooperation.

PROGRESS SINCE THE FOURTH SESSION OF THE COP

2. The three distinct but overlapping frameworks that were identified in document FCTC/COP/4/17 and reported on during the fourth session of the COP have guided the work of the Convention Secretariat in this area. The first such framework, namely the United Nations Ad Hoc Interagency Task Force on Tobacco Control, continues to be the main focus of the Secretariat's work, given its background and the expertise of members of the Task Force. In accordance with the decision of the United Nations Economic and Social Council (ECOSOC) in 2010, the Secretariat, in cooperation with the WHO Director-General's Office and WHO's Tobacco Free Initiative, actively participated in organizing the ninth and special meeting of the Task Force in February 2012. Twelve members of the Task Force, including the

¹ Document FCTC/COP/4/17.

Convention Secretariat and WHO as the chair of the Task Force, participated in the meeting.¹ The meeting was focused on the multisectoral and interagency response to needs related to implementation of the WHO FCTC and was structured around relevant articles of the Convention. Participating members of the Task Force considered their potential contribution in line with their respective expertise and mandates.

3. The deliberations during the Task Force meeting served as the basis for the report of the Secretary-General of the United Nations that was submitted to ECOSOC at its 2012 substantive session.² The report, *inter alia*, recognized the challenges of multisectoral assistance required by the Parties in their efforts to implement the WHO FCTC and at the same time described the potential of the Task Force to extend technical assistance to the Parties. It emphasized the “whole of government approach” and multisectoral collaboration through the provision of expert input and advice to Parties on specific areas of implementation at country level within the respective mandate and competencies of the Task Force members. The potential areas of collaboration concerning multisectoral assistance to Parties are described in a matrix in the Secretary-General’s report.

4. The second framework consists of intergovernmental organizations accredited as observers to the COP, some of which are also members of the Task Force. Some of the entities listed in this category have been engaged in the work facilitated by the Convention Secretariat, such as the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Conference on Trade and Development, the World Bank, the World Customs Organization, and the World Trade Organization. Furthermore, the potential of cooperation with the International Atomic Energy Agency, the United Nations Office on Drugs and Crime, and the Secretariat of the Caribbean Community are being explored. In addition, this framework also includes nongovernmental organizations accredited as observers to the COP and in the next phase of implementation assistance to Parties, the potential of such organizations will require closer attention in terms of coordination and giving further impetus to their contribution to country-level implementation of the Convention. The Convention Secretariat continues to meet regularly with civil society organizations and encourages their involvement during an annual meeting with those that are observers to the COP and during country assistance missions through the Parties concerned.

5. The third framework, concerning organizations, regional development banks and international development partners that are not in the above two frameworks, is being explored. For instance, document FCTC/COP/5/17, which deals with the emerging potential for South–South and triangular cooperation, presents a potential opportunity to strengthen the contribution of such organizations in this context. The Convention Secretariat’s cooperation with prominent development partners, such as the European Union and the Australian Government, in raising and dedicating funds to support implementation of the Convention in developing countries, has demonstrated the strong potential for further strengthening implementation of the Convention.

¹ Participants included the Food and Agriculture Organization of the United Nations, the International Labour Organization, the Secretariat of the WHO FCTC, the United Nations Development Programme, the United Nations Conference on Trade and Development, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Environment Programme (through written submission), the World Bank, the World Customs Organization, the World Health Organization, the World Intellectual Property Organization, and the World Trade Organization.

² Document E/2012/70. Available at: <http://www.un.org/en/ecosoc/docs/report2012.asp>.

RECENT GLOBAL DEVELOPMENTS RELEVANT TO IMPLEMENTATION OF THE WHO FCTC

6. Since the last session of the COP, major developments in international health cooperation have taken place. These are the First Ministerial Conference on Healthy Lifestyles and Noncommunicable Disease (NCD) Control, held in April 2011, the High-level Meeting of the General Assembly on the Prevention and Control of NCDs, held in September 2011, and the World Conference on Social Determinants of Health, held in October 2011, along with associated Political Declarations. In line with decisions FCTC/COP4(5) (the Punta Del Este Declaration) and decision FCTC/COP4(17), the Convention Secretariat actively engaged in the three events. The COP may wish to note that comprehensive implementation of the WHO FCTC is mentioned as one of the key factors in the global response to NCDs as well as in the context of social determinants of health in the declarations, as further recognition of the importance of the WHO FCTC as a major preventive and international health cooperation tool.

7. Following the report of the Secretary-General to the ECOSOC in July 2012, the ECOSOC adopted a resolution concerning United Nations system-wide coherence on tobacco control.¹ The resolution emphasized the need to further strengthen the multisectoral and interagency contribution to full implementation of the WHO FCTC; recalled the obligations of Parties to the Convention to set up comprehensive, multisectoral, national control strategies, plans and programmes, with the support of the Convention Secretariat, upon request; and invited all members of the Task Force and other United Nations funds, programmes and specialized agencies to contribute, as appropriate, to the goals of the Convention, including through multisectoral assistance, public outreach and communication, in particular in the context of the prevention and control of NCDs.

TRENDS AND DIRECTIONS

8. As reported to the fourth session of the COP, the Convention Secretariat continues to follow a comprehensive strategy for implementation assistance, by involving the United Nations system at country level as one of the prominent development partners. The evidence gathered during the pilot phase continues to reinforce decision FCTC/COP4(17), which called for integration of implementation of the Convention within the UNDAFs at country level. Such an approach, as reported earlier, is fully in line with the principles of aid effectiveness that call for country ownership in implementation and avoidance of duplication of efforts and resources.

9. Development partners continue to engage in country-level assistance missions and activities implemented by the Convention Secretariat under the workplan adopted by the COP. For instance, the Convention Secretariat continues to identify a lead donor for each low-resource Party during such missions, in order to ensure synergy and coordination in the assistance provided to Parties in need. Similarly, the Secretariat continues to involve international agencies, particularly the members of the Task Force, in implementation assistance activities. This is more prominent during joint needs assessments missions in which some Task Force members participate as part of the international teams lead by the Convention Secretariat, in line with the principles of aid effectiveness, such as “division of labour”; being a small entity, the Secretariat requests cooperation from international organizations in order to serve the needs of the Parties that require the multisectoral assistance that only specialized agencies and organizations of the United Nations system can provide. The Secretariat also continues to

¹ Resolution E/2012/L.18.

coordinate closely with WHO country offices and other relevant WHO departments in order to ensure clarity of communication regarding the objectives of country assistance activities under the mandate provided by the COP.

10. Intergovernmental and nongovernmental organizations that are accredited as observers to the COP are also involved in the normative work facilitated by the Convention Secretariat under the workplan. This has been evident in the work of the working groups on Article 6 and Articles 17 and 18. International cooperation, particularly through international organizations, such as in the Task Force, is emerging as a “mechanism of assistance” in its own right through provision of expert input, advice and technical assistance to Parties. This trend is significant given the challenges faced by Parties in implementing measures in complex areas such as taxation, illicit trade, packaging and labelling, advocacy and communication, as well as in obtaining and analysing data and statistics.

11. In this context, the role of the FAO, ILO, the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization and the World Bank, are noteworthy. The Secretariat’s partnership with UNDP is growing and there is greater involvement of the UNDP/United Nations Resident Coordinator system at country level. UNDP has an important role to play, together with the Secretariat, in assisting Parties in setting up multisectoral coordination mechanisms for implementation of the Convention as required under Article 5.1, upon request, and in facilitating the integration of implementation of the Convention within national development policies and programmes. Support to national coordination mechanisms under the normative framework of the Convention would contribute to the multisectoral response to the challenge posed by NCDs at country level and globally. The World Bank similarly continues to participate in the joint needs assessments and the regional workshops on treaty implementation and has the potential to strengthen implementation of Article 6 of the Convention. Other members of the Task Force participate in the implementation assistance activities under the COP workplan at country level as part of the United Nations country teams.

12. The Convention Secretariat has explored the potential of South–South and triangular cooperation in implementation of the Convention and submitted a report to the fifth session of the COP (FCTC/COP/5/17). The report, *inter alia*, recognizes the importance of at least six areas where there is potential for such cooperation. The South–South and triangular framework will add to and enrich existing international cooperation in implementation of the Convention through the involvement of specialized entities, such as the UNDP Special Unit for South–South Cooperation, and regional cooperation frameworks and networks of institutions in the South with the involvement of partners from developed countries.

13. In this scenario it is evident that between fifth and the sixth sessions of the COP, international cooperation in implementation of the Convention would be further crystallized and enhanced. This would take place in many ways at the country, regional and global levels. For example, the Task Force would meet each year and progress reports will be submitted to the substantive sessions of the ECOSOC. The work of the Task Force would be complemented and supported by the work of international organizations and bodies that are observers to the COP, in addition to the activities taking place under South–South and triangular cooperation, which would also see another level of involvement of various entities under the three broad frameworks described above. These developments will be reported to the regular sessions of the COP for review and further guidance.

14. In addition, links to relevant human right treaties can be further explored and utilized. The WHO FCTC recognizes the right to health and specifically refers to three human rights treaties in its Preamble: namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the International Covenant on

Economic, Social and Cultural Rights (CESCR). Parties to the Convention may wish to take into account in their reports to the human rights treaty bodies how implementation of the WHO FCTC adds value to their efforts to meet the objectives of Article 12 of the CESCR and various provisions of the CEDAW and the CRC. This takes place by means of gender-specific interventions to protect young girls and women and children through smoke-free public places and prevention of indoor smoking in general, and by taking preventive measures to dissuade these vulnerable groups from taking up smoking, and other measures under the Convention.

15. In order to further reinforce health as a human right and the binding nature of the Convention, it would be further useful to compile, regularly update and disseminate information on “success stories”, in which courts have struck down industry challenges on the grounds of the obligations of Parties under the WHO FCTC. Similarly, examples from countries that have ruled against industry challenges on grounds of health as a human right may also be disseminated.

CONCLUSIONS

16. The role of the WHO FCTC enshrined in the global development agenda through such commitments as the Political Declaration of the General Assembly on NCDs and the ECOSOC resolution on United Nations system-wide coherence on tobacco control, together with the progress made in mobilizing international cooperation through the involvement of the Ad Hoc Interagency Task Force on Tobacco Control, observers to the COP and the relevant health networks, international aid agencies and development partners, show the value addition that has been progressively achieved in the provision of assistance to Parties. This was further demonstrated during the joint needs assessment missions and other country assistance activities, the special meeting of the Task Force and the meetings of working groups established by the COP. The international cooperation mechanism already in place needs to be further utilized in order to maximize implementation assistance to Parties.

17. The Convention Secretariat will continue to utilize the expertise and potential of the Task Force, intergovernmental and nongovernmental organizations accredited as observers to the COP, and other development partners for the benefit of the Parties. It is likely that as implementation activities pick up momentum in the next few years, the matrix contained in the report of the Secretary-General to the ECOSOC in 2012 will undergo further refinement and may take the form of a joint action plan, with the potential for joint programming based on the principle of “division of labour” among the members of the Task Force, in particular.

18. The COP, in accordance with article 24.3(e) of the Convention, may wish to provide further guidance to the Convention Secretariat. In particular, the COP may wish to envisage the following for the Secretariat’s work in this area:

- continue to engage with the Task Force and with the ECOSOC in order to develop a joint plan of action for implementation of the Convention, with options for joint programming, and to establish cooperative arrangements with relevant members of the Task Force and other intergovernmental organizations and bodies, as appropriate;
- actively engage in convening annual meetings of the Task Force and contribute to the reports of the Secretary-General to the ECOSOC;
- engage with other treaty bodies that are relevant and mentioned in the Convention, such as the human rights treaties, in order to strengthen the “right to health” perspective in the context of the Convention;

- present a report on progress made in this area to the COP at its next regular session.

ACTION BY THE CONFERENCE OF THE PARTIES

19. The COP is invited to note this report and provide further guidance, in line with Articles 23.5(g), 24.3(e) and 25 of the Convention.

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