



# WORLD HEALTH ORGANIZATION

**INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL**

**A/FCTC/INB1/5  
29 August 2000**

**First session**

**Provisional agenda item 7**

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## **Participation of nongovernmental organizations in the Intergovernmental Negotiating Body**

1. By resolution WHA53.16 the Fifty-third World Health Assembly called upon the Intergovernmental Negotiating Body (hereinafter referred to as the Negotiating Body) for the WHO framework convention on tobacco control to “examine the question of an extended participation, as observers, of nongovernmental organizations according to criteria to be established by the Negotiating Body”. Previously, in resolution WHA52.18, the Fifty-second World Health Assembly had requested the Director-General “to invite, as observers at the sessions of the working group on the WHO framework convention on tobacco control and the intergovernmental negotiating body, representatives ... of nongovernmental organizations in official relations with WHO, who will attend the sessions of those bodies in accordance with the relevant Rules of Procedure and resolutions of the Health Assembly”.

2. The present document provides an overview of key provisions governing the participation of nongovernmental organizations in WHO meetings, for the discussion of item 7 of the provisional agenda, Question of extended participation of nongovernmental organizations.

3. Article 71 of the Constitution of WHO provides that WHO “may, on matters within its competence, make suitable arrangements for consultation and co-operation with nongovernmental international organizations and, with the consent of the Government concerned, with national organizations, governmental or nongovernmental”.

4. The Principles Governing Relations Between the World Health Organization and Nongovernmental Organizations set out a number of provisions relevant to participation of nongovernmental organizations in WHO meetings, which are applicable to sessions of the Negotiating Body.<sup>1</sup> WHO recognizes only one category of formal relations, known as “official relations”, with nongovernmental organizations. Paragraph 3 of the Principles establishes the criteria for admission into relations with WHO, and paragraph 4 the procedure for doing so. Generally, establishment of official relations with nongovernmental organizations is an evolving process that proceeds through a number of separate stages, beginning with informal contacts and proceeding to working relations. The Principles further establish that the Executive Board shall be responsible for deciding on the admission of nongovernmental organizations. At present 190 organizations have been admitted into official relations with WHO.

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<sup>1</sup> Adopted by the Fortieth World Health Assembly (resolution WHA40.25).

5. According to Rule 49 of the Rules of Procedure of the Health Assembly,

*Representatives of non-governmental organizations with which arrangements for consultation and co-operation have been made, in accordance with Article 71 of the Constitution, may be invited to attend plenary meetings and meetings of the main committees of the Health Assembly and to participate without vote therein in accordance with those arrangements, when invited to do so by the President of the Health Assembly or by the chairman of a main committee, respectively.*

6. In accordance with paragraph 6.1 of the Principles, the privileges conferred on nongovernmental organizations by official relationship with WHO shall include:

*(i) the right to appoint a representative to participate, without right of vote, in WHO's meetings or in those of the committees and conferences convened under its authority, on the following conditions:*

*whenever the Health Assembly, or a committee or conference convened under WHO's authority, discusses an item in which a related NGO is particularly interested, that NGO, at the invitation of the chairman of the meeting or on his acceding to a request from the organization, shall be entitled to make a statement of an expository nature, and may, with the consent of the meeting, be invited by the chairman to make, in the course of the discussion of the item before the meeting, an additional statement for purposes of clarification;*

*(ii) access to non-confidential documentation and such other documentation as the Director-General may see fit to make available through such special distribution facilities as WHO may establish;*

*(iii) the right to submit a memorandum to the Director-General, who would determine the nature and scope of the circulation.*

7. Furthermore, paragraph 6.4 of the Principles states that “a national organization which is affiliated to an international NGO covering the same subject on an international basis shall normally present its views through its government or through the international NGO to which it is affiliated, unless other arrangements are made in view of its particular relationship with WHO”.

8. In the light of the foregoing, the following avenues are open to nongovernmental organizations to participate in work of the Negotiating Body:

- nongovernmental organizations in official relations with WHO are invited to participate in sessions of the Negotiating Body pursuant to resolution WHA52.18 and in accordance with Rule 49 of the Rules of Procedure of the Health Assembly and paragraph 6 of the Principles;
- Member States may invite representatives of both national and international nongovernmental organizations to join their delegations to the Negotiating Body.

9. In addition, during the negotiating process a consultative arrangement could be organized whereby the Chairman of the Negotiating Body could meet representatives of nongovernmental organizations from time to time in an informal forum. In this way nongovernmental organizations would be able openly to share their views.