



# WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

A/FCTC/INB3/2(c)  
25 July 2001

Third session  
Agenda item 3

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## WHO framework convention on tobacco control

### Co-Chairs' working paper: Inventory of textual proposals made at the second session of the Intergovernmental Negotiating Body, merged with the Chair's Text<sup>1</sup>

#### Working Group 3

1. The following pages contain an edited and consolidated text of all amendments to the Chair's Text proposed during the four meetings of Working Group 3 during the second session of the Intergovernmental Negotiating Body (INB). Proposals that could not be integrated into the Chair's Text are shown as alternative proposals.
2. The Chair's Text is reproduced in bold-face type, including brackets and parentheses that appeared in that text. Text enclosed within square brackets [ ] indicates proposed additions; text enclosed within curved brackets { } indicates proposed deletions. Multiple brackets indicate cases in which text has been proposed as an addition while other proposals would cause that and other text to be deleted. The solidus / indicates alternative textual proposals.
3. It should be noted that this document contains all the amendments to the Chair's Text contained in the several conference papers, addenda and corrigenda produced by Working Group 3.
4. The symbols and phrases used in creating this inventory are further explained below.

#### Key to symbols and phrases

*Addendum or Add.:* contains textual proposals submitted after a meeting of a working group and issued during or after the second session. They are organized according to the sections of the Chair's Text to which they relate.

*"and":* text preceded by "and" is a wholly new addition that does not have a substantive counterpart in the Chair's Text. These additions are not numbered, as numbering has not yet been finalized.

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<sup>1</sup> Document A/FCTC/INB2/2.

“*and*” followed by “*or*”: used in cases when two or more Member States have proposed wholly new pieces of text that are alternatives to each other; “*and*” is used first to indicate that wholly new text follows; “*or*” is then used to separate the proposed alternatives.

“*bis*”: used to indicate proposed text that would add a wholly new second paragraph.

*Bold-face type*: identifies the original Chair’s Text: **Xxx**.

“*Conference papers*”: contain all textual proposals submitted during a meeting of a working group. One conference paper was produced for each of the 10 meetings of the working groups. Proposals in these documents are limited to the sections of the Chair’s Text discussed at that working group meeting (e.g., during its first meeting, Working Group 1 covered G.1, G.1(a), and G.1(b); the Conference Paper issuing from this meeting therefore contains only proposals for changes to those sections).

*Corrigendum*: contains corrections and new proposals submitted after the conference papers and addenda had been issued.

*Curved brackets*: enclose proposed deletions: {text}.

*Integrated text*: Chair’s Text of the framework convention on tobacco control, incorporating changes proposed by Member States during the second session of INB.

*Inventory*: document integrating all proposed changes to the Chair’s Text. Three inventories have been prepared, one for each Working Group.

*Multiple brackets*: enclose text proposed both as an addition by one or more Member States and as a deletion by others.

*Roman (i.e. ordinary) type*: used for all proposed amendments to the Chair’s Text.

*Solidus*: separates portions of text that are alternatives: /text/.

*Square brackets*: enclose proposed additions: [text].

“*ter*”: used to indicate proposed text that would add a wholly new third paragraph.

**Textual proposals made in the first meeting of Working Group 3,  
Tuesday, 1 May 2001, and later submitted on sections L  
and M of document A/FCTC/INB2/2<sup>1</sup>**

[Extract from document A/FCTC/INB2/2]

***L. Scientific, technical and legal cooperation***

**1. Each Party shall cooperate, in accordance with its national laws, regulations, practices and international obligations, and taking particular account of the needs of developing countries, in promoting, directly or through the secretariat of the Convention or other competent international bodies, the following:**

- (a) facilitation of the development, transfer and acquisition of technology related to tobacco control by other Parties;**
- (b) provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco-control programmes, policies and measures aiming at, *inter alia*:**
  - (i) building a strong legislative foundation as well as technical programmes, and assisting in the treatment of tobacco dependence;**
  - (ii) assisting tobacco workers in the development of alternate livelihoods;**
  - (iii) assisting tobacco growers in shifting agricultural production to alternate crops in an economically viable manner;**
  - (iv) carrying out other activities to achieve the objective of this Convention and its protocols;**
- (c) support for the establishment and maintenance of training programmes for appropriate personnel as provided in Article [INSERT];**
- (d) supply of necessary equipment for tobacco-control programmes and activities.**

**2. The Conference of the Parties shall determine how to establish a mechanism to promote and facilitate scientific, technical and legal cooperation.**

[End of extract]

***L. Scientific, technical and legal cooperation***

**1. Each Party shall [be encouraged to] cooperate {, in accordance with its national laws, regulations, practices and international obligations, and taking [into] {particular} account {of}**

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<sup>1</sup> Documents A/FCTC/INB2/WG3/Conf.Paper No.1, A/FCTC/INB2/WG3/Conf.Paper No.1 Add.1, and A/FCTC/INB2/WG3/Conf.Paper No.1 Add.2.

**the needs of developing countries,} {in promoting} / [to promote scientific, technical and legal cooperation to establish and strengthen national tobacco-control programmes, policies and measures] {, directly or through the secretariat of the Convention or other competent international bodies, the following}:**

(a) **{facilitation of the development, transfer and acquisition of [relevant skills,] technology [, knowledge and capacity] related to tobacco control by other Parties}** [building capacity of developing countries through transfer of scientific knowledge and technology aimed at tobacco control];

(b) **provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco-control programmes, policies and measures** [, build a strong legislative foundation, help treat tobacco dependence, and carry out other activities to achieve the objectives of the convention.]{**aiming at, *inter alia*:**

(i) **building** [as appropriate] **a strong legislative** [regulatory or programmatic] **foundation** [for] **{as well as technical programmes, and assisting in} the treatment of** [addiction to the nicotine in] **tobacco {dependence}** [and promoting cessation of tobacco use];

(ii) **assisting tobacco workers in the development of alternate livelihoods;**

(iii) **assisting tobacco growers in shifting agricultural production to alternate crops in an economically viable manner;**

(iv) **carrying out other activities to achieve the objective of this Convention and its protocols;**

(c) **support for the establishment {and maintenance} of [appropriate] {training} programmes for {appropriate} / [specific] personnel {as provided in Article [INSERT]}** [in the field of tobacco control];

(d) **supply of necessary equipment [and material] for tobacco-control programmes and activities.**

**2. The Conference of the Parties shall determine how to establish a mechanism to promote and facilitate scientific, technical and legal cooperation.**

[Extract from document A/FCTC/INB2/2]

*M. Conference of the Parties*

**1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the Director-General of the World Health Organization not later than one year after the entry into force of this Convention. Thereafter, ordinary sessions of the Conference shall be held every year [and convened in conjunction with the World Health Assembly] unless otherwise decided by the Conference.**

[End of extract]

*M. Conference of the Parties*

**1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by {the Director-General of the World Health Organization} / [INSERT] not later than one year after {the entry into force of this Convention} / [the date on which this Convention enters into force]. Thereafter, [unless otherwise decided by the Conference], {ordinary sessions} / [one session] of the Conference shall be held {every} / [each] year [in the three years following the closure of the first session, and subsequent sessions shall be held once every two years] {[and convened in conjunction with the World Health Assembly]} {unless otherwise decided by the Conference} [and convened in conjunction with the World Health Assembly].**

[Extract from document A/FCTC/INB2/2]

**2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat of the Convention, it is supported by at least one-third of the Parties.**

[End of extract]

**2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat of the Convention, it is supported by at least one-third of the Parties.**

[Extract from document A/FCTC/INB2/2]

**3. [The rules of procedure of the Conference of the Parties and of any subsidiary body shall be the Rules of Procedure of the World Health Assembly.] The Conference shall agree upon and adopt by [simple majority vote] [two-thirds majority vote] [rules of procedure and] financial rules for itself and for any subsidiary body it may establish.**

[End of extract]

{**3. [The rules of procedure of the Conference of the Parties and of any subsidiary body shall be the Rules of Procedure of the World Health Assembly.] The Conference [of the Parties] shall agree upon and adopt by {[simple majority vote]} / {[two-thirds majority vote]} / [consensus] [the] {[rules of procedure and]} financial rules {for itself and for any [of its] subsidiary {body} / [bodies] [it may establish]} [of WHO, except the part referring to participation of nongovernmental organizations, for which it shall establish its own provisions]. [Where consensus is not reached, the Conference shall agree upon and adopt by [simple majority vote] / [two-thirds majority vote] [rules of procedure and] financial rules for itself and for any subsidiary body it may establish.]}**

or

[3. At its first session the Conference shall, with reference to the Rules of Procedure of the World Health Assembly, establish and adopt by a two-thirds majority vote of Parties present at the session rules of procedure and financial rules for itself and for any subsidiary body it may establish.]

[Extract from document A/FCTC/INB2/2]

**4. The Conference of the Parties shall keep under regular review the implementation of this convention and its protocols and take the decisions necessary to promote the effective implementation of these instruments [and may adopt protocols, annexes and amendments to the convention, its protocols and annexes in accordance with Article [Development of the convention]]. To this end, it shall:**

- (a) periodically examine the obligations of the Parties and the institutional arrangements under the convention, in the light of its objective, the experience gained in its implementation, and the evolution of scientific and technological knowledge, as well as prevailing socioeconomic conditions;**
- (b) promote and facilitate the exchange of information pursuant to Article [Surveillance, Research and Exchange of Information];**

- [(c) facilitate, at the request of two or more Parties, the coordination of measures adopted by them relevant to the implementation of this Convention and any applicable protocols;]**
- (d) promote and guide the development and periodic refinement of comparable methodologies, in addition to those provided for in Article [Surveillance, Research and Exchange of Information] and Annexes [INSERT], relevant to the implementation of the Convention and its protocols;**
- [(e) promote, in accordance with Articles [INSERT] as appropriate, the harmonization of appropriate strategies, plans, programmes, policies, legislation and other measures;]**
- (f) promote programmes to assist Parties in implementing their obligations pursuant to Articles [INSERT];**
- (g) assess the implementation of the provisions of this Convention and its protocols by the Parties, on the basis of information made available in accordance with Article [Reporting and Implementation];**
- (h) consider and adopt regular reports on the implementation of the Convention and its protocols and arrange for their distribution;**
- (i) make recommendations to the Parties, the World Health Organization, other United Nations bodies and other international organizations and bodies on any matters necessary for the implementation of the Convention and its protocols;**
- (j) seek to mobilize financial resources to support secretariat services pursuant to Article [Secretariat] and to support the implementation of the Convention and its protocols in accordance with Articles [Financial Resources; Reporting and Implementation];**
- [(k) establish such subsidiary bodies as it deems necessary for the implementation of the Convention, review their reports, and provide guidance to them;]**
- (l) seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent intergovernmental and nongovernmental organizations and bodies as a means of monitoring activities under the Convention and its protocols;**
- (m) exercise such other functions as are required for achieving the objective of the convention, as well as all other functions assigned to it thereunder.**

[End of extract]

**4. The Conference of the Parties shall keep under regular review the implementation of this Convention {and its protocols} [, taking into account the provisions regarding the periodicity of sessions in paragraph 1 under section M of this Convention,] and take the decisions necessary to promote the effective implementation of {these instruments} / [this instrument]{and may adopt protocols, annexes and amendments to the convention, its protocols and annexes in accordance**

with Article [Development of the Convention]]} [and on the basis of existing scientific evidence].

To this end, it shall:

(a) periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of its objective, the experience gained in its implementation, and the evolution of scientific and technological knowledge, as well as {prevailing} socioeconomic conditions [particularly in Parties of developing countries];

(b) promote and facilitate the exchange of information [, by the most cost-effective and appropriate means,] pursuant to Article [Surveillance, Research and Exchange of Information];

{[(c) facilitate, at the request of two or more Parties, the coordination of measures adopted by them relevant to the implementation of this Convention and any applicable protocols;]}

(d) promote and guide the development and periodic refinement of comparable methodologies, in addition to those provided for in Article [Surveillance, Research and Exchange of Information] and Annexes [INSERT], relevant to the implementation of the Convention and its protocols;

{[(e) promote, in accordance with Articles [INSERT] as appropriate, the {harmonization} / [, the development and evaluation] {of appropriate {{strategies, plans,} programmes, policies,} {legislation} and other measures [, strategies, plans, programmes, policies];]}

(f) promote programmes to assist Parties in implementing their obligations pursuant to Articles [INSERT];

(g) assess the implementation of the provisions of this Convention {{and its protocols} by the Parties, on the basis of information made available in accordance with Article [Reporting and Implementation]} / [by the Parties, on the basis of information made available to it, including that provided by the Parties and in accordance with guidelines to be established by the Parties];

(h) consider {and} [,] adopt [and publish] regular reports on the implementation of the Convention and {its protocols and} arrange for {their} [the] distribution [of such reports to all Parties];

(i) **make recommendations to the Parties, the World Health Organization {, other United Nations bodies} and other international organizations and bodies [, including the United Nations Conference on Trade and Development,] on {any} matters {necessary for} / [related to] the implementation of the Convention {and its protocols};**

**{(j) seek to mobilize financial resources to support {secretariat services pursuant to Article [Secretariat] and to support} the implementation of the Convention and its protocols in accordance with Articles [Financial Resources; Reporting and Implementation]}**

or

[4.bis. Parties shall mobilize financial resources to support secretariat services pursuant to Article [Secretariat] and to support the implementation by Parties of the developing countries of the Convention and its protocols;];

**{[(k) establish {such}[a] subsidiary {bodies} / [body to monitor] {as it deems necessary for} the implementation of the Convention [and its Protocols] [by the Parties] {, review their reports, and provide guidance to them};]}**

(l) **seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent {intergovernmental and} nongovernmental organizations and bodies as a means of {monitoring activities under} [strengthening implementation of] the Convention {and its protocols} [after verification of the quality and accuracy of the data submitted];}**

(m) **exercise such other functions as are required for achieving the objective of the Convention [and its protocols] {, as well as all other functions assigned to it thereunder}.**

**[Extract from document A/FCTC/INB2/2]**

**[5. The United Nations, specialized agencies of the United Nations, regional economic integration organizations not parties to the Convention, nongovernmental organizations qualified in matters covered by the convention, as well as any State not party to this Convention, may be represented by observers at meetings of the Conference of the Parties, subject to the relevant Rules of Procedure and decisions of the Conference of the Parties.]**

[End of extract]

{[5. [Any State not party to this Convention,] **The United Nations, specialized agencies of the United Nations**, [other competent international organizations] / [other intergovernmental organizations, as appropriate], [**regional economic integration organizations not parties to the Convention**,] [as well as] **nongovernmental organizations qualified in matters covered by the Convention** {, as well as any State not party to this Convention,} may be represented by **observers at meetings of the Conference of the Parties, subject to the relevant Rules of Procedure and decisions of the Conference of the Parties.**}]

**Textual proposals made in the second meeting of Working Group 3,  
Wednesday, 2 May 2001, and later submitted on sections N, O  
and P of document A/FCTC/INB2/2<sup>1</sup>**

[Extract from document A/FCTC/INB2/2]

*N. Secretariat*

- 1. The secretariat of this Convention shall be provided by the World Health Organization.**

[End of extract]

*N. Secretariat*

- 1. The secretariat of this Convention shall be provided by {the World Health Organization} / [INSERT] [, which should make the necessary funds available].**

[Extract from document A/FCTC/INB2/2]

**2. The functions of the secretariat shall be:**

- (a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;**
- (b) to compile and transmit reports submitted to it pursuant to this Convention and any of its protocols;**
- (c) to facilitate support to the Parties, particularly developing-country Parties, on request, in the compilation and communication of information required in accordance with the provisions of this Convention;**
- (d) to prepare reports on its activities under this Convention and any of its protocols and submit them to the Conference of the Parties;**
- (e) to ensure, under the overall guidance of the Conference of the Parties, the necessary coordination with other relevant international bodies;**
- (f) to enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;**

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<sup>1</sup> Document A/FCTC/INB2/WG3/Conf.Paper No.2.

**(g) to perform the other secretariat functions specified in this Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.**

[End of extract]

*There were no textual proposals submitted concerning §L.2 of the Chair's Text.*

[Extract from document A/FCTC/INB2/2]

***O. Support by the World Health Organization***

**1. The Conference of the Parties may call upon the World Health Organization to provide technical cooperation in achieving the objective of this Convention or in connection with questions falling within its mandate arising out of the application of the Convention and its protocols. The Organization shall accord such support in accordance with its programmes and within the limits of its resources.**

[End of extract]

***O. {Support by} / [Relations with] the World Health Organization***

**{1. The Conference of the Parties may call upon the World Health Organization [and its partners] to provide technical [and financial] cooperation in achieving the objective of this Convention or in connection with questions falling within its mandate arising out of the application of the Convention and its protocols. The Organization shall accord such support in accordance with its programmes and within the limits of its resources [, and also help to find extrabudgetary resources for countries that require them].}**

[Extract from document A/FCTC/INB2/2]

**2. The World Health Organization may, on its own initiative, make proposals to the Conference of the Parties.**

[End of extract]

**2. The World Health Organization may, on its own initiative, make proposals [on this matter] to the Conference of the Parties.**

[Extract from document A/FCTC/INB2/2]

*P. Reporting and implementation*

**1. In accordance with guidelines agreed upon by the Conference of the Parties, each Party shall submit to the Conference the following data:**

- (a) information on tobacco control institutions, strategies, plans, programmes, policies, legislation and other measures initiated or implemented in accordance with the provisions of Articles [INSERT], together with information on enforcement, where appropriate;**
- (b) information on steps to carry out actions taken in accordance with Article [Financial Resources];**
- (c) information on the economic, social and other consequences of various response strategies adopted to implement this Convention and its protocols;**
- (d) information on measures, in addition to those described above, that the Party has taken to implement the provisions of this Convention and their effectiveness in meeting its objective;**
- (e) description of measures planned by the Party to implement this Convention.**

[End of extract]

*P. Reporting and implementation*

**{1. In accordance with guidelines [and the relevant provisions in this Convention] agreed upon by the Conference of the Parties, each Party shall {submit to the Conference [a report on the implementation of the National Programme of Tobacco Control. The report may include] {the following data } }:**

- (a) information on tobacco control {institutions,} {{strategies,} plans, programmes,} policies, [and] {legislation and} / [legislative and administrative measures and all] other measures initiated {or} implemented [and/or planned] [as well as measures planned for the implementation of the Convention] in accordance with the provisions of Articles [INSERT] {, together with information on enforcement, where appropriate};**
- (b) information on steps to carry out actions taken in accordance with Article [Financial Resources];**
- (c) [available] information on the {economic, social and other} consequences of [the] various {response} {strategies} / [measures] adopted to implement this Convention {and its protocols};**

**{(d) information on measures, in addition to those described above, that the Party has taken to implement the provisions of this convention [ , any constraints or barriers encountered in implementation, measures taken to overcome such constraints] and their effectiveness in meeting its objective;}**

**{(e) description of measures planned by the Party to implement this convention [ , including national tobacco control targets].}**

or

[1. Each Party shall establish or designate one or several agencies to be responsible for gathering and communicating information on research and monitoring and on the technical, socioeconomic, commercial and legal aspects of tobacco production and control programmes and on the progress achieved in implementing all the provisions of the Convention.]

and

[information to be exchanged pursuant to article K.]

and

[information on imported, exported and nationally manufactured tobacco products and data on consumption and smoking rates.]}

[Extract from document A/FCTC/INB2/2]

**2. Each developed-country Party and each other Party included in Annex [INSERT] shall make its initial report within six months of the entry into force for that Party of this Convention. Each Party not so listed shall make its initial report within two years of the entry into force for that Party of the Convention. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.**

[End of extract]

**2. Each {developed-country} [signatory] Party {{and each other Party} included in Annex [INSERT]} shall make its initial {report} / [communication] within {six months} / [one year] of the entry into force [of this Convention] for that Party {of this Convention} [ , and [ , ] thereafter [ , every [INSERT]] / [at a frequency to be determined by the Conference of the Parties]. {{Each [other] Party {not so listed} shall make its initial report within {two} / [four] years of the entry into force [of the Convention] for that Party {of the Convention}.} The frequency of subsequent**

communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.}

[Extract from document A/FCTC/INB2/2]

**3. To assist the Conference of the Parties in the monitoring, assessment and review of the effective implementation of this Convention, the Conference may establish a subsidiary body which shall report regularly to the Conference. The guidelines for participation in this body, as well as its monitoring functions, will be determined by the Conference.**

[End of extract]

**3. {To assist the Conference of the Parties in the monitoring, assessment and review of the effective implementation of this Convention,} the Conference may establish {a} subsidiary {body} / [bodies] which shall report regularly to the Conference. The guidelines for participation in {this body} / [these bodies] , as well as {its} / [their] monitoring functions, will be determined by the Conference.**

[Extract from document A/FCTC/INB2/2]

**4. In order to provide timely advice in the implementation of this Convention, the Conference of the Parties may, as it deems necessary, appoint, taking into account the rules and practices of the World Health Organization, ad hoc panels to provide it with information and advice on specific issues regarding the current state of fields of science and technology relevant to the objective of the Convention. The members of these panels shall be appointed by the Conference on the recommendation of the Director-General of the World Health Organization, and shall serve in their personal capacity. The Conference shall decide on the terms of reference and the modalities of work of these panels.**

[End of extract]

**4. In order to provide timely advice in the implementation of this Convention, the Conference of the Parties may, as it deems necessary, appoint {, {taking into account} / [according to] the rules and practices of the {World Health Organization}} [Conference of the Parties] , ad hoc panels to provide it with information and advice on specific issues regarding the current state of fields of science and technology relevant to the objective of the Convention. {The members of these panels shall be appointed by the Conference {on the recommendation of the Director-General of the World Health Organization,} and shall serve in their personal**

capacity.} **The Conference shall decide on the terms of reference and the modalities of work** [, and shall appoint the members] **of these panels.**

[Extract from document A/FCTC/INB2/2]

**5. Starting at its first session, the Conference of the Parties shall arrange for the provision to developing-country Parties of technical support, on request, in compiling and communicating information under this Article. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.**

[End of extract]

**5. Starting at its first session, the Conference of the Parties shall arrange for the provision to developing-country Parties of technical support {, on request,} in compiling and communicating information under this Article. {Such support may be provided by other Parties, by competent international organizations {and} / [or] by the Secretariat [within its existing resources], as appropriate.}**

**Textual proposals made in the third meeting of Working Group 3,  
Thursday, 3 May 2001, and later submitted on sections Q, R,  
D3, 6, 8 and E 4-7 of document A/FCTC/INB2/2<sup>1</sup>**

*Note: One proposal on Section D.4 was mistakenly included in the conference paper under reference. Section D.4 was addressed by Working Group 2 and the proposals for that section, including the one mistakenly included in document A/FCTC/INB2/WG3/Conf.Paper No.3, can be found in A/FCTC/INB3/2(b).*

[Extract from document A/FCTC/INB2/2]

**Q. Financial resources**

**1. Each Party undertakes to provide financial support and incentives in respect of its national activities intended to achieve the objective of this Convention, in accordance with its national plans, priorities and programmes.**

[End of extract]

**Q. Financial resources**

**1. Each Party undertakes to provide [the necessary] financial support and incentives {in respect of its national activities intended} / [to the developing countries to facilitate their national activities] to achieve the objective of this Convention, {{in accordance with its national plans,} / [respecting their national] priorities and programmes}.**

[Extract from document A/FCTC/INB2/2]

**2. A voluntary mechanism for the provision of financial resources on a grant or concessional basis, including the transfer of technology, is hereby established to function under the guidance of, and be accountable to, the Conference of the Parties. Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this Convention, the Conference shall determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to, and use of, the financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on the arrangements to give effect to this provision after consultation with the World Health Organization.**

[End of extract]

**{2. [[A {voluntary} [solidarity] mechanism [, and a compulsory mechanism] [, in the form of a multilateral Global Fund,] for the provision of financial resources on a grant {or concessional}**

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<sup>1</sup> Document A/FCTC/INB2/WG3/Conf.Paper No.3.

**basis** [by the tobacco industry], [based on the principle of unconditionality by the donor] [[to developing countries] especially for least developed countries] [,] { **including** } / [to include] **the transfer** [and development] **of** [sustainable] **technology** } , { **is** } / [are] **hereby established**[.] { **to** } [This mechanism shall] **function under the guidance** [and supervision] **of** { , **and be accountable to** { , } } **the Conference of the Parties** [, to which it shall be accountable]. **Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this Convention, the Conference shall { determine } / [decide] the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to, and use of { , the } financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on the arrangements to give effect to this provision after consultation with the World Health Organization.**[ ] }

and

[2.bis. The multilateral fund specified in 2. above shall be financed, *inter alia*, by an export tax on manufactured tobacco products. This fund shall also be voluntarily financed from parties, and in particular cases, by a decision of the Conference of Parties, non-governmental sources.]

and

[2.ter. The fund shall be used to support, *inter alia*, the economic transition of tobacco growers and workers, technology transfer for tobacco cessation programmes and for creation of testing facilities required under the Convention.]

and

[The Parties recognize that developing countries, especially those whose national economies are dependent on tobacco growing, need support to diversify into other viable options. The Conference of Parties will therefore through WHO and other United Nations agencies raise financial resources in order to:

- (i) assist tobacco workers in developing alternative livelihoods;
- (ii) assist tobacco growers in shifting to alternative crops or economically viable activities, paying particular attention to the protection of the environment.]

[Extract from document A/FCTC/INB2/2]

**3. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, voluntary funding**

**through such channels for comprehensive tobacco-control programmes in support of this objective, taking into account the needs of developing countries.**

[End of extract]

**{3.}[2] The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, [unconditional] voluntary funding through such channels for comprehensive tobacco-control programmes [including actions targeting alternative crops] in support of this objective, taking into account the needs of developing countries.**

or

[2. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, voluntary funding through such channels for comprehensive tobacco-control programmes in support of this objective, taking into account the needs of developing countries.]

[Extract from document A/FCTC/INB2/2]

**[4. The Parties recognize that developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting tobacco products from third countries, have a special responsibility to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.]**

[End of extract]

**{{[4. {The Parties recognize that [the] developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting [or selling] tobacco products {from} / [in] third countries, have a special responsibility} [It is incumbent upon the Parties] to provide technical [financial] support to developing-country Parties to strengthen their national tobacco control programmes [as well as to diversify to other economically viable options].{}} }**

[Extract from document A/FCTC/INB2/2]

**R. Settlement of disputes**

**1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention or any of its protocols, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.**

[End of extract]

**R. Settlement of disputes**

**[[1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention {or any of its protocols}, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.[]]**

[Extract from document A/FCTC/INB2/2]

**2. If the parties to the dispute cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.**

[End of extract]

**[[2. If the parties to the dispute cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.[]]**

[Extract from document A/FCTC/INB2/2]

**3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute not resolved in accordance with paragraph 1 or 2 above, it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.**

[End of extract]

**[[3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute**

**not resolved in accordance with paragraph 1 or 2 {above} / [of this article], it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.[]]**

[Extract from document A/FCTC/INB2/2]

**4. If all the parties to the dispute have not, in accordance with paragraph 3 above, accepted arbitration, the dispute shall, unless the parties otherwise agree, be submitted to conciliation. A conciliation commission shall be established as set out in paragraph 5 below at the request of one or more parties to the dispute.]**

[End of extract]

**{[4. If all the parties to the dispute have not, in accordance with paragraph 3 above, accepted arbitration, the dispute shall, unless the parties otherwise agree, be submitted to conciliation. A conciliation commission shall be established as set out in paragraph 5 below at the request of one or more parties to the dispute.]}**

[Extract from document A/FCTC/INB2/2]

**[5. Unless the parties agree otherwise:**

**(a) If the dispute is between two parties, each party shall appoint one member of the commission, and the two members so appointed shall appoint a third, who shall serve as chair. If within three months of the appointment of the first member the second member has not been appointed, or within three months of the appointment of the second member the third has not been appointed, such appointment shall be made by [INSERT] at the request of either party.**

**(b) If the dispute is between more than two parties, the parties shall agree on three members of the commission and designate one of these as chair. If within three months of the first request for the establishment of the commission no such agreement shall have been reached, the members of the commission shall be appointed and the chair designated by [INSERT] at the request of any party.]**

[End of extract]

**{[5. Unless the parties agree otherwise:**

**(a) If the dispute is between two parties, each party shall appoint one member of the commission, and the two members so appointed shall appoint a third, who shall serve as chair. If within three months of the appointment of the first member the second member has not been appointed, or within three months of the appointment of the second member**

the third has not been appointed, such appointment shall be made by [INSERT] at the request of either party[;]

(b) If the dispute is between more than two parties, the parties shall agree on three members of the commission and designate one of these as chair. If within three months of the first request for the establishment of the commission no such agreement shall have been reached, the members of the commission shall be appointed and the chair designated by [INSERT] at the request of any party.] }

[Extract from document A/FCTC/INB2/2]

**[6. Unless the parties agree otherwise, all matters concerning the conciliation shall be determined by the commission, acting by simple majority. The commission shall render a recommendatory award, which the parties shall consider in good faith.]**

[End of extract]

{**[6. Unless the parties agree otherwise, all matters concerning the conciliation shall be determined by the commission, acting by simple majority. The commission shall render a recommendatory award, which the parties shall consider in good faith.]** }

[Extract from document A/FCTC/INB2/2]

**7. The provisions of this Article shall apply with respect to any protocol, unless otherwise provided therein.**

[End of extract]

{**[7. The provisions of this Article shall apply with respect to any protocol, unless otherwise provided therein.]** }

and

[This Article does not preclude the application of the dispute settlement provisions of any other treaty in force between two or more of the Parties in relation to disputes covered by those provisions.]

and

[In the case of conflict between the Convention (or any of its protocols) and the application of another international agreement to tobacco as trade agreement the FCTC shall take priority.]

[Extract from document A/FCTC/INB2/2]

*D. Guiding principles*

**3. The importance of technical cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized.**

[End of extract]

*D. Guiding principles*

[**3. The importance** [of exchanges] **of {technical}** [and financial] **cooperation** [, particularly technology transfer] / [, transfer of technology and financial assistance] [between Parties] **{in helping} to establish and implement effective tobacco-control programmes {in Parties in which {public} health resources are limited should be}** / [is] **recognized** [and addressed] / [and acknowledged, based on strategies involving the participation of young people in research and preventive action]. [And it must take into consideration local cultural, social, economics, politics and technical expertise to establish this cooperation.]]

[Extract from document A/FCTC/INB2/2]

**6. The tobacco industry should be held responsible for the harm its products cause to public health and the environment, with each Party determining the scope of such responsibility within its jurisdiction.**

[End of extract]

{[**6. {The tobacco industry}** / [Tobacco companies] / [Tobacco manufacturers] **should be held responsible for {the}** [past, present, and future] **harm {its}** / [their] **products cause to public health and the environment {, with}** [.] **{each}** / [Each] **Party** [should consider adopting appropriate legislative measures regarding the burden of proof in relation to causation and] **{determining}** / [determine] **the scope of such responsibility within its jurisdiction** [, in accordance with its own legislation].] }

and

[Priority should be given to public health protection when tobacco control measures are examined for compatibility with other international agreements.]

[Extract from document A/FCTC/INB2/2]

**8. The provisions of this Convention should be recognized as minimum standards, and Parties are encouraged to implement measures beyond those required by the Convention.**

[End of extract]

[[]8. The [legally binding] provisions of this Convention {should be recognized as} [are] minimum {standards} [obligations] , and Parties are encouraged [and authorized] to implement [domestic] measures beyond those required by the Convention [, or improve the standards enshrined therein].[]]

or

[8. The participation of all elements of civil society excluding the tobacco manufacturers is essential in achieving the objective of this convention.]

[Extract from document A/FCTC/INB2/2]

*E. General obligations*

**4. The Parties shall cooperate in the formulation of agreed measures, procedures and standards for the implementation of this Convention.**

[End of extract]

*E. General obligations*

**4. The Parties shall cooperate in the formulation of agreed measures{,} / [and] procedures {and standards} for the implementation of this Convention [, and its protocols, as appropriate].**

[Extract from A/FCTC/INB2/2]

**5. The Parties shall cooperate with competent international bodies in order to implement effectively this Convention and the protocols to which they are parties.**

[End of extract]

**5. The Parties shall cooperate {with {competent}} / [appropriate] international bodies in order to implement effectively this Convention and the protocols to which they are parties} [, within**

not more than a year from the adoption of this Convention] [to assure that mutual goals on tobacco control are reinforced].

[Extract from A/FCTC/INB2/2)

**6. The provisions of this Convention shall in no way affect the right of Parties to adopt domestic measures in addition to those referred to above, nor shall they affect measures already taken by a Party, provided that such measures are compatible with its obligations under this Convention and the protocols to which it is a party.**

[End of extract]

{**6. The provisions of this Convention shall in no way affect the right of Parties to adopt** [more stringent] **domestic measures** [, nor the right of the Parties to enter into bilateral or multilateral agreements] **{in addition to those referred to above, nor shall they affect measures already taken by a Party} , provided that such measures** [and agreements] [aim to achieve a higher level of health protection or other public policy objectives such as the combat against fraud and illicit trade, and] **are** [in all cases] **compatible with {its obligations under}** [the provisions of] **the Convention {and the protocols to which it is a party}.}**

[Extract from A/FCTC/INB2/2)

**7. The provisions of this Convention shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention, provided that such agreements are compatible therewith. Copies of such agreements shall be communicated to the secretariat of the Convention by the Parties concerned.**

[End of extract]

{**7. The provisions of this Convention shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention, provided that such agreements** [aim to achieve a higher level of health protection which is] / **{are} compatible therewith. {Copies of such agreements shall be communicated to the secretariat of the Convention by the Parties concerned.}**}

[relocate §E.7 to §D Guiding Principles]

[relocate §E.7 to §T Final Clauses]

and

[The Parties undertake to report on national progress in giving effect to the different sections of the Convention, in accordance with guidelines agreed by the Conference of the Parties.]

and

[A federal State may notify the Conference of the Parties or the depositary that it shall assume obligations under this Convention consistent with its fundamental principles governing the relationship between its central government and its constituent States or other similar territorial entities. When making a declaration, a federal State shall provide a statement regarding the nature of its federal system, and of the effect of its federal character on the implementation of the Convention.]

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