

Progress since the Second session of the Conference of the Parties

Note by the Convention Secretariat

1. This report covers the main activities of the Convention Secretariat and other related developments towards the start of negotiations for a protocol on illicit trade in tobacco products. The report covers the progress between the Second session of the Conference of the Parties (30 June–6 July 2007) and early December 2007; further related progress will be included in the presentation of the Convention Secretariat at the First session of the Intergovernmental Negotiating Body on Illicit Trade in Tobacco Products (Geneva, 11–16 February 2008).

2. The report includes an update on the status of the WHO Framework Convention on Tobacco Control, arrangements for commencing the negotiations for a protocol on illicit trade in tobacco products, and other developments related to the topic and process of the negotiations.

Status of the Convention

3. After the Second session of the Conference of the Parties, three countries submitted their instruments of ratification to the United Nations Treaty Section, each becoming a Party to the Convention within the following 90-day period. This will bring the total number of Parties to the Convention to 151 as of the end of 2007.

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, upon their submission, for consideration at the Third session of the Conference of the Parties, according to the procedures outlined in the Rules of Procedure of the Conference of the Parties and decision FCTC/COP2(6) of the Second session of the Conference of the Parties.

5. In accordance with Article 21 of the Convention, Parties are required to submit to the Conference of the Parties, through the Secretariat, periodic reports on their implementation of the Framework Convention. At its first session, the Conference of the Parties, in decision FCTC/COP1(14), decided to require national reports to be submitted in a graduated/progressive manner, as set out in the Annex to the decision. Fifty-three of the 78 Parties that were due to report by 1 December 2007 had submitted their reports to the Convention Secretariat by that date. Twenty-five Party reports are therefore still outstanding. Three Parties were not due to report by 1 December 2007, but have submitted their reports early.

Arrangements towards commencing the negotiations

6. The Conference of the Parties, at its second session, 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 upon and complement the provisions of Article 15 of the Convention (decision FCTC/COP2(12)). The Conference further decided that the intergovernmental negotiating body would hold its first session in Geneva in early 2008 and a second session preferably immediately before the Third session of the Conference of the Parties, or at another time to be decided by the Bureau. The Conference also decided that the negotiating body would report to the Third session of the Conference of the Parties on the progress of its work.

7. Pursuant to the decision of the Conference of the Parties, the Bureau of the Conference of the Parties, at its meeting on 2 October, decided to convene the First session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products from 11 to 16 February in Geneva. The Bureau further recommended that November 2008 would be the preferred timing for convening the Third session of the Conference of the Parties, pending the proposal from South Africa, the host country, and that reasonable time should be left between the Second session of the Intergovernmental Negotiating Body and the Third session of the Conference of the Parties.

8. The Head of the Convention Secretariat sent letters of convocation to all Parties on 26 October 2007 inviting nomination of delegates to the First session of the Intergovernmental Negotiating Body, along with the provisional agenda proposed in consultation with the Bureau. Letters of convocation were also sent to States which are not Parties to the Convention, as well as to international intergovernmental and nongovernmental organizations that are observers to the Conference of the Parties.

9. As requested by the Conference of the Parties, the Convention Secretariat has prepared a report to the First session of the Intergovernmental Negotiating Body on existing agreements and arrangements relevant to the objective of the Intergovernmental Negotiating Body.¹

10. Pursuant to decision FCTC/COP2(12) at the Second session of the Conference of the Parties, the Convention Secretariat received comments from the Parties and observers on the template for a protocol on illicit trade in tobacco products as set out in document A/FCTC/COP/2/9. As requested by the Conference of the Parties, the Convention Secretariat made the comments available to the Parties and observers via a protected web site.

¹ Document FCTC/COP/INB-IT/1/INF.DOC./1.

Related developments

11. The Conference of the Parties, at its second session, established four working groups to elaborate guidelines for the implementation of Articles 5.3, 11, 12 and 13 of the Framework Convention, and requested the working group established by the First session of the Conference of the Parties to continue its work on the elaboration of guidelines for the implementation of Articles 9 and 10 of the Framework Convention. In addition to the Parties identified in decisions FCTC/COP2(8) and FCTC/COP2(14) as partners in the development of the different guidelines, 27 new Parties submitted applications to join the working groups by 31 July 2007 (the deadline). In total, the five working groups currently have 130 participating Parties, with 20 acting as key facilitators.

12. The work of all working groups, led by their key facilitators in collaboration with the Convention Secretariat, is currently in progress. The first meetings of the working groups have been hosted by the European Community (Brussels, 26–28 September 2007, for Articles 9 and 10); the Philippines (Manila, 7–9 November 2007, for Article 11); Finland (Helsinki, 27–29 November 2007, for Article 13); and the Netherlands (The Hague, 12–14 December 2007, for Article 5.3). Germany will host the meeting of the working group for Article 12 in Berlin, on 21–23 February 2008. The second meetings of the working groups, as and when necessary, are envisaged in early spring 2008 for finalization of draft reports and guidelines in April 2008, to ensure that Parties have access to the drafts for their comments at least six months before the Third session of the Conference of the Parties, as requested by the Conference at its second session. The Convention Secretariat provides the necessary organizational and technical support to the working groups, in cooperation with WHO.

13. Following the Second session of the Conference of the Parties, the Convention Secretariat commenced substantial work to promote awareness and cooperation for the implementation of the decisions of the Conference. This included, inter alia, meetings with permanent missions of the Parties to the United Nations Office and other international organizations at Geneva, meetings with senior officials in governments, international intergovernmental and regional economic integration organizations, and with representatives of civil society, and presentations in major professional forums. The Convention Secretariat also invited the international intergovernmental organizations and nongovernmental organizations with specific expertise in the matter to participate and contribute to the work of the working groups established by the Conference of the Parties at its second session. The contribution of relevant organizations is channelled through written views and suggestions, as well as through participation in, and presentations at, the meetings of the working groups, and this is an important element in the process of elaborating guidelines on the different Articles of the Framework Convention.

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