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## **Progress since the first session of the Intergovernmental Negotiating Body**

### **Report by the Convention Secretariat**

1. This report summarizes the main activities and other related work conducted after the first session of the Intergovernmental Negotiating Body (11–16 February 2008, Geneva) up to July 2008. The activities of the Convention Secretariat since July 2008 will be included in its presentation to the second session of the Negotiating Body.
2. The report also includes an update on the status of the WHO Framework Convention on Tobacco Control, preparatory work for the second session of the Intergovernmental Negotiating Body, arrangements for regional coordination and other developments.

#### **Status of the WHO Framework Convention on Tobacco Control**

3. Since the second session of the Conference of the Parties in July 2007, 10 countries have 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) of the second session of the Conference of the Parties.

## Activities since the first session of the Intergovernmental Negotiating Body

5. The first session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products was attended by representatives of 132 Parties, 20 States non-Parties, three intergovernmental organizations and nine nongovernmental organizations. A template for a protocol prepared by the expert group set up by the Conference of the Parties at its first session formed the basis of the discussions. The Parties also referred to the Convention Secretariat's note *Existing agreements and arrangements relevant to the objective of the Intergovernmental Negotiating Body*.<sup>1</sup>

6. Before the closure of the first session, the Chairperson prepared and presented a document<sup>2</sup> on the drafting and negotiation of a protocol, which recorded his personal view of the overall content of the discussions during the first session but not a record thereof. (The summary records were being produced by WHO's Secretariat.) Furthermore, he indicated that, in accordance with decision FCTC/COP2(12), a chairperson's text would be drafted and presented to the Intergovernmental Negotiating Body at its second session.

7. The Chairperson of the Intergovernmental Negotiating Body informed the Bureau of the Conference of the Parties about progress made at its meeting on 23 and 24 April 2008. He was working on a text of a draft protocol to be submitted to the Negotiating Body at its second session, as requested at the first session, in line with the decision of the Conference of the Parties (FCTC/COP2(12)). He aimed to finalize the text by the end of June 2008, to allow time for editing and translation before dispatch to the Parties. In preparing his draft text, he said that he had relied on the support of the Convention Secretariat and other experts.

8. At the same meeting, the Bureau of the Conference of the Parties reviewed a proposal for the date and venue of the second session of the Intergovernmental Negotiating Body, prepared by the Convention Secretariat in light of the delegates' comments during the first session. The Bureau decided that the second session would be held in Geneva from 20 to 25 October 2008. The Bureau also agreed on the draft provisional agenda for the second session proposed by the Convention Secretariat in coordination with the Chairperson of the Intergovernmental Negotiating Body. One item on the provisional agenda, relating to officers of the Negotiating Body, was discussed by the Bureau at a video conference in May 2008 on the basis of a note prepared by the WHO Legal Counsel.

9. The Chairperson's text was delivered as planned, and the Convention Secretariat intends to make it available to Parties on the web site in the six official languages of the Conference of the Parties in late July 2008, with dispatch scheduled for mid-August 2008.

10. Regular in-house coordination meetings were held with relevant units of WHO to follow progress. In collaboration with relevant units of WHO, the Convention Secretariat also established a documentation plan for the second session of the Intergovernmental Negotiating Body. A dedicated web site (<http://www.who.int/fctc/inb>) has been created to disseminate relevant information.

11. In a *note verbale* to the Parties in May 2008, the Head of the Convention Secretariat provided advance information on upcoming activities, including on the second session of the Intergovernmental Negotiating Body and on preparation of the Chairperson's text.

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<sup>1</sup> Document FCTC/COP/INB-IT/1/INF.DOC./1.

<sup>2</sup> Document FCTC/COP/INB-IT/1/7.

12. The Convention Secretariat communicated with the Bureau of the Intergovernmental Negotiating Body throughout the intersessional period concerning the provisional agenda and preparations for the second session. A meeting of the Bureau has been tentatively planned for early September 2008 to review preparations for the second session.

**International coordination and other related developments**

13. In order to support Parties in preparing for the second session of the Negotiating Body, meetings were organized with permanent missions of countries in regional groups in Geneva, facilitated by their respective coordinators. Further information will be provided to the regional coordination meetings during the second session.

14. As part of its support to Parties for implementation of the Framework Convention, the Convention Secretariat, in cooperation with WHO regional offices and host-Party governments, jointly organized several regional and subregional workshops. Preparations for the second session of the Intergovernmental Negotiating Body and the Chairperson's text, in order to assist Parties in regional coordination before the second session, will make an important part of these workshops. Details of the workshops and their outcomes will be submitted to the Negotiating Body at its second session.

15. Other related activities included a review of feedback from the first session of the Negotiating Body by the United Nations Ad Hoc Interagency Task Force on Tobacco Control (New York, 21–22 February 2008), and substantial cooperation with the World Customs Organization on matters related to the work of the Intergovernmental Negotiating Body.

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