



WORLD HEALTH ORGANIZATION

**FIRST MEETING OF THE WORKING GROUP
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
Geneva, Switzerland
25 to 29 October 1999**

**A/FCTC/WG1/1 Add.1
3 September 1999**

Annotated provisional agenda

The first meeting of the working group on the WHO framework convention on tobacco control (hereafter referred to as the working group) will be held at the Palais des Nations, Geneva, from 25 to 29 October 1999. Working hours are from 9:30 to 12:30 and from 14:30 to 17:30, except for the opening (see below). Interpretation will be provided in all official languages.

Documents for the meeting will be dispatched as soon as available. As from 30 September 1999 they can be accessed on Internet through the WHO website (<http://www.who.int>) under the button "Governance".

1. Opening of the meeting by Dr Gro Harlem Brundtland, Director-General

The meeting will be opened by the Director-General at 9:00 on Monday, 25 October, in Salle XVIII at the Palais des Nations, Geneva.

2. Election of officers

Pursuant to Rules 34 and 36 of the Rules of Procedure of the World Health Assembly, the working group is to elect a chairman, two vice-chairmen, and a rapporteur.

3. Adoption of the agenda and timetable (Document A/FCTC/WG1/1)

The provisional agenda and timetable is submitted for adoption.

4. Method of work of the working group

By resolution WHA52.18, the Health Assembly established the working group on the WHO framework convention on tobacco control pursuant to Rule 42 of its Rules of Procedure. As a subsidiary body of the Health Assembly, the Rules of Procedure of the latter shall apply.

Information and technical briefings

5. Overview of the WHO framework convention on tobacco control process

- (a) Summary of work to date and resolution WHA52.18

Resolution WHA52.18 outlines an integrated process for developing the WHO framework convention on tobacco control (hereafter referred to as the framework convention) and possible related protocols. The process for developing the framework convention, the chronology of work undertaken thus far, and future steps will be briefly reviewed.

- (b) Summary reports from the recent WHO regional committees

Summaries will be provided of the following meetings, particularly regarding discussions directly related to ongoing work on the framework convention: Regional Committee for Africa (forty-ninth session), Regional Committee for the Americas (fifty-first session), Regional Committee for South-East Asia (fifty-second session), Regional Committee for Europe (forty-ninth session), Regional Committee for the Eastern Mediterranean (forty-sixth session), and Regional Committee for the Western Pacific (fiftieth session).

- (c) Report concerning the first meeting of the Ad Hoc Interagency Task Force on Tobacco Control

United Nations Economic and Social Council resolution E/1999/56 of 30 July 1999 endorses the establishment of a United Nations Ad Hoc Interagency Task Force on Tobacco Control under WHO's leadership. This new body replaces the UNCTAD focal point for tobacco. It intensifies the joint response of the United Nations system to the tobacco epidemic and provides a multisectoral mechanism for tackling the epidemic. A summary will be provided of the first meeting of the Task Force (New York, 29 and 30 September), particularly the discussions relating to the framework convention.

6. Technical briefings

- (a) Treaties make a difference (Document A/FCTC/WG1/4)

A review of international lawmaking in a wide variety of areas indicates that global agreements, such as the framework convention, can play a significant role in addressing international problems. The briefing will outline those factors which may enhance the effectiveness of a legally binding treaty, and will suggest pointers for the framework convention process.

- (b) Treaty-making process (Document A/FCTC/WG1/5)

The deliberations of the working group represent a crucial step in the treaty-making process. The briefing will review the evolution of international treaties within the context of the framework convention process, and will outline the different ways of accomplishing specific tasks such as those set for the working group.

- (c) Public health context (Document A/FCTC/WG1/3)

The rationale for the proposed framework convention is to improve global public health by reducing the burden of disease attributable to tobacco. The briefing will outline the public health

context in which the convention is being developed, and summarize how it will provide a global complement to national tobacco policies and activities.

(d) Economics of tobacco control (Document A/FCTC/WG1/2)

Tobacco is among the foremost causes of preventable and premature deaths. Yet comparatively simple and cost-effective policies to reduce its devastating impact are already available. The briefing will review the empirical evidence supporting economic interventions and sound economic policies on tobacco control.

(e) Strengthening national legislation

A major reason for adopting and implementing legally binding treaties, conventions or agreements is that, if effective, these instruments help strengthen national legislation and action on specific issues (see also subitem 6(a)). The briefing will provide specific examples of how international treaties have met this objective.

7. Technical briefing/discussion: preparation of the proposed draft elements of the framework convention (Document A/FCTC/WG1/6)

The terms of reference for the working group, as outlined in resolution WHA52.18, are to prepare proposed draft elements of the framework convention. A primary objective of this technical briefing/discussion, therefore, will be for participants to define substantive elements, which will largely, though not exclusively, be ones that are peculiar to the proposed tobacco control regime, and procedural elements, which can be identified in other similar framework conventions.

Document A/FCTC/WG1/6 is intended to catalyse discussion and debate in the working group on the appropriate substantive and procedural elements of the proposed convention. It is suggested that the structure of the discussion could follow that of the working document, which outlines possible elements of the proposed convention in the following sections: I - preamble, objective and principles; II - obligations; III - institutions; IV - implementation mechanisms; V - law-making procedures; VI - final clauses. In view of the technical nature of the working group it might wish to focus more on the substantive elements described in sections I, II, and III.

Elements of a framework convention are identified in Part A of each section, and tobacco-specific examples are given in Part B. The document does not provide a comprehensive treatment of each element of a framework convention, nor is it a draft of the proposed convention. Possible tobacco-specific language and examples are cited in order to demonstrate the type of provisions that might be included, but are not intended as recommendations. In particular, no assumptions have been made as to political feasibility.

A series of questions in a framed box appear at the end of each section, intended as a starting point and catalyst for discussion. Delegations may wish to refer to these questions, and related documentation, when preparing for the working group meeting.

Delegations may also wish to refer to document A/FCTC/WG1/3 which analyses, from a public health perspective, the possible scope of the proposed convention and related protocols (see agenda item 8, below).

8. Technical briefing/discussion: possible protocols (Document A/FCTC/WG1/3)

(a) Subjects of possible protocols

Resolution WHA52.18 outlines the process for the formulation and negotiation of a framework convention supported by protocols. In the nature of framework regimes it is necessary to distinguish between those obligations that all potential parties might be ready to assume immediately, and which would thus be included in a framework convention, and those obligations that are not likely to be immediately acceptable to all Member States, and which would then be included in protocols that could be negotiated simultaneously with the convention or at a later time.

Since framework conventions are recognized as generators of protocols, the discussions on possible subjects of related protocols are linked to the preceding ones on preparation of the proposed draft elements of the framework convention (agenda item 7).

Document A/FCTC/WG1/3 reviews the possible scope of the proposed convention and related protocols and the main considerations which might be taken into account from a public health perspective. The proposals are based only on public health considerations and need to be evaluated from the viewpoint of their political and legal feasibility. Since the framework convention and protocol approach will allow for the incremental development of an international legal regime for global tobacco control, more issues could be appended, even after the adoption of a convention and initial protocols. However, the national and cross-border components of global tobacco control need to be addressed in tandem, or success in combating the tobacco epidemic cannot be assured.

(b) Relation of possible protocols to the framework convention

The working group may wish to refer to Annex A of document A/FCTC/WG1/3 for a clarification of the relationship between framework conventions and protocols.

9. Administrative arrangements: discussion of the work plan and timetable for developing the proposed draft elements of the framework convention (Document A/FCTC/WG1/5)

The working group may wish to consider how it should proceed in the period leading up to the 105th session of the Executive Board (24 to 29 January 2000), the next meeting of the working group, and the Fifty-third World Health Assembly (15 to 20 May 2000). In this regard, document A/FCTC/WG1/5 (paragraphs 10 to 14) outlines different ways of accomplishing tasks of the kind set for the working group.

In choosing how to allocate its tasks, the working group may wish to take account of the time constraints of its work. At the end of this first meeting the group should approve a report to be submitted to the Executive Board at its 105th session. Similarly, at the end of its second meeting it should approve a report to the Fifty-third World Health Assembly.

The reports of the working group could consist of an introduction summarizing its procedures and meetings, and a main part, in particular in its report to the Health Assembly, consisting of categorized lists of the treaty elements identified. After consideration by the Health Assembly, these lists would constitute the basis of the work of the intergovernmental negotiating body.

10. Role of the secretariat (Document A/FCTC/WG1/5, section 3)

In defining the administrative arrangements for its work, the working group may wish to consider the role of the secretariat.

11. Participation in the framework convention process: the use of electronic communication

The working group may wish to consider the role of electronic communication to facilitate any extrasessional work which it chooses to undertake.

12. Working group budget

The working group may wish to consider the budget for completion of its work.

13. Next meeting of the working group

In determining how it should proceed in the period leading up to the Fifty-third World Health Assembly, the working group may wish to decide on the date and venue for its next meeting.

14. Approval of the draft report to be submitted to the Executive Board

Pursuant to the reporting obligations set out in resolution WHA52.18, the working group is required to submit a report of its first meeting to the Executive Board at its 105th session. Time permitting, the Rapporteur, under the guidance of the Chairman, will draft a report for consideration by the working group before the close of the meeting; if not, he or she may be authorized to complete it after the meeting, under the guidance of the Chairman.

15. Closure of the meeting

Closing remarks by the Chairman of the working group.

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