



**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

FCTC/COP/3/REC/2

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**CONFERENCE OF THE PARTIES TO THE  
WHO FRAMEWORK CONVENTION ON  
TOBACCO CONTROL**

**Third session**

**DURBAN, 17–22 NOVEMBER 2008**

**VERBATIM RECORDS  
OF PLENARY MEETINGS**

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***CONFÉRENCE DES PARTIES À LA  
CONVENTION-CADRE DE L'OMS POUR LA  
LUTTE ANTITABAC***

***Troisième session***

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***COMPTES RENDUS IN EXTENSO  
DES SÉANCES PLÉNIÈRES***

GENEVA  
GENÈVE  
2010

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## **PREFACE**

The third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control was held in Durban, South Africa, from 17 to 22 November 2008. The proceedings are issued in three volumes, containing, in addition to other relevant material:

decisions and ancillary documents – document FCTC/COP/3/REC1  
summary records of committees – document FCTC/COP/3/REC/2  
verbatim records of plenary meetings – document FCTC/COP/3/REC/3

The documentation, including the list of participants, is accessible on the following web site:  
<http://www.who.int/fctc/>

In these verbatim records, speeches delivered in Arabic, Chinese, English, French, Russian or Spanish are reproduced in the language used by the speaker. The texts include corrections received up to 5 February 2010, the cut-off date announced in the provisional version, and are thus regarded as final.

## **AVANT-PROPOS**

La troisième session de la Conférence des Parties à la Convention-cadre de l'OMS pour la lutte antitabac s'est tenue à Durban (Afrique du Sud) du 17 au 22 novembre 2008. Ses actes paraissent dans trois volumes contenant notamment :

les décisions et documents auxiliaires – document FCTC/COP/3/REC1  
les comptes rendus in extenso des séances plénières – document FCTC/COP/3/REC/2  
les procès-verbaux des commissions – document FCTC/COP/3/REC/3

La documentation, y compris la liste des participants, peut être consultée sur le site Web  
<http://www.who.int/fctc/>

Les présents comptes rendus in extenso reproduisent dans la langue utilisée par l'orateur les discours prononcés en anglais, arabe, chinois, espagnol, français ou russe. Ces comptes rendus comprennent les rectifications reçues jusqu'au 5 février 2010, date limite indiquée dans la version provisoire, et sont de ce fait considérés comme définitifs.

## **ПРЕДИСЛОВИЕ**

Третья сессия Конференции Сторон Рамочной конвенции ВОЗ по борьбе против табака состоялась в г. Дурбан, Южная Африка, с 17 по 22 ноября 2008 г. Материалы сессии публикуются в трех томах, в которых, помимо других документов, содержатся:

решения и вспомогательные документы - документ FCTC/COP/3/REC1  
стенографические отчеты о пленарных заседаниях – документ FCTC/COP/3/REC/2  
протоколы заседаний комитетов – документ FCTC/COP/3/REC/3

Документация, включая список участников, доступна на следующем веб-сайте:  
<http://www.who.int/fctc/>

В стенографических отчетах выступления участников на английском, арабском, испанском, китайском, русском и французском языках приводятся на языке оригинала. Указанные тексты включают исправления, полученные до 5 февраля 2010 г., конечного срока, указанного в предварительной редакции, в связи с чем они считаются окончательными.

## **INTRODUCCIÓN**

La tercera reunión de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco se celebró en Durban (Sudáfrica), del 17 al 22 de noviembre de de 2008. Sus debates se publican en tres volúmenes que contienen, entre otras cosas, el material siguiente:

Decisiones y documentos complementarios – documento FCTC/COP3/REC/1

Actas taquigráficas de las sesiones plenarias – documento FCTC/COP3/REC/2

Actas resumidas de las comisiones – documento FCTC/COP3/REC/3.

Los documentos, incluida la lista de participantes, se pueden consultar en el sitio web <http://www.who.int/fctc/es/index.html>.

En las actas taquigráficas los discursos pronunciados en árabe, chino, español, francés, inglés o ruso se reproducen en el idioma utilizado por el orador. Las actas contienen las correcciones recibidas hasta el 5 de febrero de 2010, fecha límite anunciada en la versión provisional, y por consiguiente se consideran definitivas.

عقدت الدورة الثالثة لمؤتمر الأطراف في اتفاقية منظمة الصحة العالمية الإطارية بشأن مكافحة التبغ في دوربان، جنوب أفريقيا في الفترة من 17 إلى 22 تشرين الثاني/نوفمبر 2008. وتنتشر محاضره في ثلاث مجلدات تحتوي بالإضافة إلى مواد أخرى ذات صلة كما يلي:

القرارات والوثائق الثانوية - الوثيقة FCTC/COP/3/REC/1  
المحاضر الحرفية للجلسات العامة - الوثيقة FCTC/COP/3/REC/2  
المحاضر الموجزة للجان - الوثيقة FCTC/COP/3/REC/3

ويمكن الاطلاع على الوثائق، بما فيها قائمة بالمشاركين على الموقع التالي على شبكة الإنترنت: <http://www.who.int/fctc/>

وفي المحاضر الحرفية تلك ترد الخطابات التي تلقى بالعربية أو الصينية أو الإنكليزية أو الفرنسية أو الروسية أو الأسبانية باللغة التي يلقبها بها المتحدث. وتتضمن النصوص التعديلات التي وردت حتى يوم 5 شباط/فبراير 2010 وهو الموعد النهائي المعلن عنه في الصيغة المؤقتة، وعليه فإن النصوص تُعد نهائية.

## 前言

世界卫生组织烟草控制框架公约缔约方会议第三届会议于2008年11月17日至22日在南非德班举行。除其它相关材料外，本次会议记录分三册发布，载有：

决定和附属文件——文件FCTC/COP/3/REC/1  
全体会议逐字记录——文件FCTC/COP/3/REC/2  
委员会摘要记录——文件FCTC/COP/3/REC/3

可通过下列网址获取包括与会者名单在内的会议文件：<http://www.who.int/fctc/>

在逐字记录中，以阿拉伯文、中文、英文、法文、俄文和西班牙文所作的会议发言，以发言者所使用的语言复写而成。散发临时版本时曾宣布，2010年2月5日是提交文字修改的截止日期，本版本包含了该日期之前收到的修改意见，因而可视为最终版。





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## **VERBATIM RECORDS OF PLENARY MEETINGS**

### **COMPTES RENDUS IN EXTENSO DES SÉANCES PLÉNIÈRES**

#### **FIRST PLENARY MEETING**

**Monday, 17 November 2008, at 14:45**

**President:** Dr HATAI CHITANONDH (Thailand)

#### **PREMIÈRE SÉANCE PLENIÈRE**

**Lundi 17 novembre 2008, 14h45**

**Président:** Dr HATAI CHITANONDH (Thailand)

#### **1. OPENING OF THE SESSION OUVERTURE DE LA SESSION**

The PRESIDENT:

Good afternoon distinguished representatives. In my capacity as President of the Conference of the Parties, I have the honour to declare open the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. I would like to take this opportunity to thank you for electing me President of this session during the second session of the Conference in Bangkok in 2007. With your support, I will do my best to preside over this meeting. I trust that many representatives here participated in the Conference's session held last year in Bangkok and hosted by the Government of Thailand. The 2007 meeting made important strides forward in efforts to control tobacco use globally.

**2. STATEMENT BY THE PRESIDENT OF THE THIRD SESSION OF THE CONFERENCE OF PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**  
**ALLOCUTION DU PRESIDENT DE LA TROISIEME SESSION DE LA CONFERENCE DES PARTIES A LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC**

The PRESIDENT:

Among other decisions, the second session of the Conference of the Parties adopted the first guidelines for implementation of Article 8 of the treaty and established the process for the development of several other guidelines. The session also marked another milestone by opening negotiations for the first protocol to the Convention on illicit trade in tobacco products. Much has been accomplished during this year after the second session. The Intergovernmental Negotiating Body started negotiations for a protocol on illicit trade in tobacco products, and the working groups established by the Conference prepared several draft guidelines and progress reports as requested. Work also progressed in several other areas, such as tobacco dependence and cessation, alternatives to tobacco growing, advancing the reporting instruments and some others. This was the first year of the functioning of the permanent Secretariat of the Convention, which was another important step in the treaty process. I would like to thank the Convention Secretariat for the efficient arrangements and for the good level of cooperation with the Bureau of the Conference. May I also thank my colleagues in the Bureau for their valuable support and contributions during the inter-sessional period. All the accomplishments made during this year, which I have just described, served as groundwork for this week's meetings.

We have a full agenda to cover over the next six days. The period after the second session also marked important progress in many countries. A large number of Parties adopted new policies and legislation in line with the treaty applications, and more than 10 countries became new Parties to the WHO Framework Convention on Tobacco Control. May I take this opportunity to congratulate them on this important milestone.

*(Applause/Applaudissements)*

As in the previous sessions, the work ahead this week will be intense, and sometimes it may be difficult. But I have no doubt that the outcome will be positive, thanks to all your contributions. I wish to state that the Bureau which I have the honour to chair will be at the disposal of the delegations for assistance as necessary to achieve the objectives of the third session. Thank you for your attention. Dr Chan, Director-General of WHO, was unable to be with us today. However, she has sent a message to this Conference via videotape, which I propose we listen to now.

**The video recording of the Director-General's message was then played.**

**L'enregistrement du message/le message enregistré du Directeur général est ensuite passé.**

**3. OPENING REMARKS BY THE DIRECTOR-GENERAL OF WHO**  
**REMARQUES LIMINAIRES DU DIRECTEUR GENERAL DE L'OMS**

Dr CHAN (Director-General, WHO):

Excellencies, distinguished representatives, ladies and gentlemen. It is a great honour for me to address this third session of the Conference of the Parties. I only regret that owing to prior commitments I cannot be with you in person. Last month, WHO issued *The world health report 2008*, this year devoted to primary health care, which also brings a strong focus on prevention. Among its many recommendations and findings the report estimates that better use of existing measures could prevent around 70% of the global disease burden. Without question, the WHO Framework Convention

on Tobacco Control is the most powerful tool we have, as an international community, to reduce the global disease burden. As we all know, tobacco use is the single greatest preventable cause of death in the world today.

The Framework Convention has been a “first” in many ways. It marked the first use of WHO’s constitutional authority to issue an international health treaty. It pioneered a powerful model of collaboration, not just as an international community but also among many government ministries that rarely work together in the pursuit of health goals. We must never underestimate the power of these achievements. In our closely interconnected societies, health problems increasingly have global causes and global consequences that make a clear case for concerted action also with non-health sectors. This is especially true for chronic noncommunicable diseases. These diseases share risk factors linked to unhealthy lifestyles, like tobacco use, the harmful use of alcohol, unhealthy diets and inadequate physical activity. As *The world health report* notes, the spread of these unhealthy lifestyles is now an alarming global trend. Moreover, control of these risk factors lies beyond the direct responsibility of the health sector. Prevention thus requires the kind of international collaboration and multisectoral action embodied in the Framework Convention and central to its implementation.

Ladies and gentlemen, the first *WHO report on the global tobacco epidemic, 2008* (issued earlier this year) provides the most comprehensive collection of data on tobacco use and control measures ever assembled at a global level. The report presents an implementation tool for the demand reduction measures contained in the Framework Convention. This technical assistance tool, called MPOWER, consists of six proven policy measures reflecting one or more provisions of the treaty. It is part of WHO’s approach to supporting countries in the critical work of implementation. These are cost-effective, common-sense measures that are within the reach of every country, regardless of income level. Unfortunately, let me repeat, unfortunately, the report also reveals that only 5% of the world’s population is fully protected by these measures. This tells us that the clear challenge ahead is to ensure full implementation of the Framework Convention at country level. In implementing these effective measures, we deliver the true “silver bullets” of preventive medicine. But let me remind you, both the text and the spirit of the Convention encourage Parties to go beyond the treaty. WHO has always maintained that the Convention gives countries a floor, and not a ceiling for tobacco control. Today, this first tobacco treaty is at a critical moment in its evolution, where action is required to ensure its status as a living document with a long lifespan.

You have before you an ambitious and important agenda. The current negotiations for a protocol on illicit trade and tobacco products are strong steps in the right direction. It now falls to all of us, working to eliminate the tobacco epidemic, to see that instruments like the guidelines developed by the Conference of the Parties are implemented in ways that maximize their potential. I wish you a most productive meeting. You are, once again, demonstrating the power of prevention and the power of international collaboration to improve the world’s health on a truly grand scale. Thank you.

#### **4. OPENING REMARKS BY THE MINISTER OF HEALTH OF SOUTH AFRICA REMARQUES LIMINAIRES DU MINISTRE DE LA SANTE DE L’AFRIQUE DU SUD**

Ms HOGAN (Minister of Health of South Africa):

President of the third session of the Conference of the Parties, Dr Hatai Chitanondh; Head of the Convention Secretariat, Dr Nikogosian; honourable ministers of health; the Representative of the WHO Regional Director for Africa, Dr Matshidiso Moeti; the WHO Representative in South Africa, Dr Stella Anyangwe; heads of delegations, officials of ministries of health; members of civil society; distinguished guests; ladies and gentlemen, it is a great honour and a privilege to be here today as part of this like-minded collective of men and women united by its quest to save humanity from the ravaging effects of one of the world’s most popular and yet most deadly and dangerous products.

The use of tobacco products kills millions of people worldwide. Large amounts of money are spent on these products even by those living in extreme poverty. With little or no income, they feed their habit brought about by nicotine addiction. The health systems of governments worldwide find themselves under increasing pressure to cater for patients who have fallen victim to tobacco-related

diseases such as cancer and other associated diseases. The responsibility lies on us to protect the present and future generations from this legal yet harmful and deadly product.

We have to act and we have to act now. It is for this reason that it gives me great satisfaction to welcome all of you to this very important gathering, whose sole purpose is to find solutions to this global public health challenge confronting us. Governments alone cannot win in tackling this challenge. We need the support and involvement of many other agencies of civil society, such as nongovernmental organizations, to assist us. According to the WHO's report, *World health statistics 2008*, tobacco use is the single largest cause of preventable deaths in the world today. A third to half of the users of tobacco products become victims of this product. On average, every user of tobacco loses 15 years of life. Total tobacco-attributable deaths from ischaemic heart diseases, cerebrovascular disease, and chronic obstructive-pulmonary disease are, according to the *WHO report on the global tobacco epidemic, 2008*, projected to rise from 5.4 million in 2004 to 8.3 million in 2010 – almost 10% of deaths worldwide. The crucial fact is that more than 80% of these deaths will occur in developing countries. It is for this reason, therefore, that one should pause and pay special tribute to the WHO Framework Convention on Tobacco Control for its stewardship in the fight against tobacco use. We are grateful for your continued support, guidance and dedication. It is a huge task.

I have no doubt that at the end of the session, the 600 representatives of 150 countries present here will leave Durban with a clear roadmap on how we plan to strengthen our fight against tobacco and its impact on public health. On a country level, I am proud to inform this Conference that South Africa is continuing to make very significant progress in our fight against the use of tobacco. The principal legislation controlling tobacco products in this country, known as the Tobacco Products Control Act, was first passed in 1993. As most in this room know, every time legislation regarding tobacco control is passed, the tobacco industry scrutinizes it with a view to finding any loopholes to exploit. I have no doubt that this strategy is employed worldwide, given the unlimited resources the industry has, allowing it to afford the world's best legal minds. For our part, we always try to keep up with these developments, hence our ongoing commitment to amend the legislation, ensuring that we close whatever loopholes there are for the industry to exploit.

As a Government, we cannot claim to have reached where we are purely on the basis of our own strength. I wish to pay a special tribute to the many civil society organizations and individuals in our country who have relentlessly supported our fight against tobacco use through lobbying and advocacy among other tactics. Just as important, I wish to acknowledge the continued support of our legislators, both in our National Assembly and the National Council of Provinces in our quest to promote and protect public health interests. Only four days ago, through our Deputy-Minister, Dr Molefi Sefularo, we led the debate in the National Council of Provinces on amendments to our legislation to bring it in line with the provisions of the WHO Framework Convention on Tobacco Control.

I am glad to announce that the Tobacco Products Control Amendment was passed and it is soon expected to be signed into law by our President. This bill is a legislative instrument that will further enable us to control the advertising, promotion, sale, packaging and use of tobacco products in the country. One key provision of this bill will be the use of pictorial warnings on tobacco packets, which is already being practised in many other parts of the world. As a developing country, illiteracy is still one of the many challenges confronting us and we are confident that the use of pictorial warnings will assist those who cannot read to understand the dangers of tobacco use and thus be able to make correct decisions. As we work on tobacco control at a country level, we are also mindful of the challenges that still prevail in the WHO African Region. This we say from the point of view of mutual co-existence and the importance of working as one in addressing common challenges.

During the negotiation of the Framework Convention, all 46 Member States of the WHO African Region were united on issues of tobacco control, a position that enabled our Region to speak with one voice and influence the shape of some of the articles of the Convention. I remain convinced and confident that this spirit of solidarity will continue to prevail as we move ahead with the implementation of the treaty. It is, however, worrying that there are still countries that have not yet become Parties to the Framework Convention, based on their own socioeconomic dynamics, such as the dependency of their economies on tobacco farming and trade. As we deliberate on alternatives to tobacco growing, let us do so mindful of these economic realities in the Region and elsewhere in the world. I am, however, optimistic that collectively we will be able to come up with innovative solutions to this challenge of dependence on tobacco farming and trade. As we engage in lobbying, let us look



also at how the structures of government can support alternative agricultural initiatives, so that farming in tobacco does not continue to be the mainstay of our economies and livelihoods.

In conclusion, I wish to thank the Convention Secretariat for giving us the opportunity to co-host this important session, whose sole purpose is to promote and protect public health. Would the Head of the Convention Secretariat please convey to the Director-General of WHO our appreciation for being made co-host of this session. On behalf of the Department of Health and the Government of the Republic of South Africa, I remain confident that this session will take us a step closer in our quest to promote and protect public health. In less than 18 months, the world will be coming to our shores to experience the FIFA 2010 soccer World Cup. We are looking forward to this global tournament with enthusiasm. We hope that this event will encourage our children to appreciate the values of sports and healthy lifestyles and not use tobacco products. Sports and tobacco just do not mix.

I wish to take this opportunity finally to welcome all of you to our country. The Government and people of South Africa are proud of your presence in our country. We appreciate your stay and we are supportive of the work that you do in promoting and protecting public health. Our health interests are the same as those of others in various parts of the world. We salute your efforts in promoting public health. Allow me to extend my good wishes to all the representatives at this third session of the Conference of the Parties in its deliberations. Just like its predecessors, this gathering should carry particular memories for all of us as far as public health is concerned. Let us use this occasion as a platform to create awareness of the dangers of tobacco and its use. Thank you very much.

## **5. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK ADOPTION DE L'ORDRE DU JOUR ET ORGANISATION DES TRAVAUX**

The PRESIDENT:

Thank you, Madam Minister, for being with us today. It is a great honour for the Conference of the Parties to meet in South Africa and allow me to take this opportunity to thank your Government for hosting this session in Durban. Now I would like to start agenda item 1.1, Adoption of the agenda and organization of work, contained in documents FCTC/COP/3/1 and FCTC/COP/3/1 (annotated). I propose that we consider the organization of work, after adoption of the provisional agenda. The provisional agenda was prepared in accordance with Rules 7 and 13 of the Rules of Procedures of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, and in consultation with the Bureau in accordance with Rule 6 of the Rules of Procedure, before being circulated to the Parties. Are there any objections to adopting the provisional agenda as presented to this session of the Conference of the Parties? I see none. The agenda is therefore adopted.

We can now consider the organization of work. The Convention Secretariat has made a proposal on the method and distribution of work that is contained in the annotated agenda. Specifically, it proposes that, following the practice of the previous sessions of the Conference of the Parties and considering the amount of work before us, the Conference may wish to establish two committees that would work in parallel. It is proposed that the first committee, Committee A, could be entrusted with the substantive issues on the agenda, namely, the elaboration of the protocol, guidelines and reports (agenda item 4). The second committee, Committee B, could focus on implementation, reporting, budgetary and institutional issues (agenda items 5 and 6). Also, the committees may wish to establish working groups, if necessary. I think you would also agree that other agenda terms, namely item 3 (the report of the Convention Secretariat) and item 7 (the date and venue of the next session of the Conference and election of officers) should be discussed in the plenary meeting, and that the general debate will then follow the presentation of the report of the Secretariat. Are these proposals acceptable? I see no objection. It is so decided.

Regarding the election of the officers of the two committees, I would like to recall Rule 28.1 of the Rules of Procedure, namely that, unless the Conference decides otherwise, I see no objection to the committees themselves electing their respective officers. I would like to remind representatives that in order to ensure regional representation, the committees may wish to elect a Chairperson and two Vice-Chairpersons, thereby bringing the total number of officers to six. You will recall that the previous

sessions of the Conference of the Parties followed this practice to ensure representation from all six regions. After consultations, most regional groups have proposed one name, and the Bureau has discussed these candidacies at their meeting today. In order to expedite the work of the committees, the Bureau has asked the regional groups to additionally consider who, among the six candidates, might be considered as Chairpersons of Committee A and of Committee B. Once all the candidatures have been received, consultations in this regard will be ongoing and we expect to have a proposal for one Chairperson and two Vice-Chairpersons for each committee for consideration tomorrow morning. Accordingly, consideration of this matter will be postponed until tomorrow. We shall break into Committee A and Committee B tomorrow, after consideration of agenda item 3, including the general debate.

I would like to inform you that the seating arrangements for this meeting are according to the WHO's practice, with all Parties seated alphabetically. This year, according to the alphabetic order of names in English, we will start with the letter "H", which was drawn by lot during the Bureau meeting on 6 October 2008 in Geneva.

## **6. CREDENTIALS OF PARTICIPANTS POUVOIRS DES PARTICIPANTS**

The PRESIDENT:

We shall now turn to agenda item 1.2, Credentials of participants. In accordance with Rule 19 of the Rules of Procedure, I would like to propose that the Bureau examine the credentials of the Parties participating in this session and report in writing to a later meeting of the plenary meeting, tentatively scheduled on Wednesday morning. May I remind delegations who have not yet submitted their formal credentials to please do so by Tuesday afternoon, 15:00, and to inform the Convention Secretariat through the registration desk. Is this proposal acceptable? I see no objection. It is so decided.

## **7. ANNOUNCEMENT COMMUNICATION**

The PRESIDENT:

Regarding agenda item 1.3, "Invited speakers", the Bureau had decided to invite two guest speakers to address this Conference. Unfortunately, both invited speakers were unable to attend owing to other commitments. Therefore, I would like to propose that we move to the next agenda item.

## **8. APPLICATION FOR OBSERVER STATUS TO THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL DEMANDE DU STATUT D'OBSERVATEUR A LA CONFERENCE DES PARTIES A LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC**

The PRESIDENT:

Agenda item 2 is the consideration of applications for observer status to the Conference of the Parties. We shall review the applications received by the Convention Secretariat, contained in documents FCTC/COP/3/2, FCTC/COP/3/2 Add.1 and FCTC/COP/3/2 Add.2. Three applications have been submitted to the Secretariat, under Rule 30 of the Rules of Procedure of the Conference of the Parties. Document FCTC/COP/3/2 contains applications submitted by the International Telecommunication Union, a specialized agency of the United Nations and by the Common Market of

the Southern Cone (MERCOSUR), while document FCTC/COP/3/2 Add.2 contains the application submitted by the Secretariat of the Caribbean Community (CARICOM). In the view of the Bureau, their work is relevant to the work of the Conference of the Parties and their aims and goals conform with those of the WHO Framework Convention on Tobacco Control. Therefore, I would like to propose that these three international intergovernmental organizations be granted observer status to the Conference of the Parties. Are there any objections? I see none.

Their applications are therefore approved and observer status is granted to the International Telecommunication Union, MERCOSUR and CARICOM.

The next application for observer status for our consideration is from the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA), a nongovernmental organization whose application is contained in document FCTC/COP/3/2 Add.1 and was submitted to the Convention Secretariat, according to Rule 31, paragraph 2, of the Rules of Procedure, and received within the required 90 days before the opening of this session. As required by decision FCTC/COP/2(6) adopted by the Conference of the Parties at its second session last year, the Convention Secretariat has prepared a report to the Bureau with a recommendation to grant observer status to this organization. The Secretariat noted that the International Federation is a nongovernmental organization in official relations with WHO. Moreover, the Federation has participated in previous negotiations and meetings on the Framework Convention. The Bureau carefully reviewed the application of the International Federation, together with a report of the Secretariat, at its meeting on 6 October 2008 and, based on this consideration, recommends that the Conference grant observer status to this organization. Are there any objections to the recommendation to grant observer status to the IFPMA? I see none. Its application is therefore approved and observer status is granted to the International Federation of Pharmaceutical Manufacturers and Associations.

**9. REPORT OF THE CONVENTION SECRETARIAT AND STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL  
RAPPORT DU SECRETARIAT DE LA CONVENTION ET SITUATION DE LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC**

The PRESIDENT:

We shall now proceed with item 3, Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control. I would like to give the floor to the head of the Convention Secretariat, Dr Haik Nikogosian, to present this report. Dr Nikogosian you have the floor.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you, distinguished President, ministers, ambassadors, representatives, ladies and gentlemen. The report of the Convention Secretariat is presented in document FCTC/COP/3/3. It was made available to Parties and observers well in advance and I am confident that the representatives had the time to review it in detail. I will therefore present only the key aspects of activities and an overview.

First, regarding the status of the WHO Framework Convention on Tobacco Control, the number of Parties to the Convention has almost doubled over the last three years, from 87 Parties at the end of 2005 to 160 Parties today. Fourteen countries became Parties after the second session of the Conference of the Parties last summer. I trust the Conference will welcome the new Parties which are: Angola, Colombia, Croatia, Gambia, Grenada, Guinea, Iraq, Italy, Nicaragua, Russian Federation, Uganda, United Republic of Tanzania, and Zambia. You are all welcomed to the Convention. We have a special case: Costa Rica will become a Party in two days' time, on 19 November, in the middle of the session. We are looking forward to welcoming Costa Rica as a Party to the Framework Convention later this week.

Activities after the second session of the Conference of the Parties were conducted in several directions as identified by the Convention and the decisions of the Conference. First, there was an

extensive process for development of the instrumental implementation of the Framework Convention. Work has been under way on the first protocol to the Convention, as well as for five guidelines and two reports for implementation of different articles. All work was accomplished as planned with three draft guidelines and five reports from the Intergovernmental Negotiating Body, the working groups, the study group and the Convention Secretariat covering a total of 10 different articles of the Convention, which are now presented for consideration by the Conference. Overall, more than 15 intergovernmental meetings and consultations have been organized over the last year to ensure the development of different reports, guidelines and the protocol. May I also take this opportunity to thank the governments who hosted several meetings of the working groups, contributing politically, technically and financially to this important process. These are the Governments of Brazil, Finland, Germany, India, Netherlands and Philippines, together with the European Commission. Their cooperation was highly appreciated. Thank you very much. Our appreciation also goes to civil society and other international partners for their valuable contribution and input.

The second direction was the support to the Parties in the implementation of the Framework Convention, which has been conducted in accordance with the decision of the Conference of the Parties. The work included support to Parties to prepare for the sessions of the Conference and assistance from the Intergovernmental Negotiating Body to us in providing for reporting arrangements, raising awareness and advising on the use of treaty instruments and promoting knowledge and access to available resources for the implementation of the Framework Convention. The last component on resources started recently, as the Secretariat had first to establish capacity in tools for such work. But it is now progressing rapidly and the Secretariat has some major work for the rest of the biennium. One important mechanism for implementation assistance was also the series of regional and subregional workshops convened in cooperation with WHO regional offices in August, September and October 2008, covering the key elements of implementation assistance. I would like to thank the Governments of Jamaica and Peru, as well as the Regional Offices for Africa, the Americas and the Western Pacific, for co-organizing and hosting these workshops with the Convention Secretariat. More workshops will be convened in 2009. The Secretariat also worked to establish and strengthen international coordination for implementation of the Framework Convention, another important mandate for the Secretariat. Good progress has been made with a number of intergovernmental and nongovernmental organizations on cooperation with us. There is, however, great potential in this area that is still unexplored and underutilized, which we will focus on in 2009, and for which we will be asking the Conference of the Parties for guidance on later this week.

The Convention Secretariat's activities also included preparation of the report, support to the Bureau, performance assistance and, of course, substantial work in preparing for the current session of the Conference. May I use this opportunity to thank the Government of South Africa for its cooperation in preparing for the third session over the last year. Thank you, Minister.

Details of the aforementioned and other activities are described in the report that you have for review. Distinguished representatives, may I also share with the Parties a general overview of, and with your permission, some observations on the processes and the developments after the second session. First, the Framework Convention is at a very dynamic and active stage, and this concerns not only active implementation in countries, but also the rapid development of different instruments for implementation. Currently, more than half of the substantial articles of the Convention are under development or are being reviewed in terms of treaty instruments, ranging from a protocol to guidelines and reporting arrangements. This may continue over the next few years, until core treaty instruments are established and operational. Secondly, the interest and participation of Parties in treaty developments at an international level has been really incredible. Nearly half the Parties participated in the working groups for the development of guidelines and more than 130 Parties attended the sessions of the Intergovernmental Negotiating Body for the protocol. This underlines the high importance that Parties attach to promoting treaty implementation through intergovernmental mechanisms. Thirdly, the analysis of the report of the Parties and the work of intergovernmental working groups confirms once again that most policies and articles are interrelated and their coordinated implementation results in a synergetic effect. Therefore, a comprehensive approach to the implementation of the Framework Convention in its entirety should be paramount.

Finally, when analysing the report of the Parties and the process established under the Conference of the Parties, it is not difficult to see that the focus in the first years of implementation has

mostly been on core policy areas, requiring implementation mostly at a national level. In the meantime, articles that focus predominantly on multilateral mechanisms, which are in the very core of the treaty (for example, Articles 20, 22, 26 and some others) received less attention at both the national and global levels. In particular, issues such as technical assistance, transfer of expertise and technology, and utilizing membership of other international governing bodies, of which Parties are members, to encourage allocation of resources for the Framework Convention, may have substantial potential in promoting implementation. The Conference may wish to review and reflect on this during the current session and possibly also the forthcoming one. Distinguished President and representatives, the report you have for your review reflects the first year of the work of the permanent Convention Secretariat. As you can imagine, much needs to be analysed, developed and established, but much more is ahead, at least for the next few years. The Convention Secretariat started its work in the summer of 2007 with a deep sense of responsibility for advancing global tobacco control and for a new legal dimension in international health. We thank the Parties again for their support and cooperation over this challenging period of time, and we look forward to your reflections and guidance for the future. Thank you.

**10. STATEMENTS BY REPRESENTATIVES OF THE REGIONAL GROUPS AND BY PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL  
DECLARATIONS DES REPRESENTANTS DES GROUPEMENTS REGIONAUX ET DES PARTIES A LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC**

The PRESIDENT:

Thank you, Dr Nikogosian, for your presentation. Before I open the floor on agenda item 3, I would like to invite representatives of the regional groups and Parties to the WHO Framework Convention on Tobacco Control to take the floor, beginning with Professor David Mwakyusa, Minister of Health and Social Welfare of the United Republic of Tanzania.

Professor MWAKYUSA (United Republic of Tanzania):

Mr President, colleague ministers, distinguished representatives, ladies and gentlemen. The United Republic of Tanzania is taking the floor on behalf of the ministers of health of the Parties in the WHO African Region to issue this statement of concern on the occasion of the third session of the Conference of the Parties to the Framework Convention on Tobacco Control. It is a great honour for Africa to host a meeting of this august body, which we support wholeheartedly. Mr President, we are concerned by the increasing morbidity and mortality of our people as well as the economic, social and environmental harms that arise from tobacco use in Africa. We bring to your attention this excerpt from the African Union's Africa Health Strategy: 2007–2015, and I quote: "The alarming rate of growth of the burden of both death and disability from noncommunicable diseases in Africa is ever more recognized, with chronic diseases becoming ever more prevalent, linked to demographic, behavioural and social changes and urbanization. Hypertension, stroke, diabetes, chronic respiratory disease, and the consequences of tobacco use, alcohol abuse and illicit drugs, are growing as serious public health challenges."

We are alarmed by the role of tobacco use in increasing the burden of infectious diseases, particularly tuberculosis and pneumonia in Africa. We know that tobacco-growing often encourages the practice of child labour and that the crop does not contribute to sustainable development. We are troubled by the continuing efforts of the tobacco industry to undermine national, regional and global tobacco-control policies. And we are also concerned about the growing trend towards the dumping of tobacco products into lower-income countries. We are also aware that illicit trade of tobacco contributes to the global rise in tobacco consumption by making tobacco products cheaper and more accessible. We therefore call for subregional, regional and international collaboration in the implementation of some of the articles of the WHO Framework Convention on Tobacco Control,

including curbing illicit trade in tobacco products. We believe that effective tobacco control can contribute to several of the United Nations' Millennium Development Goals, including reducing extreme poverty, reducing child death rates and reducing noncommunicable diseases. And we emphasize the importance of increasing public awareness of the dangers of tobacco and of eliciting public support for effective tobacco-control measures. We know that the Framework Convention contains evidence-based policies for reducing tobacco use, nationally, regionally and internationally, and that it reflects a shared global commitment to action. The Parties in the WHO African Region have thus far played a leading role in the negotiations of the Framework Convention. Now is the time to build further on these strong foundations. We stand together across our continent and commit ourselves to take all the actions that we can to bring about effective tobacco control in all our countries and to cooperate regionally and subregionally to fulfil this goal. To this end, we will increase the level of engagement with colleagues from other ministries in the pursuit of objectives for effective tobacco-control measures that will contribute to the goals of sustainable human development in our continent. Among other things, we will do the following: (1) we will encourage all African governments to ratify or accede to the WHO Framework Convention on Tobacco Control as soon as possible, to fully implant and enforce its provisions and to actively involve civil society in this process; (2) we will ensure that we each have a plan for tobacco control in our countries and that these plans are implemented and updated regularly; (3) we will encourage nongovernmental organizations to develop broad multisectoral coalitions to advocate for effective tobacco-control policies and to support governments in the development and implementation of effective tobacco-control interventions; (4) we will protect our tobacco-control policies vigorously from influence by the tobacco industry; and (5) we will support the elimination of all forms of illicit trade in tobacco – including smuggling, illicit manufacturing and counterfeiting – by effectively participating in the intergovernmental negotiations to develop a protocol on the illicit trade in tobacco products under the WHO Framework Convention on Tobacco Control.

Our Region is not rich in financial resources but it is rich in commitment to effective tobacco control. In this regard, we shall encourage one another to demonstrate commitment by including tobacco control in our budgets within the constraints of the limited resources. Finally, Mr President, we are grateful to the international community for its continued support and we still call upon you to increase technical, legal, financial and other forms of cooperation to help us to establish and sustain effective tobacco-control policies and laws and to help tobacco-growing countries to make the transition towards economical and viable alternative livelihoods. Thank you for giving me this opportunity to speak.

La Dra. MUÑOZ (Uruguay):

Muchas gracias. Distinguidas autoridades del Gobierno de la República de Sudáfrica, señoras y señores Ministros de Estado, señora Ministra de Salud de Sudáfrica, Barbara Hogan, distinguidos participantes, señor Presidente de este prestigioso evento, la delegación del Uruguay desea manifestar su satisfacción por estar en este país y recuerda su lucha contra el oprobioso régimen del *apartheid*, al que siempre condenó sumándose a los Estados y pueblos que se oponían a él. Sudáfrica es un pueblo que ha dado personalidades de la talla del Presidente Nelson Mandela, del Arzobispo Desmond Tutu y de poetas como Miriam Makeba, y también de personalidades como el Chief Albert Luthuli, primer Premio Nobel de la Paz de todo África.

Deseamos también agradecer a las autoridades sudafricanas los esfuerzos hechos para hacer posible esta Conferencia y por permitir que en este marco se exhibiera la muestra «Uruguay respira». Asimismo, deseamos agradecer a la Secretaría del Convenio Marco de la OMS para el Control del Tabaco por su trabajo constante, abnegado y eficiente que permitió que hoy estemos reunidos en esta hermosa ciudad de Durban.

El tabaco y los daños que provoca su abuso, e incluso su uso no controlado, ha sido uno de los compromisos claros de nuestro Gobierno, desde la propia convicción del señor Presidente de la República, Dr. Tabaré Vázquez, médico oncólogo, hasta las medidas adoptadas contra los efectos nefastos del abuso del tabaco, que han contado con el compromiso de las Partes y recibido el apoyo de todo el espectro político con representación parlamentaria en el Uruguay. La sociedad civil y las organizaciones no gubernamentales no han estado ausentes de este esfuerzo. Es más, han liderado

muchos de ellos, con el resultado de una aceptación abrumadoramente mayoritaria de gran parte de los artículos del Convenio Marco que se han examinado.

Desde que el Uruguay suscribiera el Convenio Marco de la OMS para el Control del Tabaco, en septiembre de 2004, el Gobierno ha seguido una política decidida – y casi agresiva, en el buen sentido de la palabra – para el cumplimiento de los contenidos y artículos del citado Convenio. Recordemos, señor Presidente, que el Uruguay en diciembre de 2007 fue sede de la Primera Conferencia Regional sobre el Comercio Ilícito de Productos de Tabaco, un problema que tanto afecta a los países integrantes del MERCOSUR. Recordemos también que fue el Uruguay, con el apoyo de la República Federal de Alemania y la Unión Europea, quien hizo posible la aprobación por la Asamblea General de las Naciones Unidas de una resolución que prohíbe fumar en todo lugar o dependencia de las Naciones Unidas. A este respecto, queremos felicitar a la Organización Mundial de la Salud y a todos los que hicieron posible ese logro.

Por esta historia que he sintetizado el Uruguay aspira a ser anfitrión de la próxima Conferencia de las Partes, la COP4, en el año 2010. Aspira a recibirlos en su territorio brindándoles las máximas facilidades para que su presencia sea útil y placentera. El país cuenta con infraestructura adecuada para organizar una reunión de más de 1000 personas, con líneas aéreas que lo conectan con muchos destinos y ciudades, con servicios de asistencia médica inmediata y de calidad, y con funcionarios que velan por la seguridad de todos sus visitantes. Este es nuestro deseo, y para verlo hecho realidad, señor Presidente, acudimos a la ayuda de los países amigos de América para que nos apoyen en este intento; les pedimos humildemente a los países del mundo entero que nos apoyen en esta iniciativa.

Señores delegados, es mucha la tarea que comienza en el día de hoy, de modo que no me atrevo a entretenerlos por más rato. A partir de esta Conferencia podremos señalar con más fuerza aún el camino hacia el objetivo final, que no pueden ser otros que reducir el consumo de tabaco y poner término al abuso del tabaco. Más allá de consideraciones fiscales, económicas y sociales, incluidos los aspectos de la propiedad intelectual, la preocupación del Uruguay – y, sin lugar a dudas, la de todos ustedes – es y será la salud y la vida del ser humano. Como decimos en nuestro país, realmente la adicción al tabaco necesita cambios de hábitos, prácticas y conductas. Es desde la sociedad colectivamente que el mundo ha entrado en esta epidemia; es desde la sociedad colectivamente, señor Presidente, que el mundo – con conciencia, con hechos y con la experiencia de todos – podrá salir de esta epidemia. Muchas gracias por su atención.

El Sr. CABRERA (Mexico):

Muchas gracias, señor Presidente. Como actual coordinador de la Región de las Américas en temas de salud, es para México un honor dirigirnos a los asistentes a esta reunión plenaria de la tercera Conferencia de las Partes del Convenio Marco de la OMS para el Control del Tabaco, y será un privilegio informarles sobre los importantes avances que se han dado en la Región desde la última Conferencia de las Partes, celebrada el año pasado en Bangkok, Tailandia.

La Región de las Américas espera que los importantes trabajos que se desarrollarán durante esta semana coadyuven a sentar las bases para garantizar la implementación a cabalidad del Convenio Marco de la OMS para el Control del Tabaco. Algunos avances significativos desde la reunión de Bangkok han sido la publicación de leyes y normativas para el control del tabaco en la Región, como ha ocurrido en el Uruguay, Panamá, el Ecuador, el Perú y México.

De igual forma, señor Presidente, nos alegra recibir la incorporación reciente de Costa Rica, Colombia, Granada y Nicaragua como Estados Partes. Les damos la bienvenida y los exhortamos a sumarse a los esfuerzos que viene realizando la Región. Estoy seguro de que darán muestras de unidad en la lucha de las Américas, de todos los países que las integramos, para el control del tabaco. Y es en este espíritu de unidad que México ha decidido apoyar la candidatura del Uruguay como sede de la cuarta Conferencia de las Partes.

Finalmente, deseo expresar nuestras más cordiales felicitaciones a Su Excelencia, la señora Barbara Hogan, por su reciente designación como Ministra de Salud de Sudáfrica. La Región de las Américas le desea, señor Presidente, muchos éxitos en la conducción de los trabajos de esta tercera Conferencia de las Partes, y a la Ministra Barbara Hogan le agradece la hospitalidad que nos brinda la ciudad de Durban en este bello país. Muchas gracias.

Dr QOTBA (Qatar):

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Dr LASSMANN (Austria):

Thank you, Mr President. I am honoured to take the floor on behalf of the Parties in the WHO European Region. First, I would like to congratulate the Convention Secretariat, you Mr President, and my fellow colleagues in the Bureau for the excellent work accomplished since the second session of the Conference of Parties in Bangkok. We are grateful to the WHO Secretariat and the Tobacco Free Initiative for their continuous support of global tobacco-control efforts. We have listened with particular interest to the welcome messages of the Director-General of WHO and Her Excellency the Minister of Health of our host country. On behalf of the Parties in the European Region, I would like to thank the South African Government for its invitation to this beautiful city of Durban. We were impressed by the vibrant musical presentation.

Mr President, we are particularly pleased to see that the number of Parties to the WHO Framework Convention on Tobacco Control has risen to 160. We hope that this figure will further increase in the near future and that the Framework Convention will reach a global and a universal coverage. I want to take this opportunity to welcome all new Parties to the Convention, among them, Croatia, Italy, Kazakhstan and the Russian Federation from the European Region. When we look at the recent developments in tobacco control, we welcome the educational and outreach work carried out under the MPOWER strategies, coupled with the generous pledges by the Bill & Melinda Gates Foundation and the Bloomberg Initiative last July. A strong cooperation between WHO's activities and those of the Convention Secretariat is, however, very important in order to make progress in the global fight against tobacco use. It is very important to note that since the adoption of the Article 8 guidelines, many countries have introduced smoking bans in public places, reducing opportunities for tobacco addiction and giving more effective protection against second-hand smoke. We also note that a number of intergovernmental and expert-level meetings have been held since the last Conference of the Parties. The second session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products was the last one of this series of events and we would like to commend the Chairperson and the Vice-Chairpersons of the Intergovernmental Negotiating Body, as well as the entire Convention Secretariat, for their tireless efforts during this meeting. We noted that, due to the extreme complexity of the subject, linking concerns of public health with other matters, including customs administration and penal law, a clear understanding by the negotiators of the issues at stake and their interrelationship, as well as appropriately coordinated approaches, are therefore of paramount importance to secure successful negotiations at the third session of the Intergovernmental Negotiating Body. Mr President, may I finally thank you and the organizers for the good start of this Conference of

the Parties. We are looking forward to working with you during this week and we hope that our joint work will produce fruitful results for the international tobacco-control activities. Thank you.

Professor Dr PRAKIT VATHESATOGKIT (Thailand):

Thank you, Mr President, Her Excellency the Minister of Health of South Africa, distinguished representatives, ladies and gentlemen. It is a great honour for me to take the floor on behalf of the Parties in the WHO South-East Asia Region. All Parties to the WHO Framework Convention on Tobacco Control in the South-East Asia Region are very happy to be present at this Conference. I would like to thank the Ministry of Health and the Government of South Africa for the warm hospitality extended to all of us. We also wish to thank and congratulate all those who were involved in and contributed to the drafting of the guidelines and progress reports. We are optimistic that by the end of this week we will be able to reap the fruits of such hard work. The Parties in the South-East Asia Region have adopted strong and effective legislative and administrative measures during the past year to implement the Framework Convention. I would like to refer to some of the important measures that have been thus implemented. Bangladesh has increased taxes on tobacco products substantially and withdrawn cash incentives on tobacco exports, and its tax tariffs have been rearranged to increase the retail price of cigarettes. India's new smoke-free legislation came into force in October 2008. India also launched a national tobacco-control programme in 2007–2008 to build capacity of the states and union territories to implement tobacco control. Maldives is in the process of enacting a tobacco-control law through its newly elected government. Myanmar has introduced the highest tobacco taxes, presently as high as 75% of the product price, and has banned duty-free sales as well as advertising, promotion and sponsorship of tobacco and tobacco products. Its draft tobacco-control legislation is being prepared for presentation to the People's Assembly this year. Since the implementation of the National Authority on the Alcohol and Tobacco Act in Sri Lanka, with effect from 6 December 2006, the incidence of smoking among its population has declined markedly. A survey conducted in 2008 has revealed that smoking among males has dropped from 34% to 22.8%. Smoking among young persons has also been curtailed to 13%. And Thailand has successfully extended the ban on smoking in public places to cover public houses and bars, and prohibited the display of tobacco products at the point of sale. It has also set aside some revenue from the surcharge on tobacco taxes to support a tobacco-control programme and implement the Framework Convention provisions.

In view of these successful measures adopted by the Region in implementing the Framework Convention, we urge non-Parties in the Region and elsewhere to ratify the Convention in order to effectively control the tobacco epidemic that is causing a preventable death every 5.84 seconds. The Parties in the South-East Asia Region share the view that the Conference of the Parties needs to allocate sufficient funding for the work of the Convention Secretariat, especially to facilitate the inter-sessional work and the Intergovernmental Negotiating Body's protocol on illicit trade in tobacco products.

Mr President, the Parties in the South-East Asia Region have considered the draft guidelines on Articles 11 and 13 and are unanimous in their view that they represent a full and comprehensive set of guidelines, and therefore Parties in the Region strongly urge their adoption by the plenary meeting in its present form. Regarding the draft guidelines on Article 5.3, the Parties in the Region support strong and effective guidelines and look forward to working with other Parties in this direction with the aim of adopting the guidelines during the current session of the Conference of the Parties. Finally, the Parties in the Region pledge their full support for fruitful deliberations on the three guidelines and other issues before the Conference during this week. Thank you very much, Mr President.

Mrs GIDLOW (Samoa):

Thank you, Mr President, for this opportunity for Samoa to make a statement on behalf of the Parties of the Western Pacific Region. Individual Parties may also wish to make their own statements. The WHO Western Pacific Region is the only one that has 100% ratification of the WHO Framework Convention on Tobacco Control and there has been real progress over the last year in seeing countries put in place new, bold tobacco-control measures in line with the Convention. For example, my own country, Samoa, recently passed, in September 2008, new legislation on tobacco control, which will be

implemented in January 2009. This enforces smoke-free public places and indoor workplaces, including completely smoke-free restaurants and bars, as well as public transportation. The WHO Framework Convention on Tobacco Control has provided an excellent framework for sharing experiences between countries, which was greatly helpful in getting our own legislation passed. My colleagues in several Western Pacific States can also boast the recent adoption of comprehensive tobacco-control legislation as well as the development of national plans of action and community-based initiatives, for example, smoke-free villages. As a Region, we enjoyed a smoke-free South Pacific games hosted by the Samoan Government in September 2007. In China, of course, we saw a tobacco-free Olympic Games. Such high-profile and exciting events help us promote tobacco-free as being the norm.

I would like to make a couple of points relating to key agenda items. As a Region, we have yet to discuss many of the issues in detail so my comments will necessarily be general. First, we are looking forward to the discussions on guidelines. As a Region we are committed to doing our best to discuss any concerns with the draft guidelines in our regional meetings, so that the discussions in a wider Conference of the Parties are productive. We want to thank the Key Facilitators and drafters of the draft guidelines for their hard work to date. They have provided us with very useful drafts to discuss. We are also following the work on Articles 9 and 10, 12 and 14 with interest. Secondly, on the illicit trade protocol, again the Parties in the WHO Western Pacific Region would like to commend the work of the Intergovernmental Negotiating Body and, in particular, the excellent efforts of the Chairperson, Mr Walton-George, in guiding us through the drafting process to date. We are excited about this progress and are looking forward to continuing the work over the next year. I would like to acknowledge the excellent collegial approach that has developed among States Parties since ratification. Our progress and regional collegiality have been effectively facilitated through the series of working groups and our regional technical meeting in August. The guidelines' development processes have provided an opportunity for sharing views both within and across regions. This process has been successful in encouraging active participation in building consensus. Our regional technical meeting in August in Manila provided a great opportunity to gain some insights on countries' progress in implementing the Framework Convention and also Parties' needs for support.

One area in which we need to make more progress on this year is identifying resources to support the implementation of the treaty in developing country Parties and Parties with economies in transition. It is fantastic that there are now 160 Parties to the treaty, but its implementation will require more than just goodwill and hope. We hope that the discussions on this topic this week will bring concrete proposals to provide financial assistance and other support to help those with identified needs to implement the treaty. On behalf of the Parties in the WHO Western Pacific Region, may I take this opportunity to express our gratitude and appreciation to the Republic of South Africa for hosting our third session of the Conference of the Parties and for the hospitality we have been shown. We also wish this session much success. Thank you, Mr President.

**11. REPORT OF THE CONVENTION SECRETARIAT AND STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (resumed)  
RAPPORT DU SECRETARIAT DE LA CONVENTION ET SITUATION DE LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC (reprise)**

The PRESIDENT:

Thank you very much. Now I would like to open the debate on the report of the Convention Secretariat and ask the representatives wishing to speak on this item to please raise their names plates. I propose that there be, in general, a limit of five minutes to statements of individual Parties and that the speakers deliver their addresses from their seat. I see no objection. Thus it is so agreed. I would like to start with France.

M. PIETTON (France):

Merci, Monsieur le Président, j'ai l'honneur de prendre la parole au nom de l'Union européenne. L'Union européenne remercie l'Afrique du Sud pour son accueil et son engagement dans l'organisation de la troisième session de la Conférence des Parties à la Convention-cadre de la lutte antitabac. L'Union européenne félicite le Secrétariat et l'ensemble de son personnel pour la préparation de cette troisième Conférence des Parties et pour l'ensemble du travail effectué depuis la deuxième session de la Conférence. L'Union européenne est extrêmement attachée à une politique de santé publique efficace et forte pour lutter contre le tabagisme. À ce titre, la Convention-cadre constitue un outil fondamental d'aide à la décision pour la mise en œuvre de mesures de politiques publiques adaptées et de soutien à la révision des pratiques mise en œuvre par les Parties.

La deuxième session de la Conférence des Parties a constitué un indéniable succès marqué notamment par l'adoption des lignes directrices sur l'article 8, Protection contre l'exposition à la fumée du tabac. Ces lignes directrices ont servi de levier pour favoriser le développement de la lutte contre le tabac et connaissent progressivement des traductions concrètes dans un grand nombre d'États Membres de l'Union européenne, permettant d'avancer vers une Europe sans fumée de tabac. L'Union européenne se réjouit ainsi de l'important travail réalisé depuis la deuxième session de la Conférence des Parties tant au niveau national pour les Parties que dans le cadre de la Convention-cadre elle-même. Nous tenons à saluer l'excellent travail qui a été produit par les différents groupes de travail institués ou prolongés lors de la deuxième session de la Conférence. La qualité des différents documents que nous aurons à examiner lors de la présente session souligne les avancées notables qui ont été accomplies. Nous nous réjouissons d'écouter le rapport du Président de l'organe intergouvernemental de négociation sur l'état d'avancement des travaux dans la négociation du protocole sur le commerce illicite (article 15), qui reste une thématique de grand intérêt pour l'Union européenne. Il nous semble important de concentrer nos efforts sur l'adoption de lignes directrices sur trois thématiques cruciales pour l'efficacité des politiques de santé publique dans ce domaine. Ces trois thématiques concernent l'article 5.3, Protection des politiques de santé en matière de lutte contre le tabac face aux intérêts commerciaux et autres de l'industrie du tabac, l'article 11, Conditionnement et étiquetage des produits du tabac, et l'article 13, Publicité en faveur du tabac, promotion et parrainage. Conformément à l'article 11 de la Convention-cadre, les Parties s'engagent à mettre en œuvre des mesures concernant le conditionnement et l'étiquetage des produits du tabac. Les lignes directrices pour sa mise en œuvre seront un élément essentiel d'une lutte efficace contre le tabagisme. L'Union européenne félicite le groupe de travail pour son excellent projet de lignes directrices ; elle appuie pleinement ce projet et souhaite son adoption sans modification.

En ce qui concerne l'article 13 sur la publicité en faveur du tabac, l'Union européenne est également en faveur de lignes directrices fortes ; nous exprimons notre soutien au projet de texte présenté. Cependant, nous souhaiterions relever une incohérence de langage entre les articles 11 et 13 s'agissant du conditionnement neutre. Il pourrait être remédié à cette incohérence en alignant le libellé de l'article 13 sur celui de l'article 11. Hormis cette réserve, l'Union européenne souhaiterait exprimer son soutien à l'adoption de lignes directrices sans modification. L'Union européenne est également prête à contribuer à l'adoption à cette Conférence de lignes directrices pour l'article 5.3, ce qui constituerait une avancée majeure et permettrait à toutes les Parties de se doter d'instruments efficaces pour que les politiques de santé publique ne souffrent pas d'interférences illégales ou inappropriées de l'industrie du tabac. L'Union européenne considère que la Convention-cadre est un outil essentiel pour le contrôle du tabac. Aussi estimons-nous qu'il est très important de renforcer la coopération et de créer des liens solides entre les activités de l'OMS et le Secrétariat de la Convention. Comme il avait été décidé lors de la première session de la Conférence des Parties, ces deux entités doivent coopérer et se coordonner pour assurer une meilleure transparence, une bonne utilisation des ressources et éviter les doubles emplois.

En ce qui concerne le budget, le rapport du Secrétariat propose d'adopter à ce stade un budget intérimaire pour les six premiers mois de 2010. L'Union européenne souhaiterait considérer la possibilité d'adopter à la présente Conférence le budget pour le biennium 2010-2011. Son adoption permettrait ainsi de synchroniser les cycles budgétaires de l'OMS et de la Convention-cadre sans avoir recours à une Conférence des Parties extraordinaire en 2009. Cela permettrait également au Secrétariat de la Convention et aux Parties de mieux anticiper les activités de la Conférence des Parties. C'est

pourquoi l'Union européenne souhaiterait demander au Secrétariat de soumettre aussitôt que possible un document sur le plan de travail et les besoins financiers pour 2010-2011 ; ce document pourrait être examiné par le Comité B au cours de la semaine.

Monsieur le Président, notre programme de travail est très chargé. Il reste encore un très grand nombre de questions à examiner. C'est pourquoi cette troisième session constitue à nos yeux une étape déterminante dont nous souhaitons qu'elle soit aussi constructive et fructueuse que la session précédente de Bangkok. Je vous remercie, Monsieur le Président.

The PRESIDENT:

Thank you very much. I now invite Ghana to take the floor.

Mr ODOOM (Ghana):

Mr President, your Excellencies, heads of delegations, distinguished experts and representatives, ladies and gentlemen. Thank you for the opportunity given to Ghana to make a statement. Let me also add my voice to those who have congratulated you and the Secretariat for the splendid performance so far. We are highly optimistic that we will realize a very successful third session of the Conference of the Parties that will pave the way to a much clearer road forward. Let me thank the Government and people of South Africa and the Ministry of Health for co-hosting this important Conference on the African continent. We have noted and listened carefully to the inspiring speeches made by yourself, the Director-General of WHO and the Minister of Health of South Africa. And we are indeed concerned by the issues raised. We are grateful for the support and the esteemed courtesies that South Africa has extended to us as a delegation as well as the representatives of participating countries. It demonstrates their commitment to the objectives of the Framework Convention. Allow me to also associate myself with the statement made on behalf of the Parties in the WHO African Region by the Honourable Health Minister of Tanzania. Aware of the role tobacco use plays in increasing the burden of disease, death and disability in Africa, the Government of Ghana attaches great importance to the goals of the Framework Convention on Tobacco Control, and that is why we were among the first 40 countries to sign and ratify the Convention.

Since ratification, Ghana has made considerable strides in controlling tobacco use countrywide. Our tobacco-control efforts have been expertly driven by a collaborative effort between the Ministry of Health, Ghana Health Service, the Food and Drug Board, the Customs, Excise and Preventive Service, and a coalition of nongovernmental organizations working on tobacco. We have established a National Steering Committee on Tobacco Control and an advisory body that advises the Minister of Health on tobacco-control issues. A subcommittee of this body produced a draft national tobacco-control bill, which is currently receiving Cabinet consideration and eventual passage into law by Parliament. The Food and Drug Board has designed a form that registers and keeps a record of all tobacco importers in the country. In this regard, all tobacco importers are required to sign a document binding them to abide by the directive that reflects the essentials of the Framework Convention. Further, the Food and Drug Board currently insists on the disclosure of the place of origin of all cigarettes and tobacco products that are imported into Ghana, and there is currently a ban on advertisements of tobacco products, to the effect that billboards advertising tobacco products have been prohibited by an administrative instrument and branded vehicles have been resprayed. Street parties sponsored by the tobacco industry are not permitted. Effective 1 July 2009, all imported cigarettes will bear 50% health warnings on their packet display area.

Ghana's Customs, Excise and Preventive Service also plays a significant role in tobacco control. It continues to confiscate and destroy contraband tobacco products and cigarettes. Service officials are constantly being upgraded in their training to better equip them to detect illicit tobacco flow into the country. They currently conduct searches for illicit tobacco and cigarettes at all points of entry and have also cultivated information units in the area of illicit trade in tobacco and a reward system after successful operations. They are permitted by law to seize and destroy counterfeit and contraband products. The Government of Ghana has entered into a memorandum of understanding with neighbouring countries, such as Côte d'Ivoire and Burkina Faso, in areas of technical, mutual administrative and legal assistance in customs matters. As part of our tobacco-control initiatives and

while we are awaiting the passage into law of the draft bill on tobacco control, we are currently working with the hospitality industry and all relevant stakeholders with a view to banning smoking in public places. Their cooperation and support so far is very encouraging and we are delighted to say that by the end of the year smoking in public places should be banned.

Despite these modest gains, Ghana continues to face a number of challenges. These include the following: (1) a high rate of taxation on cigarettes that makes it a lucrative business to smuggle from neighbouring countries with lower taxation rates; (2) detection of smuggled products continues to be a major issue due to lack of advanced technology and the porous nature of our borders; and (3) our financial and technical resources are very thinly spread across a myriad of problems requiring equal attention by the Government. The route ahead continues to be tough and rough in view of the many powers and influences involved, but the Government and people of Ghana strongly believe that with a concerted effort and resolve we can effectively fight against this menace that has bedevilled our society for so long. In this regard, we welcome the new Parties to the Framework Convention and look forward to an enlarged membership over the coming years. In conclusion, Ghana wishes to repeat its commitment to the WHO Framework Convention on Tobacco Control and affirm its people's resolve to realize the dreams and the goals of the protocol. Thank you for your attention.

Dr GESAMI (Kenya):

Thank you Mr President. Kenya fully supports the statement by the Honourable Minister of Health of the United Republic of Tanzania on behalf of the Parties in the WHO African Region. The Kenyan delegation would like to thank the Government of South Africa for its hospitality, welcoming us here and hosting us for this important global meeting. Kenya supports the WHO Framework Convention on Tobacco Control in its totality. We are happy that our sister States in east Africa – Uganda, and the United Republic of Tanzania – are now Parties to the Convention. Kenya is way ahead in the fight against tobacco. A comprehensive tobacco-control law was passed in 2007 and was enforced as of 8 August 2008. This law is based on the provisions of the Framework Convention. It bans smoking in public places, advertisements and promotion of tobacco and sale of tobacco to young people below 18 years of age, among other provisions. We have established a Tobacco Control Board that advises on all matters of tobacco control in our country.

We face numerous challenges in implementation of our law, as well as of the Framework Convention. The surveillance and reporting systems for the Convention cannot be established without accurate and reliable data. But there is inadequate capacity to collect and collate these data. We recommend that the capacity of the Parties be strengthened to achieve this objective through appropriate training and technical support in putting in place surveillance systems. On the same note, I wish to bring to your attention that there are a lot of gaps in terms of human and financial resources for the implementation of some of the articles of the Framework Convention. We are required to build capacity and set aside resources to support the Parties in attending to their priorities in tobacco control. For example, increased public awareness on the effects of tobacco use and exposure to tobacco smoke creates demand for cessation of tobacco use. A tobacco-cessation programme therefore becomes an immediate need. To implement this programme, the Parties require guidelines, financial resources and trained personnel. We propose that the third session of the Conference of the Parties establish a working group to develop guidelines for the implementation of Article 14 on demand reduction measures concerning tobacco dependence and cessation.

In conclusion, African and other developing countries are still seriously struggling with the heavy burden of communicable diseases and poverty. These are some of the competing priorities now limiting resource settings. Despite this scenario, we are prioritizing tobacco control and we are committed to achieving a tobacco-free Africa. We wish to thank the Convention Secretariat for the technical support they have continued to give us and request that it provide more robust support to Parties in adapting the Framework Convention to the domestic context and implementing it. Thank you, Mr President.

Dr ZARIHAH BINTI MOHD ZAIN (Malaysia):

Thank you, Mr President. Honourable health ministers, distinguished representatives, ladies and gentlemen. We are indeed very pleased to be a part of this gathering of the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control here in this beautiful land at the tip of the African continent. On behalf of the Malaysian Government, we wish to thank the Government of South Africa for its kind hospitality and generosity in hosting this important meeting. Your country has showcased numerous aspects of tobacco control that have earned you the respect of other countries, including Malaysia. Since the last Conference of the Parties in Bangkok in July 2007, significant and outstanding progress has been achieved at a remarkable speed. We certainly appreciate the hard work and efficiency of the Convention Secretariat under the leadership of Dr Haik Nikogosian and the members of the Bureau who have spearheaded advances in the elaboration of a protocol on Article 15 and drafting six guidelines, that is, for Articles 5.3, 9 and 10, 11, 12, 13 and 14, as well as producing a report of the study group on Articles 17 and 18. Congratulations! We wish to express our appreciation to WHO's Tobacco Free Initiative for the acknowledgement and assistance given to Malaysia, particularly in the areas of global tobacco surveillance and consultancy work in building laboratory capacity through TobReg.

Mr President, we would also like to take this opportunity to share with you our own account of major strides in tobacco control made during the past 15 months. As in previous years, the national budget announced last September included an increase in tobacco tax, where this time it was a 20% rise in the specific excise tax per individual cigarette. In an effort to curb the tobacco industry's attempt to hold back on cigarette price increases and launch a price war, we will legislate a requirement for minimum prices for cigarettes by the end of this year. The recent amendment to our Control of Tobacco Products Regulation has made it obligatory for cigarette packaging for the Malaysian market to carry pictorial health warnings beginning 1 January 2009. These warnings will cover 40% of the front and 60% of the back of the pack using effective images that we have obtained from our very kind neighbours, Singapore and Thailand. Our new law also places a fairly broad ban on descriptors. Regarding alternatives for tobacco in Articles 17 and 18, Malaysia has identified a crop, known as kenaf, as a replacement, and a bill to that effect was tabled in Parliament for its second reading. More and more public places are also becoming smoke-free and these include five footways in shopping complexes.

Malaysia participated in both sessions of the Intergovernmental Negotiating Body for a protocol on Article 15 and became a partner in the working groups elaborating guidelines for Articles 11, 12 and 13. The Ministry of Health has also embarked on tobacco-related research activities in partnership with relevant local and foreign academic institutions with technical and financial assistance from international and regional grant-giving bodies.

We want to record our sincere thanks to the Southeast Asia Tobacco Control Alliance and the International Tobacco Control Policy evaluation team for lending a hand in assisting us in research, as well as in capacity-building efforts in tobacco control through the organization of seminars and workshops for networking within the Association of South-east Asia Nations region. We are pleased to note that all our endeavours proved to be useful when our latest national survey showed that we had managed to reduce national smoking prevalence by 2%. Our adult smoking rate is currently 21.5%.

Mr President, Malaysia generally supports the draft guidelines for Articles 9 and 10, 11, 12, 13 and 14 and wishes to call on all Parties to accept these documents with minimal changes or no changes at all, as we did with Article 8 during the last session of the Conference of the Parties. The draft guidelines are based on best-practice models, are not legally binding and have no rigid time frame for their full implementation. Even for Article 8, most of us are still working our way towards achieving the targets set in these guidelines. Hence, similarly, Parties can always work towards meeting all the items proposed in the guidelines presented before us at the Conference of the Parties. We may then concentrate our energy on discussing the more contentious draft guidelines on Article 5.3. We hope that we will be able to spare enough time to savour the lovely sights, sounds and pleasures of this beautiful land of South Africa. Thank you very much. Mr President.

Mr DAYAL (India):

Mr President, Excellencies, ladies and gentlemen. India welcomes the opening of the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control in Durban. We are particularly pleased to see the Conference taking place on the continent of Africa. This should send a message to the people of Africa that we are with them in their efforts to combat the menace of tobacco products. My delegation wishes to bring to the attention of the Conference of the Parties various measures and events that have been undertaken and facilitated by the Government of India since the second session of the Conference in Bangkok. India has launched a National Tobacco Control Programme in nine states, as mentioned by Thailand on behalf of the Parties in the South-East Asia Region. This programme aims to build capacity at the local and community level. The Government has earmarked approximately US\$ 100 million over the 2007–2012 period. To strengthen the National Tobacco Control Programme, we have also taken a number of other steps. The Tobacco Control Act of 2003 has been constantly reviewed and updated to increase its effectiveness in view of changing realities and new and emerging challenges. An amendment to the smoke-free law, with effect from 2 October 2008, is a landmark piece of legislation with far-reaching impact. The amendment prohibits smoking in all public places and puts the onus for the law's implementation on the person in charge of that public place. The amendment also empowers the person in charge to take effective measures to enforce the smoke-free law. India is actively working on establishing tobacco product testing and air-quality monitoring laboratories. These laboratories are expected to be functional from 2009. Tobacco-cessation centres are being scaled up from the existing 18 to around 100 by 2009.

Mr President, since most of the above legislation and administrative measures require strong support and commitment from other government departments, the Government of India has constituted an Inter-Ministerial Task Force for this purpose. As recognized by the Framework Convention, one of the key elements in tobacco control is the provision of sustainable, alternative livelihoods to the millions of farmers engaged in tobacco cultivation. India commends the initiative of the ad hoc study group on alternative cropping and recommends that the group look out sustainable alternative cropping systems in five different agro-climatic zones with earmarked funding of approximately US\$ 1 million.

India strongly recommends and supports the adoption of the guidelines on Articles 5.3, 11 and 13. We look forward to working on guidelines on Articles 9 and 10, 12 and 14 and would like to see positive action before the fourth session of the Conference of the Parties. We also note the progress being made by the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products. India believes that the growing number of Parties to the Framework Convention is testimony to the success and importance of the first global treaty on public health. We wish to cooperate in strengthening implementation of the treaty's provisions and objectives. In this regard, we would like to see the adoption of a balanced approach that takes care of the technical and other resource needs of developing countries and countries with economies in transition to meet their treaty obligations under the Framework Convention. India therefore recommends further work on needs assessment of developing countries and countries with economies in transition, as well as further strengthening of the resource base of the Convention Secretariat in order meaningfully to enable those Parties in need of support to fulfil their obligations under the Convention. Finally, I would like to warmly thank the Government of South Africa for its gracious hospitality in hosting this Conference.

Dr SIRIWAT TIPTARADOL (Thailand):

Thank you, Mr President, distinguished ministers, Excellencies, heads of delegation, ladies and gentlemen. It is a great honour for me to address this important meeting, the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. First, the Thai delegation wishes to thank the Government and Ministry of Health of South Africa for the warm welcome we have received since landing in Johannesburg. You have a beautiful country and we are touched by the friendliness and generosity shown by the people. We also wish to congratulate you, Mr President, and the Convention Secretariat and its staff for their accomplishments over this past year.



As we are all aware, over five million people die each year from tobacco and this number is climbing. There are over one billion smokers and most are in developing countries. We must remind ourselves that we have a daunting task ahead of us in making a tobacco-free world. The Kingdom of Thailand, the land of smiles, has often been cited as an exemplary country in tobacco control. We were very honoured to host WHO's country tobacco-control assessment in Thailand two weeks ago, following Brazil. We are grateful to WHO for helping us crystallize the burdens and challenges of national tobacco control efforts that lie ahead. Our accomplishment has been attributed to our stringent tobacco-control policy. We successfully barred the Thailand Tobacco Monopoly from participating in tobacco control and we have implemented a comprehensive ban on tobacco advertising and promotion since 1986, 17 years before ratifying the Framework Convention. We are proud to be among the leading countries in enforcing a ban on misleading descriptors and a comprehensive ban on display of tobacco products at points of sale by the largest network of retailers (with more than 500 000 outlets). We have also adopted pictorial health warnings on cigarette packages since 2005. It has been estimated that our efforts in enforcing strict tobacco-control regulations have led to a reduction in the number of smokers in Thailand by four million.

Our success in tobacco control can be attributed to what is reflected in the guidelines that will be adopted at this session of the Conference of the Parties. We have a firm commitment to participating in the development of, and advocacy for, rigorous guidelines. Over the next six days, we will be working together in adopting several guidelines and Thailand wishes to underscore the importance of making them as stringent as possible, adhering to the spirit of the Framework Convention. Countries need strong guidelines to move us forward towards an effective tobacco-control policy. Thailand's is a prime testimony. Many challenges and obstacles lie ahead of us, but if we uphold the same crusading spirit as that of Nelson Mandela's struggle for freedom, we will achieve our ultimate goal of a tobacco-free world. *Ngiyabonga*. Thank you.

Dr EMAMI RAZAVI (Islamic Republic of Iran):

Mr President, representatives, ladies and gentlemen. Allow me at the outset to seize this moment to extend my most sincere felicitations to you, Mr President, and other members of the Bureau for the high office that you have assumed. Our thanks go equally to the Director-General of WHO and her capable staff for providing the best professional support one could have expected for this meeting. It is heartening to see that since the second session of the Conference of the Parties, 14 countries have become Parties to the WHO Framework Convention on Tobacco Control. We wholeheartedly welcome them. The universality of the Framework Convention is a high priority. We all have to focus our efforts on achieving early the universality of the Convention as a common objective. Iran firmly believes that the human being is at the heart of sustainable development. Therefore, human health is the key component of any approach towards such development. With young people constituting 70% of the whole population, the Iranian authorities are fully aware of the risk tobacco poses to our society. The high rate of illicit traffic in tobacco products in our region adds to the urgency of tobacco control and fighting against its illicit trafficking, in particular in our country, which has the longest territorial borders in the Middle East. That is why we are so determined to control tobacco. Production, importation and supply of tobacco products in Iran is the exclusive right of the national tobacco company affiliated to the Government. This helps the Government better to control the production, importation and use of tobacco products and curb illicit trade. After enactment of the National Comprehensive Law on Control of Tobacco Products, which was announced at the second session of the Conference of the Parties, I am delighted to inform you and fellow colleagues that the by-law for the full implementation of the aforementioned law was adopted by the Government in September 2007. Thereafter, its enforcement council, consisting of relevant authorities in this field, has also been established. This council has five committees to cover all areas related to tobacco control, including packaging and labelling, licensing, monitoring and standardization of tobacco contents, combating tobacco smuggling and illicit trade and public awareness and education. Since its establishment, this council has adopted two enforcement regulations on packaging and labelling, as well as licensing, which will enter into force as of January 2009. Other measures that we have taken in this field are as follows: smoking in public places and workplaces has been banned; a Government

decree on the total ban on advertising, promotion and sponsorship of tobacco products is fully in place; and centres for free consultancy and treatment to quit smoking have been established widely.

Mr President, the Islamic Republic of Iran has actively participated in the current negotiations on the protocol on illicit trade in tobacco products and fully supports the Intergovernmental Negotiating Body in finalizing a draft protocol on this issue. In our collective endeavour to control tobacco and combat its illicit trade, we must particularly consider the situation of developing countries. While they are systematically targeted by the tobacco industry as a lucrative market, their capacity to control tobacco products, in many cases, is low. The capacity of developing country Parties needs to be enhanced through international cooperation and collaboration as provided for by the Framework Convention. We also have to avoid broadening their legal applications beyond their capacities. Therefore, capacity-building should be considered as a top priority in the international campaign against tobacco. I would like to conclude my statement by announcing that the Islamic Republic of Iran has decided to establish an international award for the most active campaigners against tobacco. This award is named after the Great Ayatollah Mirza-e Shirazi, who banned using tobacco 150 years ago. This exhibits the high value that the teachings of the divine religions attach to the preservation of public health. We hope that this step will help to encourage all those active in the field and create new momentum for the furtherance of our common, noble goal. In conclusion, the Iranian delegation would like to express its appreciation of the warm South African hospitality and to wish the Conference of the Parties a successful week. Thank you for your attention.

Ms MAIERÁ (Brazil):

Mr President, on behalf of the Brazilian delegation, I would like to congratulate you for the very positive results that you have been achieving as President of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. We would also like to thank the Government of South Africa for hosting the third session of the Conference of the Parties in Durban and to salute all the delegations and organizations here convened. Brazil is very pleased to be represented. We welcome this opportunity to reiterate our commitment to implement the Framework Convention as a priority in the field of sustainable development and social justice. Brazil praises the work developed by the Convention Secretariat and by the working and study groups during the intersessional period. The many important documents produced will surely contribute to accelerating global implementation of this treaty. We also wish to express our gratitude for all the efforts that WHO, through its Tobacco Free Initiative programme, has been dedicating to support States Parties to the Framework Convention and to mobilize ratification of the Convention by the countries that have not yet done so. The speed and strength of the adhesions to the Framework Convention worldwide have been amazing. During the first session of the Conference of the Parties in 2006, the Framework Convention counted on 121 Parties; in 2007, during its second session, we were 146, and now we are 160. This speed demonstrates the increasing global commitment mobilized by the Framework Convention's objectives of protecting the worldwide population from the transboundary dynamics of the tobacco market that each year generates thousands of nicotine-addicted adolescents and future candidates for tobacco-related diseases and deaths.

The Brazilian delegation would like to pay tribute to all the people in the institutions, organizations and governments and to mention Dr Gro Harlem Brundtland, who made this collective dream a reality during her term as Director-General of WHO at the beginning of this century. In this regard, the Brazilian delegation would also like to express its special thanks to Dr Margaret Chan for her commitment to keeping and enhancing the development of the Framework Convention as a priority in WHO's agenda. In its five years of existence the Convention has been providing governments with important guidance and cooperation opportunities to enhance their national tobacco-control policies. Brazil has shared its successful experiences, as well as the lessons learnt from its difficulties in implementing tobacco-control policies, and at the same has learnt by the experiences gained and advances achieved by other countries from all regions of the world.

From this perspective, the countries that are Member States and associated with the Common Market of the South economic integration region, have been working together since 2003 through the Intergovernmental Commission for Tobacco Control towards cooperation and harmonization of tobacco-control policies in the region. The Brazilian Government believes that partnership and

exchange of knowledge and experience pave the way for successful outcomes to accomplish the objectives of the Framework Convention. Although satisfied thus far, we must not content ourselves with the tasks accomplished. Further commitment must be shown in defence of the Convention's objectives.

In Brazil the process of implementation of the Framework Convention is moving ahead through several ongoing initiatives on tobacco control. Brazil has engaged in the adoption of new legislation for protection from exposure to second-hand smoke according to the guidelines adopted by the second session of the Conference of the Parties. This is a sign of a will to move even further. Regarding tobacco-control governance in Brazil, its main axis relies on the multisectoral character of the National Commission for Implementation of the WHO Framework Convention on Tobacco Control. This Commission, created by a presidential order, is composed of representatives from 16 different ministries, some of whom are present at this Conference. It is an expression of the commitment to the guiding principles and general obligations of the Framework Convention, and a way of positively aligning the agendas of different government sectors with Convention objectives.

Specifically on this agenda, we would like to comment on some points that will be discussed over the next few days. As a tobacco-producing country, Brazil also believes that the treaty must offer opportunities for the development of alternatives for the social sectors that today are dependent on tobacco production for their survival. As in most tobacco-producing developing countries, dependency on tobacco growing generates significant sanitary, social and economic vulnerabilities for thousands of small farmers and their families. We believe that a common effort by the international community is necessary to put into practice feasible alternatives to tobacco crops. In this regard, the Brazilian Government is strongly committed to the National Programme on Product Diversification in Tobacco-Growing Areas within the national policy framework for sustainable rural development. The approach of this programme is based on the concept of diversification of rural livelihoods. We understand that diversification of livelihoods could offer a decisive contribution to rural development at different levels: income distribution, increased rural productivity, better environmental practice, improved quality of life and protection from macroeconomic impact. During the second meeting of the Ad Hoc Study Group on Alternative Crops, held in Mexico last June, we noted an evolution towards a consistent methodology to support comparative studies on the income generated from tobacco and the income generated from other production and activities from a livelihood perspective. In this regard, the Brazilian delegation understands that all these efforts will soon generate important recommendations on best practices to implement Articles 17 and 18, which stress the need to elevate the status of this issue on the agenda of the Conference of the Parties.

Mr President, Brazil reaffirms its commitment to collaborating in the entire ongoing process of building knowledge that may generate guidelines for the implementation of Articles 9 and 10 relating to the regulation of contents and emissions of tobacco products and to disclosures. Concerning these articles, Brazil considers that there are many knowledge gaps still to be filled before we have solid guidelines for the adoption of such measures. Regarding Article 11, this year Brazil launched its third set of health warnings with photos on tobacco packages and some innovations in the layout and the process of selecting and testing the images. We are sure that this initiative is in line with the recommendations of the working group mandated to elaborate guidelines for Article 11. We also understand that education and public awareness are a crucial and cross-cutting issue involving almost all the articles of the Framework Convention. We would like to express our thanks, in advance, for the report to be presented to us on the work done on this matter.

Regarding Article 15, Brazil reaffirms its commitment to the development of a protocol on the illegal tobacco market. However, we would like to reaffirm our understanding that the debate on illicit trade in tobacco products cannot and should not limit itself to fiscal and customs aspects. Brazil also supports the guidelines that may generate mechanisms to protect society from the negative effects of advertising, promotion and sponsorship of tobacco products. Brazil understands that this third session of the Conference of the Parties is of crucial importance for the future follow-up of the implementation process of the agreed measures of the Framework Convention. We must keep up our efforts to offer a better future to future generations. Please count on the collaboration of the Brazilian delegation for a very productive Conference of the Parties. Thank you.

The PRESIDENT:

Thank you very much, Brazil. Because of time, we can accommodate only three more Parties to express their views. I would like to invite the Russian Federation.

Ms SERYREVA (Russian Federation):

Г-жа СЕРЫРЕВА (РОССИЙСКАЯ ФЕДЕРАЦИЯ)

Большое спасибо, г-н Председатель, за предоставленную возможность выступить.

В апреле текущего года Российской Федерацией ратифицирована Рамочная конвенция ВОЗ по борьбе с табаком. Однако данная задача решалась не просто. И нам хочется поблагодарить Секретариат Рамочной конвенции, д-ра Никогосяна, за оказанную поддержку, открытость в рекомендациях и исчерпывающее методическое обеспечение. В настоящее время Министерство здравоохранения и социального развития России, на которое правительство страны возложены функции по координации работы, планирует комплекс целенаправленных межсекторальных мер на 2009-2010 годы. Он включает разработку национальной стратегии по борьбе с табаком, которая предполагает изменение национального законодательства, активную работу с населением по информационной поддержке и оказанию помощи по отказу от курения, другие необходимые меры. Правительством страны на эти мероприятия выделены в бюджете целевые средства на ближайшие три года. И мы надеемся, что реализовав намеченные меры, нам удастся снизить распространенность потребления табака среди населения Российской Федерации в полтора/два раза.

Спасибо за внимание.

Professor MWAKYUSA (United Republic of Tanzania):

Thank you, Mr President, for giving me another chance to speak. This time I am going to present a statement on behalf of my delegation. I would like to start by expressing my sincere gratitude to the Government and people of the Republic of South Africa for agreeing to host the third Conference of Parties to the WHO Framework Convention on Tobacco Control here in Durban, and I would also like to commend WHO for collaborating effectively with Member States to make the Conference a reality. Hosting the third Conference of Parties in Africa offers another opportunity for African countries to reflect on and reaffirm their political and technical commitment to the process of pursuing policies, legislation and other strategies that are primarily intended to control the looming tobacco epidemic within a country and its neighbouring countries. Like other WHO Member States, Tanzania participated in several intergovernmental negotiating sessions during the development of the Framework Convention from 2000 through 2005. Here are some of the milestones of our involvement in this process. In 2003 Tanzania enacted a law, the Tobacco Products Regulation Act. The following year, in January 2004, we signed the Framework Convention at United Nations headquarters. In February 2007, Parliament ratified the Framework Convention, and later, in April, we deposited the official instrument of ratification at the United Nations headquarters. Then in July 2007 the Framework Convention came into force in our country. In 2007 we declared the Dar es Salaam international airport a smoke-free zone. Thanks to our local Framework Convention Alliance, we are in the process of making all other airports smoke free. Presently, we are reviewing the Tobacco Products Regulation Act to accommodate the provisions of the Framework Convention.

While having the Framework Convention to show the way as to the methods of containing the tobacco pandemic, it remains a question of political and technical commitment, coupled with financial resources, to create an enabling environment for the Convention to be translated into action within the context of proposed country and inter-country projects and programmes for sustainable tobacco control. It is therefore imperative to note that tobacco-control strategies and activities in most countries, particularly developing countries, require both financial and technical support. Both financial capacity and technical capacity are in short supply in these countries. I am aware and appreciative of the enormous work that has been accomplished during the first and second sessions of the Conference of the Parties, and a lot of work continues to be done in our endeavour to extend the scope of tobacco control. Like the previous Conferences, the present one is expected to enliven the

Convention by pursuing a number of important subjects, including draft guidelines for implementation of the various articles and tools for reporting and budgetary issues. It is therefore my belief that these areas, once discussed and adopted, will be of importance to all Parties as instruments and avenues in programming for tobacco control, which in turn can contribute to the achievement of several Millennium Development Goals through reduction of poverty, child mortality and noncommunicable diseases, as well as environmental conservation.

The United Republic of Tanzania, like most other WHO Member States, is concerned about the increasing production and consumption of cigarettes and other tobacco products, particularly in developing countries. Cognizant of the devastating health, social, economic and environmental consequences of tobacco use, we are committed to working with the international community in our bid to contain the use of tobacco products and, by so doing, protect and improve the well-being of our people. Thank you, Mr President.

Dr MANSOUR (Sudan):

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The PRESIDENT:

Thank you very much. I suggest that we continue our discussion on this item at our plenary meeting tomorrow, starting at 10:00. Before we close this meeting, permit me to remind you that our host, the Minister of Health of South Africa, has invited us for dinner this evening. Before dinner, representatives will have the opportunity to visit the exhibit area in Hall 3, situated on this floor, where a very interesting exhibition on tobacco control has been organized by Uruguay. I look forward to seeing you there. This meeting is now adjourned. Thank you.

**The meeting rose at 17:30.  
La séance est levée à 17h30.**

**SECOND PLENARY MEETING**

**Tuesday, 18 November 2008, at 10:15**

**President:** Dr HATAI CHITANONDH (Thailand)

**DEUXIÈME SÉANCE PLENIÈRE**

**Mardi 18 novembre 2008, 10h15**

**Président:** Dr HATAI CHITANONDH (Thailand)

- 1. REPORT OF THE CONVENTION SECRETARIAT AND STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL** (continued)  
**RAPPORT DU SECRETARIAT DE LA CONVENTION ET SITUATION DE LA CONVENTION-CADRE DE L'OMS POUR LA LUTTE ANTITABAC** (suite)

The PRESIDENT:

Good morning, distinguished representatives. Allow me, distinguished representatives to express our warm thanks to our host for the beautiful dinner arranged for us last night. It was a most pleasant evening.

We shall now continue our debate on agenda item No. 3 – the report of the Convention Secretariat. The following Parties expressed their wish to speak yesterday on agenda item 3. There are eight Parties in all: first, Turkey; second, Nigeria; third, Djibouti; fourth, Jamaica; fifth, Guatemala; sixth, Honduras; and seventh, Japan. May I ask the representative of Turkey to take the floor first, please.

Mr YÜKSEL (Turkey):

Thank you. Mr President, distinguished representatives, we would like to congratulate you and the Secretariat on the occasion of the start of the Conference of the Parties of the Framework Convention on Tobacco Control. We also look forward to a fruitful conference that will take the tobacco-control efforts a step further. Since the end of the second session of the Conference of the Parties in Bangkok, Turkey has showed significant development in tobacco control. First, the national tobacco control programme and action plan for the period of 2008 to 2012, which was launched by the Ministry of Health in the presence of the Prime Minister, should provide a phased approach to tobacco-control efforts in Turkey by setting specific targets. Additionally, a new law on tobacco control was enacted in January 2008, which extends the implementation of the previous anti-tobacco law of 1996. An important feature of the new law is the complete ban on smoking in all closed areas, including restaurants, cafés and bars. From this point of view, Turkey is one of the leading countries in the world.

We strongly support the work of the Convention Secretariat and welcome the report, which was comprehensively prepared. Over the last year, Turkey participated in the work on Articles 5.3, 9 and 10, and 11. Regarding Article 5.3, Turkey achieved great success recently. The anti-tobacco law of

1996 had already banned all kinds of tobacco advertisements, but not sponsorship of the tobacco industry. In the new anti-tobacco law we enacted earlier this year, sponsorship was also prohibited. Further to that, the Advertising Board banned the electronic advertising of cigarettes, and this decision was approved by a court ruling.

As in some Middle Eastern and African countries, water pipe use is an emerging problem as a way of tobacco consumption. It has been promoted by the tobacco industry and has become more popular, particularly among young people. Studies reveal that one in every five water pipe users is not aware of the dangers of this behaviour. In collaboration with the regulatory agency on tobacco and WHO, the Ministry of Health has started a country-wide public awareness campaign called "protect your air". Turkey's primary target is to protect the people and the next generations from detrimental health, environmental, social and economic consequences of tobacco use and exposure to tobacco smoke.

Mr President, my delegation would like to thank our South African hosts for the warm reception and the excellent dinner, as well as beautiful performance we had last night. Thank you very much.

The PRESIDENT:

Thank you, Turkey. I would like to give the floor to the representative of Nigeria.

Dr ANIBUEZE (Nigeria):

Good morning and thank you, Mr President, for giving me the opportunity to make this short statement on behalf of the Nigerian delegation. My delegation wishes to associate itself with the statement made by the Minister of Health of the Republic of Tanzania yesterday on behalf of the Parties in the African Region. Nigeria wishes to congratulate the Convention Secretariat for the good work they have been doing since the second session of the Conference of the Parties. We wish also to congratulate the Government and people of South Africa for co-hosting this Conference and for their hospitality since we arrived in Durban. The Nigerian delegation is particularly happy that the WHO Framework Convention on Tobacco Control is gaining ground with more countries ratifying and becoming Parties to the Convention. This is no doubt a clear testimony of the hard work of the Convention Secretariat. We congratulate the countries who have recently become Parties to the Convention. The actions of the Convention Secretariat and certainly of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, and the excellent work on the elaboration of guidelines and the reports on the implementation of the Convention, particularly with respect to Articles 5.3, 9, 10, 11, 12 and 13, are commendable. We also thank the working groups for their efforts. The Nigerian delegation believes that there is a need to further strengthen the guidelines on Article 5.3 to provide adequate protection from interference by the tobacco industry in our various tobacco-control efforts.

Mr President, permit me to share some of our achievements in tobacco control in Nigeria. (1) Nigeria has strengthened its enforcement efforts and is now implementing the law on no smoking in public places. (2) Nigeria's new capital, Abuja, has been declared a smoke-free city. (3) There is a ban on tobacco advertising, promotion and sponsorship in any form. (4) All tobacco packets now carry a health warning covering at least 30% of the surface on both sides. (5) It is now mandatory for tobacco industries to declare the contents of their products on packets. (6) Some seizures have been made by the regulatory agency for those products that did not meet the mandatory warnings and the mandatory disclosures. (7) A comprehensive draft bill on tobacco control has been developed and approved by the entire ministerial committee on tobacco control in Nigeria. The draft bill has been forwarded for approval by the Honourable Minister of Health and onward submission to the Federal Executive Council (Council of Ministers) for approval before it is sent to the National Assembly for passage into law. (8) The Federal Government of Nigeria and some states in the country have filed lawsuits against six major tobacco companies in Nigeria, claiming special, general punitive and anticipatory damages worth around US\$ 37.7 trillion. This action has presented a new strategy for tobacco control in Nigeria. (9) The Government has made it very difficult to establish new tobacco-manufacturing factories in Nigeria. Recently, the Government of Nigeria stopped the construction of a new cigarette factory worth over US\$ 80 billion in Oyo State in south-west Nigeria, where British American



Tobacco has its largest factory in Africa. This new factory was to be established by the Imperial Tobacco group in collaboration with a Japanese tobacco company.

In conclusion, Mr President, let me once again thank the Convention Secretariat and the South African Government for the excellent facilities put at the disposal of representatives at this third session of the Conference of the Parties in Durban. May I remind Parties and the Secretariat that the implementation of the Framework Convention requires enormous resources, and thus, developing countries and countries with economies in transition should be assisted technically and financially to meet their obligations under the Convention. As you are aware, Mr President, most African countries belong to this group. Efforts should therefore be made to support them. Thank you for your attention.

The PRESIDENT:

Thank you. I would like to give the floor to Jamaica, followed by Guatemala. Jamaica, please.

Dr LEWIS-FULLER (Jamaica):

Thank you, Mr President. Congratulations to you, to the Director-General of WHO, to Dr Nikogosian and the Convention Secretariat, and to the Bureau for the leadership you have all been showing in moving forward with this Framework Convention on Tobacco Control through the Conference of the Parties. We are very, very grateful for your leadership. The Jamaican delegation would also like to add its congratulations to South Africa for hosting this third session of the Conference of the Parties.

It is indeed fitting for this meeting to be held here to demonstrate the recognition and support by fellow Parties and non-Parties for the tremendous efforts and achievements of South Africa. This country certainly deserves our emulation. In this regard, Mr President, Jamaica continues to give strong support to the Framework Convention, as demonstrated by the examples that follow. We are working towards comprehensive tobacco-control legislation to reflect the spirit, principles and obligations of the Convention. We are also working on the amendment of the Caribbean Community labelling standards for cigarettes to include pictorial warnings along with large bold texts on packets, in order to deter smokers from continuing to use these deadly products. This is after Jamaica amended its own standards in keeping with the minimum requirements of the Framework Convention; that change came into effect in November 2006. We hosted a Caribbean meeting on the implementation of the WHO Framework Convention on Tobacco Control in August this year, in collaboration with WHO, PAHO in Washington, as well as the local PAHO office. We are very grateful for the support we received from them and our Caribbean colleagues and fellow States – the meeting was a resounding success! We have also supported initiatives being taken on Article 15 on Illicit trade in tobacco products through our participation in the Intergovernmental Negotiating Body. We have just completed guidelines for tobacco cessation and are about to begin training relevant staff members and health workers in implementing this manual within our health services. Mr President, the apparent slow progress made by some Parties may be a sign that more capacity building and encouragement are needed to remove Parties' inertia towards implementation of the Framework Convention. My delegation urges WHO to look into this to see if help can be given to some countries that may need it, particularly in the Caribbean region where countries want to be more active in tobacco control but find it difficult because of certain obstacles.

The Jamaican delegation would like to see all countries moving towards the fulfilment of the Framework Convention in earnest in order to realize a better world for posterity. We would not want any part of this world to be left struggling in a smoky environment. I thank you, South Africa, for providing this platform and backdrop for the third session of the Conference of the Parties – another milestone in this global effort, led by WHO. Thank you, Mr Chairman, thank you, fellow representatives. Let us have a spirited and goal-seeking meeting.

The PRESIDENT:

Thank you, Jamaica. I would like to now give the floor to Djibouti.

Mme ALI-HIGO (Djibouti):

Monsieur le Président, merci. La République de Djibouti s'associe aux déclarations des délégations qui l'ont précédée et qui ont félicité les organisateurs de la troisième session de la Conférence des Parties, les facilitateurs et les pays hôtes qui ont mené les travaux sur les projets de directives. Nous remercions la République sud-africaine pour avoir accueilli cette session de la Conférence. La République sud-africaine, tout comme la Thaïlande l'an dernier, confirme ainsi le degré d'engagement des pays du Sud dans la lutte antitabac.

Dès 2005, Djibouti s'est investie dans un processus de mise en œuvre des dispositions de la Convention-cadre en donnant la priorité aux articles 8, 11 et 13. Grâce à ces mesures, un cadre pertinent juridique et réglementaire est disponible pour favoriser la protection de la santé des générations actuelles et futures. Inch'Allah. De par la taille de notre population, 700 000 habitants, nous ne devons pas en principe constituer une cible pour une industrie de grande distribution. Hélas, erreur ! Cependant, avec le soutien de l'Initiative Pour un monde sans tabac d'une ONG, nous avons pu protéger notre politique de santé en cette matière et développer, sans pourtant résorber le retard, la mise en œuvre de l'article 11 ; cette réalisation à Djibouti est le fruit d'une coopération efficace, dont la cheville ouvrière est l'Association canadienne de Lutte contre le Cancer. Permettez-moi, Monsieur le Président, de remercier ici cette association, l'Initiative Pour un monde sans tabac et la Région de la Méditerranée orientale pour nous avoir accompagnés dans ce processus ; je tiens à remercier tout particulièrement le Canada, l'Australie et la Communauté européenne qui ont favorisé l'émergence de cette disposition de l'article 11 en République de Djibouti. Cette coopération sans complexe nous a permis également de contrer l'ingérence de l'industrie du tabac dans cette disposition. D'où l'attachement très particulier de Djibouti pour des directives très fortes en ce qui concerne la protection de la politique de santé, qui fait l'objet de l'article 5.3. Cette même politique, Monsieur le Président, honorables délégués, fait face actuellement à la montée du tabagisme par la chicha, cette nouvelle forme de tabagisme du XXI<sup>e</sup> siècle qui se veut récréative ou folklorique, mais qui a des effets dramatiques sur la santé des enfants à cause de la fumée secondaire dans les foyers. Nous nous associons aux déclarations du Soudan pour alerter l'opinion de la Conférence des Parties quant aux conséquences sanitaires qu'il faut appréhender pour ne pas saper nos efforts dans la lutte antitabac. Enfin, Monsieur le Président, Djibouti félicite l'organe intergouvernemental de négociation sur la lutte contre le commerce illicite du tabac et l'encourage à œuvrer pour un protocole prospectif qui tienne compte des réalités régionales et des risques qui sont prévisibles.

The PRESIDENT:

Thank you, Djibouti. May I ask the representative of Guatemala to take the floor.

La Dra. AQUINO (Guatemala):

Señor Presidente, estimados delegados, muy buenos días. En nombre del Gobierno de mi país, Guatemala, quiero agradecer al Gobierno de Sudáfrica, por la hospitalidad que nos ha brindado en esta tercera Conferencia de las Partes, un evento tan importante para cada uno de nuestros países. El Gobierno de Guatemala, por medio del Ministerio de Salud Pública y Asistencia Social, está muy comprometido con el problema del control del tabaco, dentro del seno del Convenio Marco de la OMS. Por tal razón, ha creado una comisión específica para el control del tabaco dentro del Ministerio. Dicha comisión está integrada por programas de la Dirección General de Vigilancia y Control de la Salud, y entre sus funciones figura el control de la publicidad de los productos de tabaco, que ya está establecida en el decreto ley 50/2000. Entre otras actividades de la comisión ministerial destaca también dar seguimiento a la conformación de una multisectorial, la cual involucrará a los diferentes sectores interesados en el control del tabaco. Esto está bastante avanzado, ya que se encuentra actualmente en los últimos pasos para la firma de un acuerdo del Ejecutivo para poder crear dicha comisión y tener un nivel más alto de transparencia en los temas de control del tabaco. Dentro de los avances que ha hecho Guatemala en la implementación del Convenio Marco, uno de los más

importantes es la revisión de la ley de ambientes libres de humo de tabaco, que se encuentra actualmente en el legislativo y que esperamos que sea aprobada la próxima semana a más tardar. Esto permitirá luego dar lugar a la reglamentación debida por medio del Ministerio de Salud, y proseguir con la implementación de ésta, aunque ya hemos realizado algunos avances, principalmente en algunos ministerios, en donde ya se cuenta con ambientes libres de tabaco. Esta ley persigue tener ambientes libres de tabaco en todos los lugares públicos y en todos los lugares de trabajo. Además de esta ley, también ha ingresado en la comisión de salud la ley para etiquetado y empaquetado de productos de tabaco, que esperamos que sea revisada y aprobada por el legislativo. De lo contrario, el Ejecutivo debería asumir la responsabilidad de adoptar las consideraciones pertinentes de dicha ley para poder cumplir los compromisos del Convenio Marco. En esta ley se considera la introducción de pictogramas y advertencias que ocupan el 75% de ambas caras del empaquetado, lo cual es de mucha importancia para nuestro país. Guatemala sería el cuarto país de Latinoamérica que adoptaría esta ley.

Por último, señor Presidente, deseo agradecerle la oportunidad que me ha dado de poder compartir en esta tercera Conferencia de las Partes los avances que ha hecho Guatemala en lo relativo al control del tabaco, y ratificar la voluntad de mi Gobierno de continuar dando seguimiento a la implementación de los diferentes artículos del Convenio para contribuir a un mejor control de los productos de tabaco. Y una vez más, felicito al Gobierno de Sudáfrica por su hospitalidad y por las atenciones que ha tenido con los delegados de los diferentes países. Muchas gracias, señor Presidente.

The PRESIDENT:

Thank you very much, Guatemala. May I now ask the distinguished representative of Honduras to speak.

La Dra. MEJÍA DE RIVERA (Honduras):

Felicito al señor Presidente y a la Secretaría por su excelente labor, y hago extensivas mis felicitaciones a todos los organizadores de este magno evento. Gracias a nuestros anfitriones por recibirnos en su lindo país.

En Honduras, hacemos grandes esfuerzos para implementar el Convenio Marco de la OMS para el Control del Tabaco. En este sentido, actualmente tenemos el decreto 180/2006 que prohíbe fumar en las instalaciones ocupadas por el Estado. Con los miembros de los tres poderes del Estado redactamos los reglamentos que sancionan su incumplimiento. Asimismo, en el Congreso nacional tenemos el dictamen de la Comisión de Salud sobre nuestra ley especial contra el tabaco, que fue modificada en su versión original, por medio de la cual creamos una comisión nacional de protección contra el tabaco, Conaprocta, que está conformada por las instituciones gubernamentales y no gubernamentales y que tendrá una red a nivel municipal. Esta comisión ha revisado y ha enviado esta revisión a todos los partidos políticos, al Presidente del Congreso, a la Comisión de Salud y a los diputados líderes. Hemos aprobado un reglamento del etiquetado y empaquetado de los productos de tabaco que se encuentra en proceso de acuerdo ministerial para otorgarle el rango de Ley de la República. Seguimos declarando espacios libres de humo de tabaco las instituciones públicas y privadas, tales como el ejército, la fuerza aérea, la policía, los bancos y las universidades, y estableciendo comisiones para que den seguimiento a esta política. Cada día son más numerosas las organizaciones que quieren declarar sus espacios libres de humo de tabaco, conscientes de que es una forma de sensibilizar a la población. Hemos presentado un proyecto a la Secretaría de Transporte para concienciar al usuario del transporte interurbano y rural a través de la información. Estamos trabajando con las alcaldías a través de municipios preventivos. Realizamos congresos, jornadas científicas, conferencias, anuncios publicitarios por los diferentes medios hablados y escritos, reuniones con periodistas, estudiantes, médicos de la prevención de la arterioesclerosis, institutos de jubilaciones y pensiones, federaciones femeninas y estudiantes. Asimismo, comenzamos a realizar con la OPS un plan estratégico regional.

Nuestra limitante es la interferencia de la industria a través del patrocinio, que conlleva a la participación en la toma de decisiones. Es por ello que consideramos que el párrafo 5.3 es de gran importancia, porque si no se aplica se obstaculizará cualquier esfuerzo. Me preocupa que el artículo 13 deja la posibilidad de una restricción en el patrocinio, lo cual entra en contradicción con el párrafo

5.3, porque al existir patrocinio hay participación en la toma de decisiones. Consideramos que el texto de este párrafo debe endurecerse a través de sus disposiciones para lograr nuestros objetivos. Honduras siempre está a la vanguardia de todos los países en el combate contra esta droga que cada año mata a 5,4 millones de personas en el mundo. Muchas gracias.

The PRESIDENT:

Thank you, Honduras. I would now like to give the floor to Japan, please.

Mr HOSHINO (Japan):

Thank you, Mr President. Fellow representatives, ladies and gentlemen, Japan highly appreciates the work of the Convention Secretariat and of all those who deployed maximum efforts in preparing this Conference of the Parties, including the working group members who prepared several guidelines that are presented to this Conference for its consideration. Our thanks also go naturally to the Government and people of South Africa for the hospitality that is extended to us.

Today, Japan would like to reiterate its firm commitment to the effective and steady implementation of the Framework Convention on Tobacco Control to fight against tobacco-related diseases for which our collective efforts are primordial. In this sense, let me share with you briefly details of our national efforts made in the fight against tobacco. Regarding Article 14 of the Framework Convention, the Japanese Government has put in place an economic incentive system to support smoking cessation in clinical settings. Thus, the cost of medical intervention using nicotine-replacement therapy is to be covered by medical insurance. Another example: this year, Japan has launched a programme consisting of specific health check-ups and specific health counselling, focusing on the risk of noncommunicable diseases, including tobacco-related diseases. Specific health guidance, including support for smoking cessation, is provided for a certain population under this framework.

Now, when we look at the agenda during this week, Mr President, the workload is very heavy and we are committed to fully contributing to the discussions on various matters that will guide us to the fulfilment of our common objective of combating the tobacco epidemic. Here, I would like to draw your attention to several guidelines for implementation of particular articles of the Framework Convention. In our view, there is much room for improvement in the current language of these draft guidelines, which we are expected to consider and, where appropriate, adopt before the end of this week. It was with this in mind that Japan presented its views and comments last July on five draft guidelines, namely, draft guidelines on the implementation of Articles 5.3, 9 and 10, 11, 12 and 13. We would very much like a substantive discussion on these draft guidelines to be held since the Conference of the Parties is the supreme decision-making body of the treaty. That is what we are gathered here for. Mr President, you can count on Japan's valuable input and full contribution to such a substantial discussion so that we can achieve fruitful results at the end of the week.

Finally, the Japanese delegation expresses its respect and sincerest appreciation for the continued efforts in the fight against the tobacco epidemic being deployed by all the States' Parties and nongovernmental organizations around the globe. Thank you very much for your attention.

The PRESIDENT:

Thank you very much, Japan. May I now call upon Guinea to take the floor, followed by Mexico. Guinea, please.

M. BARRY (Guinea):

Monsieur le Président, permettez-moi de prendre la parole devant cette auguste assemblée pour la première fois en tant que Partie à la Convention-cadre de l' OMS pour la lutte antitabac. Le processus qui me permet aujourd' hui de siéger à la troisième session de la Conférence des Parties a été semé d' embûches : il est caractérisé par la corruption active du puissant lobby du tabac qui a une forte emprise sur la gouvernance dans mon pays. La Guinée, pays classé parmi les moins avancés de la

planète, est confrontée à des problèmes économiques de taille. Les recettes générées par les taxes sur le tabac constituent une manne financière importante, d'où une politique caractérisée par un protectionnisme prôné par des fonctionnaires véreux et corrompus qui freinent toute initiative de lutte antitabac. Malgré ce travail de sape méticuleusement mené, le Ministre de la Santé a pris des dispositions idoines pour poser des actes concrets et prometteurs susceptibles de sauver des vies humaines. C'est ainsi que les mesures suivantes ont été prises, et ce conformément aux dispositions de la Convention-cadre car notre pays est tenu à des obligations de résultats. Tout d'abord, l'élaboration de la politique nationale de lutte antitabac : ce projet n'attend plus que l'appui d'un consultant pour être finalisé et adopté ; je précise que cette politique est un préalable à la mise en place d'un programme de lutte antitabac. Ensuite, la publication de deux arrêtés ministériels qui interdisent la publicité, la promotion et le parrainage sous toutes ses formes : ce texte réglementaire impose à tout importateur de tabac et de produits du tabac l'obligation d'apposer sur l'emballage la mention « Vente en Guinée » et la mise en garde sanitaire « Le tabac est un danger pour la santé » ; figure aussi le taux de toxicité d'ingrédients tels que la nicotine, l'oxyde de carbone et autres produits toxiques contenus dans les produits du tabac. Grâce à l'appui financier du bureau de la représentation de l'OMS en Guinée, des clubs antitabac ont été mis en place dans les écoles, collèges et universités du pays. Avec la publication des textes réglementaires et en raison des contraintes ainsi imposées à toutes les sociétés d'importation et de vente de produits du tabac, la British American Tobacco a fermé boutique en Guinée car son élan a été anéanti. Un atelier de sensibilisation à l'intention des parlementaires et des journalistes de la presse écrite et audiovisuelle a été organisé en juillet dernier dans le cadre de la vulgarisation de la Convention-cadre pour la lutte antitabac. Je voudrais rappeler qu'une table ronde regroupant les décideurs politiques, les parlementaires et les journalistes en vue de sensibiliser les populations sur le danger du tabac et ses produits est prévue d'ici la fin de cette année.

Monsieur le Président, compte tenu de la situation économique très précaire de mon pays, je vous adjure d'intercéder en notre faveur auprès des partenaires pour le financement des activités de lutte contre le tabagisme, facteur de destruction de tant de vies humaines sur la planète Terre. Un projet de loi est en instance d'adoption par le gouvernement en vue de sa transmission à l'Assemblée nationale. Ce projet de loi prévoit dans ses dispositions juridiques : l'interdiction de fumer dans les lieux publics et les moyens de transport ; l'interdiction de la publicité, de la promotion et du parrainage sous toutes ses formes ; l'obligation de faire figurer sur tous les emballages de tabac et de produits du tabac des mises en garde sanitaires. Ce projet de loi prévoit des sanctions pénales : peines privatives de liberté, amendes, etc. Une fois promulguée, cette norme juridique sera un atout majeur qui couronnera la lutte antitabac dans mon pays.

Permettez-moi maintenant, Monsieur le Président, d'exprimer ma profonde gratitude au Gouvernement sud-africain pour la qualité exceptionnelle de l'accueil, digne de l'hospitalité africaine, de remercier le Secrétariat de la Convention pour la préparation et le déroulement de la présente session et, enfin, de vous féliciter, Monsieur le Président, de la qualité avec laquelle vous présidez la Conférence des Parties. Je vous remercie.

The PRESIDENT:

Thank you very much, Guinea. I would now like to give the floor to Mexico on behalf of the Parties in the WHO Region of the Americas. Mexico, please.

El Sr. CABRERA (México):

Muchas gracias, señor Presidente. Tomo la palabra nuevamente para hablar como coordinador de las Partes de la Región de las Américas. Nuestra Región desearía recordar la decisión de la primera Conferencia de las Partes relacionada con la designación de la Secretaría permanente del Convenio Marco, y las instrucciones para su funcionamiento. En aquella oportunidad se decidió que la secretaría de la Conferencia de las Partes y la iniciativa de la OMS Liberarse del Tabaco deberían cooperar y coordinar esfuerzos para la implementación del Convenio Marco, con miras a garantizar la

transparencia, la eficiencia, una buena relación costo-eficacia y, fundamentalmente, evitar la duplicación de esfuerzos. La Región de las Américas recomienda que la Secretaría del Convenio Marco y la iniciativa de la OMS Liberarse del Tabaco acuerden un plan de trabajo conjunto con definición de cronograma y el papel que tendrán ambas instancias.

The PRESIDENT:

Thank you, Mexico. Now I would like to give the floor to the last Party, Chad. Chad, please.

Le Dr MAHAMAT SALEH (Chad):

Monsieur le Président, tout d'abord j'adresse mes vives félicitations au pays hôte, la République sud-africaine, pour avoir organisé cette troisième session de la Conférence des Parties avec succès. Aussi voudrions-nous profiter de cette tribune qui nous est offerte pour vous remercier de votre accueil combien chaleureux. Que tous les représentants et délégués ici présents reçoivent nos sincères salutations.

Mon pays, le Tchad, souscrit entièrement à la Convention-cadre de lutte antitabac de l'OMS car le tabagisme demeure une question majeure de santé publique dans notre pays. Il est en effet considéré comme un fléau mondial aux nombreuses conséquences sur la santé des jeunes adolescents et des adultes au même titre que le sida et le paludisme. La consommation du tabac, pratique courante au Tchad, est en progression et malheureusement surtout chez les jeunes. Des enquêtes réalisées en milieu scolaire à N'Djamena, dans la capitale, en 2005 et 2006, ont relevé que 32% et 33 % des jeunes âgés de 16 à 30 ans fument la cigarette. Aujourd'hui, un autre mode luxueux de consommation du tabac appelé la chicha attire grandement et dangereusement les jeunes à proximité des écoles et lors des repas et des pauses.

Face à ce sombre tableau, le Gouvernement tchadien a manifesté une réelle volonté politique inscrite dans le cadre de la santé publique et s'est engagé à respecter les objectifs et les principes directeurs édités par la Convention-cadre de lutte contre le tabac. C'est ainsi que des efforts considérables sont enregistrés et renforcent ainsi la solidarité internationale en matière de lutte contre le tabagisme. Il s'agit de la signature de la Convention-cadre pour la lutte antitabac, puis la ratification de la Convention en décembre 2006 ; la création d'un comité interministériel de lutte contre le tabagisme par un arrêté ministériel ; la validation par le Ministère de la Santé publique d'un projet de loi contre le tabagisme en mars 2008 lors d'un atelier ; cette loi est dans le circuit en vue de son adoption prochaine par l'Assemblée nationale. Le document de politique nationale en matière de lutte contre le tabagisme vient d'être élaboré. Une réunion d'information et de sensibilisation a été organisée le 25 septembre 2008 à l'intention des journalistes pour plaider l'adoption de cette loi par l'Assemblée nationale. Une deuxième réunion est prévue avec les décideurs, les parlementaires et les journalistes et a les mêmes objectifs que la première. L'Association pour le Droit de la Défense des Consommateurs a organisé un atelier de formation axé sur le renforcement des capacités des membres du Comité national interministériel pour une lutte plus efficace. Dans le cadre de la dynamique de ce processus de lutte contre le tabagisme, la stratégie tchadienne privilégie la recherche de l'arsenal juridique, la formation de ses agents et l'information au public sur les dispositions de la Convention-cadre lors des réunions avec les autres professionnels.

En plus de l'élaboration des directives pour l'application des articles 5.3, 8, 9, 10, 11, 12, 13, 14, 17 et 18 cités en référence des Conférences précédentes de la Convention-cadre de lutte contre le tabac, le Tchad encourage les commissions A et B pour le travail qu'elles ont accompli. En ce qui nous concerne, dans la phase actuelle, nous déployons nos efforts en priorité pour les articles 5.3 et 8, 12 et 13, 10 et 11, qui traitent respectivement de la nécessité de lois antitabac ; nécessité de documents de politique nationale ; éducation et communication, formation et sensibilisation du public ; interdiction de la publicité, de la promotion et du parrainage ; réglementation des informations sur les produits du tabac à communiquer ; conditionnement et étiquetage des produits du tabac.

Nous informons cette auguste assemblée que lors de la réunion avec les journalistes, les journalistes femmes ont demandé à l'OMS de détruire toutes les images de petits enfants portant la cigarette à la bouche car, disent-elles, « Nous ne voulons pas voir nos enfants imiter les images publicitaires détournées ». Malgré tous les efforts fournis par les décideurs chargés de la santé

publique, les industries du tabac ont malheureusement beaucoup de moyens pour s'adapter à chaque situation et contourner les mesures coercitives. Le Tchad, à l'instar des autres pays en développement, compte sur l'appui de l'OMS et des autres institutions gouvernementales et non gouvernementales pour l'aider à lutter efficacement contre le tabagisme et aussi déjouer les manœuvres de l'industrie du tabac qui généralement passent avec leurs produits par les pays du Sud pour atteindre les pays du Nord. Chers participants, encourageons-nous à poser chaque jour un jalon parmi tant d'autres, car il nous appartient d'être le porte-parole de populations victimes qui n'ont point de bouche pour dénoncer les méfaits du tabac. Nous osons espérer que la troisième session nous donnera davantage de témoignages.

The PRESIDENT:

Thank you, Chad. I see there is one more Party that wishes to speak. May I give the floor to Uganda, please.

Dr NDYANABANGI (Uganda):

Thank you, Mr President, for giving me this opportunity to speak, as I am attending the Conference of the Parties for the first time. Allow me to join the other representatives in congratulating you, Mr President, and all the organizers of this excellent meeting, and also to thank South Africa for their hospitality, for enabling us to hold this Conference in the African Region. Uganda is fully committed to the successful implementation of the WHO Framework Convention on Tobacco Control, and although Uganda has a law prohibiting public smoking that is already in force, a comprehensive tobacco-control policy is being developed, which will soon be followed by legislation to address other aspects of tobacco control. Uganda emphasizes the need for financial and technical support, especially to low-income countries like Uganda, if the Framework Convention is to be effectively implemented globally in the face of an aggressive tobacco industry. Uganda appreciates the elaboration of the various guidelines and protocols towards the practical application of the articles of the Framework Convention, and we believe this will be very helpful in our endeavours to fulfil our various obligations to ensure the successful implementation of the Convention. To this effect, we are committed to participating fully in discussions to ensure that we have strict and effective guidelines and protocols so that even we, in the low-income countries, are able to practise effective interventions as we implement the Framework Convention. I thank you very much, Mr President.

The PRESIDENT:

Thank you, Uganda. I have no more speakers on my list among the Parties. I would like to turn to observers wishing to speak. I have on my list, Brazil on behalf of the regional economic integration organization, the Common Market of the South. Brazil, please take the floor.

El Sr. ALVARES DA SILVA (Brazil):

Muchas gracias, señor Presidente. Distinguidos miembros de la reunión plenaria de la tercera Conferencia de las Partes, en nombre del bloque de integración económica del MERCOSUR deseamos agradecer a la Conferencia de las Partes la aceptación de la representación del MERCOSUR en su condición de observador. Asimismo, agradecemos al Gobierno y al Ministerio de Salud de Sudáfrica por su magnífica y gentil recepción en este evento. El MERCOSUR está conformado por Argentina, Brasil, Paraguay, Uruguay y Venezuela como Estados miembros, y Chile, Bolivia, Perú y Ecuador como Estados asociados. En este momento, el Brasil ejerce la Presidencia *pro tempore* del MERCOSUR, y en esta condición hablará en nombre de los Estados Partes.

El problema del control del tabaco ocupa un espacio importante en los planes del MERCOSUR a partir de 2003, durante el proceso de negociación del Convenio Marco. En aquella ocasión se firmó un acuerdo entre los Ministros de Salud de la Comisión Intergubernamental para el Control del Tabaco, la cual pasó a ser parte de la estructura formal del MERCOSUR. El objetivo principal de esta comisión es fortalecer las acciones conjuntas para el control del tabaco a través de la búsqueda de

mecanismos de cooperación e integración en la Región. En 2004, frente a los obstáculos encontrados por muchos países de la Región para ratificar su adhesión al Convenio Marco, los Ministerios de Salud del MERCOSUR y países asociados firmaron un acuerdo mediante el cual se comprometieron a intensificar los esfuerzos para la ratificación del tratado. En aquel momento, el único miembro del MERCOSUR que había hecho la ratificación del Convenio Marco de la OMS para el Control del Tabaco era el Uruguay. En 2006, prácticamente todos los países de la Región la habían hecho, lo que permite ver el efecto sinérgico entre el Convenio Marco y la Comisión Intergubernamental para el Control del Tabaco del MERCOSUR en el fortalecimiento de medidas de control del tabaco en la Región. La continuación de este proceso culminó con el pacto de una política de control del tabaco del MERCOSUR y un plan de trabajo.

Otro importante avance fue la inclusión del tema de los medicamentos para el abandono del tabaquismo en la agenda del Programa del Banco de Precios de la Política de Medicamentos del MERCOSUR. Esto permite que los gobiernos de estos países puedan adquirir los medicamentos a bajo costo, ampliando así el tratamiento de la dependencia de la nicotina. Otra iniciativa importante fue la presentación al Consejo del Mercado Común de la recomendación para la inclusión del aumento de precios, tarifas e impuestos para la reducción del acceso a los productos de tabaco como parte de las estrategias del Plan General de Seguridad Regional en materia de contrabando y tráfico ilícito de productos de tabaco.

El 29 de octubre de 2008 se realizó la novena reunión de la Comisión Intergubernamental para el Control del Tabaco del MERCOSUR. En aquella ocasión, uno de los temas discutidos fue la cuestión de los efectos negativos de la propaganda y promoción de los productos de tabaco transfronterizos en países que ya adoptaron medidas para prohibir la propaganda. Por esto, señor Presidente, el MERCOSUR entiende que la aprobación de las directrices de mejores prácticas para la implementación del artículo 13 por la tercera Conferencia de las Partes es de vital importancia para alcanzar el objetivo del Convenio Marco de la OMS para el Control del Tabaco, pues hay un gran cúmulo de evidencias sobre la relación de causa y efecto entre la propaganda y la expansión del consumo, principalmente entre los jóvenes adolescentes, y sobre todo entre la prohibición de la propaganda y la disminución del consumo.

En cuanto al comercio ilícito de productos de tabaco, hay que señalar que es un grave problema para la Región y un factor facilitador de la iniciación del tabaquismo entre los jóvenes, pues introduce en los mercados productos aun más baratos que los vendidos lícitamente. Se trata de un problema cuyo debate no debería dissociarse de la cuestión de los impuestos y precios de los productos del mercado lícito. En este sentido, los artículos 15 y 6 del Convenio Marco representan temas relacionados de gran importancia para los Estados miembros del MERCOSUR, y ciertamente tenemos mucho interés en fomentar las discusiones en los ámbitos formales del MERCOSUR.

Los Estados miembros del MERCOSUR entienden que la aprobación y puesta en práctica de las disposiciones del párrafo 5.3 aquí presentadas son esenciales para garantizar que la implementación de todas las medidas establecidas en el Convenio Marco se realice sin la interferencia indebida de la industria del tabaco, ya ampliamente documentada.

Por último, en nombre de los Estados miembros del MERCOSUR quisiera reiterar nuestro agradecimiento a todas las delegaciones, a la secretaría de la Conferencia de las Partes y al señor Presidente por haber otorgado al MERCOSUR la condición de observador. Muchas gracias.

The PRESIDENT:

Thank you very much. I see that there are nongovernmental organizations that wish to take the floor. Please.

Dr SALOOJEE (International Occupational Hygiene Association):

*Ngiyabonga, Mr President, sanibonani.* On behalf of the African members of the Framework Convention Alliance and of the nongovernmental organization community, may I wish all of you a warm African welcome to our continent. The coming of the Conference of the Parties to Africa is significant for many reasons. It is a recognition that lower- and middle-income countries are increasingly at the centre of the tobacco epidemic. It is also a recognition of the important role these



countries, and African governments in particular played in the negotiations of the Framework Convention. Finally, it is an acknowledgement of the important strides South Africa has made in tobacco control. Many of you were in Bangkok last year and will remember the loud ovation at the closing plenary meeting, when the Framework Convention Alliance presented the outgoing first President of the Conference of the Parties, Ambassador Martabit, with a bouquet of orchids. Ambassador Martabit received the orchids on behalf of all Parties present at the second session of the Conference, marking the conclusion of a truly successful session. At the top of its achievements, the second session of the Conference of the Parties adopted the first set of guidelines for implementation of the Framework Convention. These guidelines on Article 8, "Protection from exposure to tobacco smoke", are universally regarded as providing the strong, practical guidance that Parties need to effectively implement their obligations. In adopting them, the Conference of the Parties made a strong statement in support of best practice treaty implementation.

This week, as the Parties come together in Durban, the Framework Convention Alliance will work hard with you to ensure that the same standard is met. Three sets of guidelines, all critical to effective implementation of the Framework Convention are up for adoption. These include the two articles with implementation deadlines – Article 11, "Packaging and labelling of tobacco products", and Article 13, "tobacco advertising, promotion and sponsorship" – and Article 5.3 which concerns the protection of public health policies with respect to tobacco control from the commercial and other vested interests of the tobacco industry. The Framework Convention Alliance strongly supports the adoption of draft guidelines on both Articles 11 and 13 without any change. Both draft guidelines follow the high standard set by the Article 8 guidelines, as they offer clear guidance to Parties for best practice implementation of their obligations. The draft guidelines that have been developed on Article 5.3, however, fall short of the standard set at the second session of the Conference of the Parties. Article 5.3 is a critical provision, the significance of which cuts across the entire Convention. This Conference of the Parties must revise the draft and adopt guidelines that provide Parties with the clear guidance they need to resist tobacco industry influence and interference in tobacco control. The Framework Convention Alliance will also be watching closely to see that the Parties provide a budget sufficient to enable the Conference of the Parties and the Convention Secretariat to perform all the work that needs to be done at this critical period of implementation of the Framework Convention, and that the Conference takes the decisions needed to facilitate access to financial resources and mechanisms of assistance for Parties in need. Coming together in the African Region, we are more aware than ever of the critical importance of supporting low-income Parties to implement the Convention effectively. Civil society will be expecting the third session of the Conference of the Parties to live up to the high standard of the second session. We will be expecting all representatives to keep at the forefront of their minds the terrible facts that bring us here this week, evident in the constant ticking of the death clock outside our meeting room: 5.4 million deaths each year, estimated to rise to over 8 million deaths by 2030, and the possibility of one billion deaths this century. Finally, the Framework Convention Alliance offers thanks to the Convention Secretariat for its diligent hard work, and offers its assistance to all representatives throughout the coming days. We have prepared briefings on each of the key agenda items, which are available at the Framework Convention Alliance booth, and our representatives will be more than pleased to discuss their contents with you. We wish you all a very successful week. *Siyabonga*.

Ms WELCH (International Union Against Cancer):

Mr President, distinguished representatives, colleagues. On behalf of the International Union against Cancer, we would like to express our thanks to the President, the Bureau and the Convention Secretariat. In particular, we would like to thank South Africa, as host, for its extensive work preparing for what we hope will be an historic Conference of the Parties. As the Conference of the Parties considers the guidelines, we would urge our Parties to adopt without change the proposed guidelines for Article 11, "Packaging and labelling of tobacco products", and Article 13, "Tobacco advertising, promotion and sponsorship". We would also urge that the guidelines on Article 5.3 be adopted in strengthened form. Furthermore, ensuring that sufficient resources are in place is essential for more effective implementation of the Framework Convention. Distinguished representatives, we wish you all well in your deliberations. The health and lives of millions of people, and the potential

addiction of millions of children hang in the balance. Thank you. I now give the floor to my colleague from Corporate Accountability International.

Mr OCHIENG (Corporate Accountability International):

Thank you, Mr President, for this opportunity to speak on behalf of Corporate Accountability International and the Network for Accountability of Tobacco Transnationals. We are so proud to be here in Africa, recognizing the important role that African States are playing in the Framework Convention process. Around the world, governments and nongovernmental organizations are reporting that tobacco industry interference poses the single greatest threat to tobacco control. The tobacco industry is using its political influence to water down or defeat tobacco-control legislation. While “big tobacco” claims to be a stakeholder in public health, this industry has fundamental conflicts of interest with the aims and objectives of the Framework Convention. There is an overwhelming consensus among health advocates and public officials that the tobacco industry should have no influence over public health policies. The Framework Convention, in Article 5.3, enshrines this concept in international law. In July 2007, at the second session of the Conference of the Parties in Bangkok, Parties took the courageous step of initiating the development of guidelines on Article 5.3 of the treaty. Guidelines on Article 5.3 will help Parties to implement their legal obligations under the Framework Convention. They should be adopted in the strongest possible form by the third session of the Conference of the Parties. Strong Article 5.3 guidelines would also reinforce the application of Articles 13, 11 and 8. Many elements of the draft guidelines on Article 5.3 are strong and effective and must remain so; unfortunately, others provide insufficient protection for public health policies and must be improved before adoption. The draft guidelines must be strengthened so as to: (1) avoid government interaction with the tobacco industry and set strict rules of engagement for any meetings deemed to be necessary; (2) ensure transparency of government interaction with the tobacco industry where that is necessary; (3) emphasize the tobacco industry’s fundamental conflict with public health; (4) reject so-called “corporate social responsibility” by the tobacco industry; and, finally, (5) apply civil, criminal and administrative penalties for non-compliance.

The following provisions must remain in the final guidelines: (1) protection against conflicts of interest for those involved in setting and implementing tobacco control policies; (2) prohibition of government partnership or collaboration with the tobacco industry; (3) application of measures under Article 5.3 to the tobacco industry, as defined in the Framework Convention, and also to other entities that may work to further the commercial and other vested interests of the tobacco industry; and (4) avoidance of special treatment of state-owned tobacco companies.

In conclusion, these provisions must serve as a foundation for the effective implementation of the treaty. Saving lives through the Framework Convention will also depend on Parties increasing their financial support and providing the necessary technical assistance to developing countries to meet their obligations. We look forward to working with the Parties towards this end. Thank you, Mr President.

The PRESIDENT:

Thank you very much. If there are no other representatives wishing to speak, I would like to close the list of speakers. Dr Haik Nikogosian, Head of the Convention Secretariat, would like to make some remarks. Please, Dr Nikogosian.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you, Mr President. Since the general debate followed the report of the Convention Secretariat, I feel obliged to make some remarks and reply to the suggestions and comments made. First of all, I would like to thank all the Parties and observers for their very valuable comments and suggestions and the very strong encouragement and acknowledgement we have received throughout the debate. That really helps in strengthening the work of the Convention Secretariat and planning our future. May I also thank the Parties for sharing their developments and achievements over the last year. It really gives rich food for analysis when helping the Parties and sharing expertise, knowledge

and best practices. This is an excellent information source for supporting the Parties further. May I also use this opportunity to thank the Bureau for supporting the Secretariat so strongly and for encouraging us during this period, and also our colleagues in WHO who worked with us closely to organize this session and to prepare all the intersessional work. Thank you very much.

I would now like to make some remarks on the three particular proposals we received. The European Community yesterday proposed that the Convention Secretariat prepare and present a full budget for 2010–2011, the next biennium, rather than the partial budget that has been presented for consideration by Committee B and the Conference of the Parties in general. We reacted yesterday already to that request. The draft is ready and, as proposed yesterday in the plenary meeting, we will be presenting that to Committee B in coordination with the Chairperson of Committee B later today. So, the draft budget proposal on the workplan will be ready for discussion if that is the wish of Committee B, and the plenary later on.

We also thank the Islamic Republic of Iran very much for its announcement yesterday about a prize, and we would like to have time to consider this proposal and suggest the best way of handling it. We will be discussing this with colleagues and the Bureau, and then we will come up with a proposal and coordinate with your Government. Again, thank you very much for this prize.

Finally, regarding the proposal made today by the representative of Mexico, on behalf of the Parties in the WHO Region of the Americas, for coordination and synergy between the work of the Convention Secretariat and the WHO Tobacco Free Initiative, let me assure you that the Secretariat follows the full spirit of the mandate that we have been given, which is to serve the treaty and cooperate with the WHO Tobacco Free Initiative and other departments of WHO in synergizing our work and avoiding duplication. You have a full, transparent report by the Secretariat now; you have two performance reports to be discussed later in the week; you will also have a chance to discuss the next budget and workplan of the Secretariat, I understand, later this week. Your guidance throughout the discussions on the documents – how to synergize and how to better work together – will be very much appreciated. I would like to make one more remark: in implementing the treaty, the Convention Secretariat will remain committed to the spirit of the treaty as an integral and comprehensive document. Thank you very much.

The PRESIDENT:

Thank you, Dr Nikogosian. This completes our discussion on this item.

**2. ELECTION OF THE OFFICERS OF COMMITTEES A AND B  
ELECTION DU PRESIDENT ET DES VICE\_PRESIDENTS DES COMMISSIONS A ET B**

The PRESIDENT:

As we agreed yesterday, we shall now turn to the matter of the officers of the committees. The regional groups have concluded their discussions and informed the Bureau about their candidacies. The Bureau reviewed these at its meeting this morning. Pursuant to Rule 28.1 of the Rules of Procedure, the Bureau recommends that the following be elected as officers of the committees, and that to expedite the work of the committees, their officers be elected now by the plenary. For Committee A, the proposal is Mr S. Shakerian from the Islamic Republic of Iran as Chairperson, and Dr G.W. Malefoasi from the Solomon Islands and Dr M.E. Anibueze from Nigeria as Vice-Chairpersons. For Committee B, Mr M. Rajala from the European Community is recommended as Chairperson and Mr A. Afaal from Maldives and Ms C. Vianna from Brazil are recommended as Vice-Chairpersons. May I take it that the Conference has no objection to proceeding on this basis and that it agrees with the proposals I have just read.

*(Applause/Aplaudissements)*

I see no objection, it is so decided and the officers of the committees are therefore elected. This concludes our consideration of agenda item 1.1. We shall now break into Committee A and B to

continue our work. Thank you, I wish you a very productive day and we shall meet again in plenary later this week.

**The meeting rose at 11:30.  
La séance est levée à 11h30**

**THIRD PLENARY MEETING**

**Wednesday, 19 November 2008, at 15:15**

**President:** Dr HATAI CHITANONDH (Thailand)

**TROISIÈME SÉANCE PLENIÈRE**

**Mercredi 19 novembre 2008, 15h15**

**Président:** Dr HATAI CHITANONDH (Thailand)

**1. ANNOUNCEMENT  
COMMUNICATION**

The PRESIDENT:

Good afternoon. Today marks the entry into force of the ratification by Costa Rica of the WHO Framework Convention on Tobacco Control and I would like to welcome Costa Rica as the newest Party to the Convention. Therefore, we now have a total of 160 Parties.

**2. ORGANIZATION OF WORK  
ORGANISATION DES TRAVAUX**

The PRESIDENT:

We shall now consider the credentials of the Parties. You will recall that on our first day we agreed that the Bureau would examine the credentials of Parties participating in this session and report to the plenary meeting in accordance with Rule 19 of the Rules of Procedure of the Conference of the Parties to the WHO Convention on Tobacco Control. After consideration of the Report on Credentials, I would like to propose that we open the discussion on agenda item 7.1 – the date and venue of the fourth session of the Conference of the Parties – and, in particular, that we discuss the venue. It is now proposed to conclude our discussion on this item today. The proposal is to give an opportunity to the Parties to speak on this matter in order to facilitate proceedings later this week, when we shall decide on the date as well. Is there any objection to this proposal? I see none. It is so agreed.

### **3. REPORT ON CREDENTIALS RAPPORT SUR LA VERIFICATION DES POUVOIRS**

The PRESIDENT:

We shall start with the review of the Report on Credentials contained in document FCTC/COP/3/21. This report has been prepared following a review of the credentials of the Parties by the Bureau at its meeting yesterday. Is there any objection to adopting the recommendations contained in this report? I see none. It is so decided.

In addition, I have been informed that since the Bureau met, provisional credentials have been received from Algeria, while formal credentials have been received from Nigeria, Peru, Singapore and the Bolivarian Republic of Venezuela, which had previously submitted provisional credentials. It has not been feasible to convene the Bureau to examine these provisional and formal credentials, but I have examined them and have found them to be in conformity with the Rules of Procedure of the Conference of the Parties. I would therefore recommend to the plenary meeting that Algeria be accepted as having submitted provisional credentials, and that Nigeria, Peru, Singapore and the Bolivarian Republic of Venezuela be accepted as having submitted formal credentials. Does the plenary meeting agree with this procedure? I see no objection. It is so decided.

### **4. FOURTH SESSION OF THE CONFERENCE OF THE PARTIES QUATRIEME SESSION DE LA CONFERENCE DES PARTIES**

**Date and venue of the session**

**Date et lieu de la session**

The PRESIDENT:

Now, as to the venue for the fourth session of the Conference of the Parties, let me note that in accordance with Rule 3 of the Rules of Procedure, the sessions of the Conference of the Parties shall be held at the seat of the Convention Secretariat unless the Conference of the Parties decides otherwise. As you know, at the suggestion of the Bureau, the Secretariat informed Parties before this session that expressions of interest may be considered by the Conference in line with Rules 3 and 4 of the Rules of Procedure, a practice followed at previous sessions of the Conference of the Parties. I am informed that the Secretariat has received expressions of interest and I would like to ask these delegations if they wish to speak. Mexico please, you have the floor.

El Sr. CABRERA (México):

Muchas gracias, señor Presidente. En nombre de las Partes de la Región de las Américas, deseo manifestar la gran relevancia que tendría para nuestros países el hecho de que la próxima reunión de la Conferencia de las Partes se realizara en nuestro continente, ya que esto representaría un impulso para consolidar y fortalecer los avances mostrados en la instrumentación y cumplimiento del Convenio Marco de la OMS para el Control del Tabaco. Las Partes de la Región de las Américas han decidido unánimemente respaldar la candidatura del Uruguay para que sea el lugar donde se lleve a cabo esta importante reunión. En nombre de México, deseo asimismo manifestar que para nuestro país representa un honor apoyar esta candidatura en reconocimiento al papel de liderazgo que el Uruguay ha desempeñado a lo largo de los últimos años.

De la misma manera, deseamos manifestar que, como ustedes saben, México había presentado su candidatura basándose en nuestra capacidad y experiencia en la organización de importantes reuniones internacionales, y para mostrar nuestros logros y compromisos en el control del tabaco. Por ejemplo, a partir de abril de 2008, la Ciudad de México se convirtió en la ciudad más grande del mundo libre de humo de tabaco. Hemos aprobado recientemente una ley general para el control del tabaco que incorpora las disposiciones del Convenio Marco y nos permitirá seguramente ser uno de

los países más grandes libre de humo de tabaco en un futuro próximo. Sin embargo, declinamos nuestra candidatura en aras de un valor superior, que es la unidad latinoamericana, así como del reconocimiento al interés y compromiso personal del Presidente del Uruguay con la organización de la cuarta Conferencia de las Partes. Agradezco, en nombre de México, a las diversas representaciones que manifestaron su apoyo a nuestra postulación, y reiteramos el deseo de que el Uruguay se convierta en la próxima sede de la Conferencia.

The PRESIDENT:

Thank you very much the representative of Mexico. Now I would like to invite the representative of Uruguay to take the floor. Uruguay please.

La Dra. MUÑOZ (Uruguay)

Muchas gracias, señor Presidente de la tercera Conferencia de las Partes. Distinguido doctor Nikogosian, Jefe de la Secretaría del Convenio Marco de la OMS para el Control del Tabaco, distinguidos señores y señoras ministras, embajadores, embajadoras, organizaciones no gubernamentales y público presente que nos acompaña, queremos agradecer en primer lugar a México por su abnegada actuación en esta jornada, al Brasil y al Ecuador, que también han hecho de su generosidad y espíritu americanista un ejemplo para todos los países que confían en el Uruguay como anfitrión para la celebración de la cuarta Conferencia de las Partes.

El Uruguay fue uno de los primeros 40 países en ratificar el Convenio Marco, lo que hizo posible su entrada en vigor en febrero del año 2005. Desde el primero de marzo de 2006, todo local cerrado de uso público y área laboral cerrada pública o privada destinada a la permanencia en común de personas es un ambiente ciento por ciento libre de humo de tabaco. De esta forma, el Uruguay ha sido la primera Parte de la Región de las Américas en ser ciento por ciento libre del humo de tabaco. Hoy día, más de dos años después de la entrada en vigencia de esta normativa, existe una alta aceptación social de la misma y un altísimo nivel de cumplimiento. En marzo de este año, se aprobó en el Parlamento nacional la ley integral de control del tabaco. Se trata de una ley de orden público cuyo objeto es proteger a los habitantes del país de las nefastas consecuencias sanitarias, sociales, ambientales y económicas del consumo de tabaco y de la exposición al humo de tabaco ajeno. Esta ley unificó toda la normativa nacional existente relativa al control del tabaco, ampliando su alcance. La ley incluye la prohibición total de fumar en todo espacio cerrado; en relación al empaquetado y etiquetado de las cajetillas de tabaco, éstas deben tener advertencias sanitarias rotativas, que ocupen el 50% de sus caras principales, incluidos pictogramas. Deben cambiarse esos pictogramas anualmente. Es obligatorio, además, informar sobre los contenidos y emisiones del producto. Están prohibidos los términos engañosos para la venta. Además de esto, sólo se permite una forma de presentación para cada marca de cigarrillos, a fin de evitar la utilización de elementos engañosos para eludir la prohibición, sobre todo, el término *light*. Se agrega a la normativa vigente una prohibición amplia de toda publicidad, promoción y patrocinio de productos de tabaco. Esto incluye la prohibición de todo tipo de donación, independientemente del motivo o tipo de actividad. También se prohíbe la realización de descuentos en la compra de productos de tabaco.

En cuanto a la comercialización, se prohíbe la venta por y para menores de 18 años. Se prohíbe la venta unitaria de cigarrillos, y la venta a través de máquinas expendedoras. Se prohíbe la venta de tabaco en estadios deportivos, parques de diversión, centros sanitarios y educativos, cibercafés, y en todo lugar donde concurren niños, niñas y adolescentes en forma mayoritaria. La ley establece también una escala de sanciones de acuerdo a la gravedad de las infracciones en un rango que va de US\$ 900 a US\$ 9000. También define situaciones agravantes, como la exposición de niños, niñas y embarazadas al humo del tabaco ajeno.

En relación a los impuestos, el Uruguay ha realizado un aumento gradual de los mismos mayor que el aumento de precios al consumidor. Al momento, el porcentaje de impuestos representa más del 70% del precio final de venta al público. Por último, aunque no menos importante, se incorpora el diagnóstico y el tratamiento de la dependencia o adicción al tabaco en el primer nivel de atención de todos los servicios de salud, sean públicos o privados, conformándose así una red nacional de asistencia, con entrega gratuita de medicación en los casos necesarios. Esto ha posibilitado una mayor

facilidad en el acceso de la población a estos tratamientos. En suma, existen algunos elementos que explican el éxito de este proceso, como por ejemplo, la existencia de un contexto internacional favorable, gracias al Convenio Marco, que ha sido para nosotros una guía y una autoexigencia para superar, cada vez más y de mejor manera, esta fatal epidemia; un contexto nacional, también favorable, dado por el apoyo del Gobierno y de todos los partidos políticos con representación parlamentaria; una coalición de organizaciones estatales y de la sociedad civil y organizaciones no gubernamentales que trabajan con objetivos comunes; y la creación de un programa para el control del tabaco, en la órbita del Ministerio de Salud Pública, siendo el punto focal a nivel nacional. Durante todo el proceso existió un contacto directo con los distintos sectores de la sociedad, y se realizaron campañas de información a través de medios masivos de comunicación, siempre con un sentido positivo y solidario, incluyendo y no excluyendo al fumador, lo cual ayudó a la modificación de la percepción social sobre el consumo de tabaco. Por último, para asegurar que la normativa sea eficaz, es clave la supervisión de su cumplimiento, así como la aplicación de sanciones cuando es necesario, acompañadas de un control ciudadano de su aplicación. Como se puede apreciar, el Uruguay ha trabajado mucho, poniendo esfuerzo tanto de parte del Gobierno como de la sociedad civil, y es por eso que hoy se presenta ante ustedes con la propuesta de ser la sede de la próxima reunión de la Conferencia de las Partes del Convenio Marco, sugiriendo como fecha posible el último trimestre del año 2010, de acuerdo al requerimiento de alineación presupuestaria expresado. Agradecemos nuevamente a todos los países de América Latina y del mundo que confían en la capacidad que podamos tener para tan noble fin como es la organización de la cuarta Conferencia de las Partes. Muchas gracias a todos, y en especial muchas gracias a usted, señor Presidente, por permitirnos hacer uso de la palabra.

The PRESIDENT:

Thank you very much Madam Minister, I would now like to ask the delegations if they have any comments on these proposals. I note that the Conference will have a final opportunity to consider this matter, with appropriate details, later this week. However, at this time, may I take it that there is no objection in principle to holding the fourth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control in Uruguay. I thank you, Uruguay, for your offer to host the fourth session of the Conference of the Parties. As I said, we shall return to this item later this week when we shall also consider the date of the next session, including the time line for the host country to approve the agreement with the Secretariat.

This concludes our plenary meeting, and we shall now continue our work in committees. We shall meet again in the plenary later this week, most likely on Friday. Thank you for your attention.

**The meeting rose at 15:33.  
La séance est levée à 15h33.**



**FOURTH PLENARY MEETING**

**Saturday, 22 November 2008, at 11:55**

**President:** Dr HATAI CHITANONDH (Thailand)

**QUATRIÈME SÉANCE PLENIÈRE**

**Samedi 22 novembre 2008, 11h55**

**Président:** Dr HATAI CHITANONDH (Thailand)

**1. CREDENTIALS OF PARTICIPANTS (continued)**  
**POUVOIRS DES PARTICIPANTS (suite)**

The PRESIDENT:

Distinguished participants. We have had a very intense and productive week and a great deal of work has been achieved. This morning we shall start with the reports of Committee A and B, followed by agenda item 7 on the date and venue of the fourth session of the Conference of the Parties, and finally the election of officers to constitute the Bureau.

Before that, I would like to inform you of the status of the credentials of the participants. Since the Bureau met, provisional credentials have been received from Costa Rica, while formal credentials have been received from Bahrain, Iraq, Israel, Jamaica, Libyan Arab Jamahiriya, Federated States of Micronesia, Sweden, Ukraine, and United Kingdom of Great Britain and Northern Ireland, which had previously submitted provisional credentials. It has not been feasible to convene the Bureau to examine these provisional and formal credentials. However, I have found them to be in conformity with the Rules of Procedure of the Conference of the Parties and I would therefore recommend to the plenary meeting that Costa Rica be accepted as having submitted provisional credentials and that Bahrain, Iraq, Israel, Jamaica, Libyan Arab Jamahiriya, Federated States of Micronesia, Sweden, Ukraine, and United Kingdom of Great Britain and Northern Ireland be accepted as having submitted formal credentials. Does the plenary agree with this procedure? I see no objection. It is so decided.

**2. FIRST REPORT OF COMMITTEE A**  
**PREMIER RAPPORT DE LA COMMISSION A**

The PRESIDENT:

We shall now consider the report of Committee A, which can be found in document FCTC/COP3/22. The report contains nine decisions and a recommendation. I would like to invite Mr Shakerian to present the report.

Mr SHAKERIAN (Islamic Republic of Iran):

Thank you, Mr President, for giving me the floor. As you know, Committee A met nine times during this third session of the Conference of the Parties. The plenary elected Dr Anibueze of Nigeria and Dr Malefoasi of the Solomon Islands as Vice-Chairpersons and I was privileged to be elected as Chairperson of Committee A.

Committee A covered eight agenda items and established one working group on the guidelines for Article 5.3. The outcome of this working group was considered by Committee A this morning and I would like to give you a brief overview of the draft decisions that the Committee has approved and is presenting to the plenary for adoption.

Regarding agenda item 4.1, "Elaboration of a protocol on illicit trade in tobacco products", the Committee considered the report of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products and approved one draft decision for consideration by the plenary meeting. The decision sets the date for the third session of the Intergovernmental Negotiating Body and provides for a possible fourth session in 2010 for the purpose of submitting the text of a draft protocol to the Conference of the Parties at its fourth session. The draft decision stipulates that the second term of officers of the Intergovernmental Negotiating Body shall include the Intergovernmental Negotiating Body's sessions held between the third and fourth sessions of the Conference of the Parties. The Committee agreed not to take action on the draft decision to amend Rule 28.1 of the Rules of Procedure of the Conference. However, the Committee recommends that the Conference of the Parties, when establishing future subsidiary bodies under Rule 25 of its Rules of Procedure, should consider defining the duration of the term of office of the officers of those bodies.

Regarding agenda item 4.2, "Elaboration of guidelines for implementation of Article 5.3 of the Convention", the Committee established a working group for further elaboration of guidelines. Dr Ashley Bloomfield from New Zealand chaired this working group, which met five times on Wednesday, Thursday and Friday for a total of 14 working hours. The working group presented a draft text of the guidelines for consideration by Committee A this morning. The Committee approved the text of the guidelines with minor amendments and is presenting it to the plenary for adoption.

As for item 4.3, "Elaboration of guidelines for implementation of Articles 9 and 10 of the Convention", the Committee is presenting one decision to the plenary meeting for adoption. The draft decision, among other recommendations, requests the working group on Articles 9 and 10 to continue its work and submit the first set of draft guidelines to the Conference of the Parties.

Regarding item 4.4, "Elaboration of guidelines for implementation of Article 11 of the Convention", the Committee approved the guidelines as proposed, with an amendment to one paragraph. The draft decision includes a request to the Convention Secretariat to invite the WHO Tobacco Free Initiative to establish and maintain a centralized international database of pictorial health warnings and messages. It also includes a request to the Convention Secretariat to facilitate licensing agreements between Parties.

On item 4.5, "Elaboration of guidelines for implementation of Article 12 of the Convention", the Committee approved the draft decision that has been brought to the plenary for adoption. The draft decision requests the working group to continue its work and to present draft guidelines on Article 12 to the Conference of the Parties at its fourth session.

Regarding agenda item 4.6, "Elaboration of guidelines for implementation of Article 13 of the Convention", the Committee prepared three draft decisions: (1) it approved guidelines for implementation of Article 13; (2) the Conference is asked to take note of a recommendation on possible key elements of a protocol on cross-border advertising, promotion and sponsorship; and (3) the Conference is asked to take note of measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship, and the Secretariat is requested to make a proposal to the fourth session of the Conference of the Parties in this regard.

On agenda item 4.7, "Report on tobacco dependence and cessation in relation to Article 14 of the Convention", the Committee is presenting one draft decision to the plenary for adoption. The draft decision establishes a working group to elaborate guidelines on Article 14 of the Convention and mandates the working group to submit a progress report or, if possible, draft guidelines to the Conference of the Parties for consideration at its next session.

With regard to agenda item 4.8, “Study group on economically sustainable alternatives to tobacco growing”, the Committee approved the establishment of a working group on economically sustainable alternatives to tobacco. This working group will replace the current study group on the same issue and is requested to present a progress report to the Conference of the Parties at its fourth session including, if possible, a first set of policy options and recommendations for the implementation of Articles 17 and 18.

That ends my report to this august body and I thank all participants in Committee A who have shown great understanding and flexibility in order to help us to reach such fruitful results; and I thank you, Mr President.

The PRESIDENT:

Thank you, Dr Shakerian. Are there any comments on the report of Committee A? I see none. May I take it that the Conference of the Parties approves the report of Committee A contained in document FCTC/COP3/22, “First Report of Committee A”? That appears to be the case. The first report of Committee A is therefore approved and the decisions and recommendation contained therein are therefore adopted.

### **3. SECOND REPORT OF COMMITTEE A DEUXIEME RAPPORT DE LA COMMISSION A**

The PRESIDENT:

Committee A approved a draft decision entitled “Elaboration of guidelines for implementation of Article 5.3 of the Convention” at its last meeting this morning. The draft was approved by the Committee with amendments that the Legal Counsel is now going to read.

Mr BURCI (WHO Legal Counsel):

Thank you, Mr President. Committee A approved some small amendments to the draft decision on Article 5.3. As you were told, there was no time to produce a written report, so allow me to read the amendments approved by the Committee for the record so that I can reflect clearly on what was approved and what is here for adoption.

The first amendment is on page 4 of the English version, paragraph 14. The word “engagement” should be replaced by the word “interaction”, so that it will read: “Parties should ensure that any interaction with the tobacco industry ...”.

The second amendment is on page 9 of the English version, paragraph 26. In the first line, the words “corporate social responsibility” should be deleted. And still in the first line after the word “activities”, the words “described as socially responsible” should be included, so that the beginning of paragraph 26 should read as follows: “The tobacco industry conducts activities described as socially responsible to distance its image ...”.

The next amendment is also on page 9 of the English version. In Recommendation 6.1 at the bottom of page 9 in the second line, the words “corporate social responsibility” should be deleted. And after the word “activities”, the words “described as socially responsible” should be included, so that Recommendation 6.1 would read: “Parties should ensure that all branches of government and the public are informed and made aware of the true purpose and scope of activities described as socially responsible performed by the tobacco industry”.

The next amendment is on page 10 in the English version at the top of the page, Recommendation 6.2. I think it is easier if I read the recommendation as amended: “Parties should not endorse, support, form partnerships with or participate in tobacco industry activities described as socially responsible.”

The next amendment is in Recommendation 6.3. Once again, in the second line, the words “corporate social responsibility” should be deleted and after the word “activities”, the words

“described as socially responsible” should be introduced, so that part of 6.3 would read: “Parties should not allow public disclosure by the tobacco industry or any other person acting on its behalf of activities described as socially responsible ...”.

The next and last amendment is on page 10. It is Recommendation 7.3 towards the bottom of the page. There have been consultations among the regional groups on the last-minute finalization of the guidelines, and it is my understanding that the text of 7.3 with the agreed amendment would read as follows: “Parties should not provide any preferential tax exemption to the tobacco industry”. The word “special” should be replaced with the word “preferential”. And that is all. Thank you very much.

The PRESIDENT:

I see no objection. The second report of Committee A is approved, and the decision contained therein is therefore adopted.

#### **4. REPORT OF COMMITTEE B RAPPORT DE LA COMMISSION B**

The PRESIDENT:

We shall now turn to the report of Committee B contained in document FCTC/COP3/23, which contains three decisions and a recommendation. I would like to invite the Chairperson of Committee B to introduce the report. Mr Rajala, you have the floor.

Mr RAJALA (European Community):

Thank you very much, Mr President. Let me start by first thanking my Vice-Chairpersons, Mr Afaal and Ms Vienna, for their support, and let me also thank from the bottom of my heart the delegations in Committee B and, in particular, the Secretariat. Without their support, we would not be here. We faced exceptionally tough challenges in our Committee, but with the very, very hard work and consistently constructive attitude of the delegations, we were able to finalize our work. I would also like to congratulate the civil society community at this session of the Conference of the Parties for its important role, and if I may, I would like to duly recognize the award that the civil society presented to me today. It is a very timely recognition, as this is most likely my last attendance at a Framework Convention governing body session. I have been here from the beginning of this process, so this award will be part of my memories.

In fact, we exhausted all our normal sessions and also a night session to the very, very last minute before the lights were turned off in the meeting room. Based on this, I turn now to the report itself, which contains three draft decisions and a recommendation. It is understood that in approving this report, the Conference adopts its decisions and approves its recommendation.

In the first draft decision entitled “Reporting and exchange of information”, I must make one amendment that was agreed upon in the final session of the Committee. Operative paragraph 4 of this decision now reads in its final format as follows: “To mandate the Bureau to adopt amendments to the Group 2 questions”. The second draft decision is entitled “Consideration of a logo for the WHO Framework Convention on Tobacco Control” and the third draft decision is entitled “Workplan and budget 2010–2011”.

Owing to the extraordinary time and other practical pressures during the finalization of the report this morning, some delegations noted areas where changes will be made in accordance with a consensus by the Committee. In addition to these draft decisions, the report also contains a recommendation in connection with the interim report for the 2008–2009 workplan. Having said this, I am honoured to submit this important document for consideration of the plenary. Thank you very much for your attention.

The PRESIDENT:

Thank you, Mr Rajala. Can I take it that the Conference of the Parties approves the report of Committee B, amended as indicated by the Chairperson of Committee B? That appears to be the case. The report of Committee B is therefore approved, and its decisions and recommendation contained therein adopted.

I wish to thank the Chairpersons of both Committees for their tireless work to complete their task. My thanks also go to all the informal groups and their chairs who have worked behind the scenes. Thank you very much. May I invite the representative of the Philippines to take the floor, please.

Mr PADILLA (Philippines):

Thank you, Mr President. I am sorry to bring this up at this late stage of our Conference. We have often said that the single most effective tobacco-control measures are effective price and tax measures in order to reduce the demand for tobacco consumption, especially among young people who are the most vulnerable. Yet, Mr President, this preferred means of tobacco control has not been further elaborated or examined by the Conference of the Parties, even though this has been mentioned by many Parties in other Articles of the Framework Convention. In fact, we have a protocol for Article 15, guidelines for Articles 5.3, 11 and 13, study groups or working groups for 9, 10, 12, 14, 17 and 18, but it would seem that the most effective measures – namely, price and tax measures – have not been acted upon.

In this sense, Mr President, and with the permission as well of other Parties from the WHO Western Pacific Region – particularly Australia, Malaysia, Mongolia, New Zealand, Palau and the Pacific island Parties – may we likewise recommend to the Conference of the Parties the following resolution or decision, and with your permission I will read the same: “That the Conference of the Parties decides to invite the WHO Tobacco Free Initiative to develop internationally applicable policy recommendations related to price and tax policies, based on expert advice, for presentation to the fourth session of the Conference of the Parties”. This recommendation, Mr President, has no further or additional budgetary requirements. With that, I implore and Member States of the Conference of the Parties and your good offices, Mr President, to pass this resolution. Thank you very much.

El Sr. CABRERA (Mexico):

Muchas gracias, señor Presidente. Muy brevemente, queremos mencionar en nombre de las Partes de la Región de las Américas que en la reunión del día de hoy una de las mencionadas Partes, el Ecuador, desea proponer a esta Conferencia que se haga un exhorto a los países que no han ratificado o no se han adherido al Convenio Marco de la OMS para el Control del Tabaco a que lo hagan. De los 192 países que lo aprobaron en la 56.<sup>a</sup> Asamblea Mundial de la Salud en 2003, hasta la fecha lo han ratificado 161. Consideramos que es importante que esta Conferencia haga un exhorto para que los países que no lo hayan hecho aún ratifiquen el Convenio a fin de contribuir a un mundo más saludable.

Mr AFAAL (Maldives):

Thank you, Mr President. I take the floor on behalf of the Parties in the South-East Asia Region. We would like to support the resolution with regard to Article 6 that was just proposed by the Philippines.

Mme ALI-HIGO (Djibouti):

Merci, Monsieur le Président. La Région de la Méditerranée orientale est confortée par l'adoption de directives consensuelles, directives que nous considérons désormais comme étant des indicateurs de performance de nos politiques antitabac. Suite à cette satisfaction générale, notre Région soutient le projet de décision présenté par les Philippines qui n'a pas d'incidence budgétaire. Par ailleurs, nous proposons aussi que l'article 19 soit inclus dans l'ordre du jour de l'organe intergouvernemental de négociation ; nous demandons au Secrétariat de présenter à la quatrième

session de la Conférence des Parties un document afin que celle-ci puisse prendre les décisions qui s'imposent avec une incidence budgétaire moindre.

M. MOHAMEDOUN (Mali):

Monsieur le Président, le Groupe africain appuie la proposition des Philippines d'aller dans le sens des directives pour l'application de l'article 6 de la Convention-cadre.

Dr MAINA (Kenya):

Thank you, Mr President. Kenya also takes this opportunity to thank you and the Convention Secretariat for your efficiency and good work in carrying this Conference of the Parties to the end. We also thank the Chairpersons of the various committees and all the distinguished representatives for their efforts during the days we have been here. We all know that tobacco control is a global public health good and it is very important that each Party meet its obligations to this end. If we fail to do this, the implementation of the Framework Convention will slow down and the ripple effect will be felt across the whole world.

Kenya has a particular interest in the issue of the mechanism of assistance and the long-standing problem of insufficient budgets. I am calling upon all Parties to make extrabudgetary contributions to ensure that all Parties can meet their obligations under the Framework Convention. We call upon Parties also to go beyond their voluntary assessed contributions to make the realization of the Framework Convention's objectives a reality. To this end, Kenya pledges to make a modest US\$ 3000 extrabudgetary contribution to this kitty. Thank you, Mr President.

El Sr. PAREDES VALVERDE (Costa Rica):

La delegación de Costa Rica hizo un pequeño sondeo entre los países de América Latina, y llegamos a la conclusión de que es importante apoyar la propuesta de Filipinas en cuanto al artículo 6. En este sentido, estamos completamente de acuerdo con que se haga esta invitación a la iniciativa Liberarse del Tabaco y a la Conferencia de las Partes para ser tratados en la cuarta Conferencia de las Partes en Punta del Este (Uruguay). Muchas gracias, señor Presidente.

Mr AFAAL (Maldives):

Thank you, Mr President. I take the floor on behalf of the Parties in the WHO South-East Asia Region again. We the South-East Asia Region countries also share the concerns just expressed by Kenya and we wish to come back to this issue hopefully in the fourth session of the Conference of the Parties. Now wearing my country's hat, I would like to congratulate Kenya on following Maldives' gesture of pledging an extrabudgetary contribution, which is nearly nine times the size of our voluntary assessed contributions, yesterday in Committee B. Thank you, Mr President.

Mr NYIRENDA (Zambia):

Mr President, it was not my intention to take the floor, but in supporting the Parties in the WHO African Region, this is the first time that Zambia is speaking. This is because we were encouraged and counselled by our Chairperson in Committee A. We are actually new entrants to Conference of the Parties. Zambia is in full support of all the Parties, aspiring for a better and much stronger Framework Convention on Tobacco Control by ensuring that we have stronger and effective guidelines and protocols. As a new member and entrant to the Conference of the Parties and a first-time attendee at a session of the Conference of the Parties, we now feel that we are on the right side of history.

Mr President, let me state from the outset that even though we are not a Party to the Framework Convention, the Zambian Government has always fully supported laws protecting people from the harmful effects of tobacco. In 1992 the Government of Zambia passed a public health tobacco-control law that regulates tobacco use in terms of labelling and advertising, and restricts smoking in certain public places. In reinforcing this piece of legislation, the Zambian Government, in April this year,

passed another piece of legislation that prohibits smoking in all public places. We continued this momentum by acceding to the WHO Framework Convention on Tobacco Control on 23 May this year.

Mr President, Zambia has noted with concern that following litigations and a hostile environment in the industrialized countries, the tobacco industry has relocated and is still relocating to developing countries like Zambia. With this background, we are in full support of the position of the Parties in the WHO African Region on having stronger guidelines on the 10 articles that were discussed in Committee A. I want to also look at enforcement agents. From experience in our country, we are party to a lot of treaties, but the problem has not been the lack of good documents but rather enforcement. We do not want to have more souvenir documents in our offices. We thus urge you, Mr President, to support the enforcement agents in counteracting the tobacco industries, and not on bicycles.

Before I conclude, I wish to take full cognizance of the role the Zambian nongovernmental organizations have played and continue to play to complement tobacco-control efforts by the Government. Mr President, Zambia is looking forward to fruitful discussions with your chairmanship, and we appreciate being so warmly welcomed. Thank you.

Mrs CHAMORRO (European Community):

Thank you very much, Mr President. We really welcome the proposal from the Philippines with regard to tobacco taxation. It has been repeated hundreds of times that price and tax measures are the most single effective way for tobacco control, and it is completely true that this Conference of the Parties has not addressed it, apart from the content of the Convention itself that we already recognize as obligations for all Parties. Even the European Union has embarked on a revision of tobacco taxation regulation that is to be implemented in its 27 countries, and for the very first time this review and the discussions incorporate health concerns with regard to tobacco control.

So we are seriously committed to taxation in the European Union and we really would like this commitment to be shared by, and also to be the case for, other Parties to the Framework Convention on Tobacco Control. So, we welcome the proposal from the Philippines. Nevertheless, we would like to slightly amend this proposal with a view to ensuring that the process of developing guidelines, if so decided, can really be effective. We would thus like to amend the proposal from the Philippines in this way: "To invite the WHO Tobacco Free Initiative (TFI) through the Convention Secretariat to develop a comprehensive technical report related to price and tax policies", and then the rest as proposed, "based on expert advice, for presentation to the fourth session of the Conference of the Parties." The European Union recognizes this and is extremely thankful for the support that the WHO Tobacco Free Initiative is giving us and all Parties for the implementation of the Framework Convention. We think that such a technical report would contribute hugely to deliberations and work by an eventual working group that would develop the guidelines. The fact of giving policy recommendations as such could interfere somehow with the work that the working group may decide to initiate afterwards. So, we really think that we would benefit from a review and a technical report and we would be extremely thankful to the WHO Tobacco Free Initiative if it would be willing to accept this offer. Thank you very much.

Ms BEGUM (Bangladesh):

Thank you, Mr President, for giving me this opportunity to speak on behalf of the Parties in the WHO South-East Asia Region. The Parties are delighted with the progress being made in the work of the Conference of the Parties this week. In particular, we are glad to see that strong guidelines on Articles 11 and 13 have been adopted without any substantial changes. As regards the guidelines on Article 5.3, countries from our Region worked hard with other Parties in arriving at effective guidelines that are fundamental to protecting treaty implementation from commercial and other vested interests of tobacco industry. We are encouraged by the momentum of the Conference of the Parties in setting up working groups to develop draft guidelines on Articles 12, 14, 17 and 18. The Parties in the WHO South-East Asia Region are ready to actively contribute and lend leadership to the work of these groups. The decision of the third Conference of the Parties to prioritize work on the protocol on illicit

trade in tobacco products and to allocate resources for inter-sessional work between the third and fourth sessions of the Conference of the Parties as desired by the Region is quite encouraging.

The Parties in the WHO South-East Asia Region have deliberated on Article 6 of the Framework Convention pertaining to price and tax measures to reduce the demand for tobacco. The Parties consider tax and price measures to be the single most effective strategy to reduce tobacco use, and it is important that we begin on this critical element of the Framework Convention. The Parties in the Region request the Convention Secretariat to present options for future work by the Conference of the Parties in support of the implementation of Article 6 at the fourth session of the Conference of the Parties. There is a need to develop internationally applicable policy recommendations related to price and tax measures that could be developed with assistance from experts and the WHO Tobacco Free Initiative, which would ensure no funding implications for this work. We count on the Convention Secretariat to undertake the task that the Conference of the Parties has mandated to it, and, where appropriate, in collaboration with the WHO Tobacco Free Initiative, including through inter-sessional meetings.

We would like to take this opportunity to thank the Bureau and its President, the Key Facilitators of the various working groups, the Chairpersons of Committees A and B, the co-coordinators of the informal drafting groups, the Convention Secretariat and civil society for their support and inputs, which have made this a successful Conference of the Parties. We want to especially thank the Government of South Africa for being such an excellent host. Thank you, Mr President.

Ms VIANNA (alternate to Ms Maiera, Brazil):

Brazil would like to support the Djibouti statement on Article 19, reinforcing Brazil's request this morning that the Secretariat invite the WHO Tobacco Free Initiative to present a background paper on Article 19 relating to liability. It should be mentioned that this proposal was accepted in Committee B. Thank you.

Mr GUO Xiaofeng (China):

郭晓峰（中国）：

谢谢主席先生。我们注意到菲律宾代表提出了一个最新的决议草案建议，然后欧盟的代表又对其进行了一些修改。我们现在想通过主席提出一个要求，能不能让我们了解清楚这个决议的内容是什么？以什么形式让我们清楚地看到，我们即将通过的是一个什么样的决议？谢谢。

The PRESIDENT:

As we have no further requests to speak, I now ask the Head of the Convention Secretariat to respond.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you very much to the distinguished representative of the Philippines for the proposal. May I make only one qualification before making any further remarks. Under which agenda item would you recommend that this proposal be considered? This would be procedurally important for us as to how we are to handle it.

Mr PADILLA (Philippines):

Actually, "Other matters on the agenda", based on Rule 33, first paragraph, last sentence.



Dr NIKOGOSIAN (Head, Convention Secretariat):

I must call on the Legal Counsel to make a clarification on this issue. Thank you.

Mr BURCI (WHO Legal Counsel):

The Philippines has proposed a draft decision and the proposal has been supported by, I believe, the Parties in the WHO Region of the Americas and the WHO South-East Asia Region and by the European Community, the latter with a proposed amendment to the decision. There seems to be broad support. From a procedural point of view, the only slight difficulty is that this type of proposal is normally made under a substantive agenda item and the agenda has, of course, been closed with the exception of item 7 and the reports of the committees. Either the Conference could reopen the relevant agenda item for the adoption of this decision or, alternatively, Dr Nikogosian, on the basis of the proposals made by the Philippines and as amended by the European Community and supported by the Parties in the WHO Region of the Americas and the South-East Asia Region – since there seems to be growing support – could simply follow up on these requests, and in cooperation with the WHO Tobacco Free Initiative, present the relevant documents to the Conference of the Parties at its fourth session. I wonder whether that would avoid any procedural confusion? Thank you.

El Sr. CABRERA (México):

Gracias, señor Presidente. Únicamente intervengo para aclarar que la Región de las Américas no ha dado su apoyo como Región a la propuesta de Filipinas. El representante de Costa Rica no habló en nombre de la Región.

Mr PADILLA (Philippines):

Mr President, it is the position of the Philippines that the Conference of the Parties has full and absolute powers with regard to any item in its deliberations, and also by invoking Rule 33 on the conduct of business where it says, may I quote the last sentence: “The Conference of the Parties may however permit the discussion and consideration of proposals, amendments to proposals or procedural motions, even though such proposals, amendments to proposals or motions have not been circulated or have been circulated only the same day”. By invoking this section, Mr President, I feel that we have been timely in bringing this broadly supported issue to the Conference of the Parties. Thank you, Mr President.

Mr SEBBA DE ANDRADE (alternate to Ms Maiera, Brazil):

Thank you, Mr President. On behalf of Brazil, we would also like to support the statement made by Costa Rica on Article 6, so that would be apart from the Eastern Mediterranean Region.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you. As a point of clarification, may I ask the distinguished representative of Bangladesh to clarify whether she would like to propose the text that she read out an alternative proposal, or was it just a statement supporting the existing proposal?

Ms BEGUM (Bangladesh):

It was in support of the Philippines proposal. Thank you.

The PRESIDENT:

I would like to ask the Legal Counsel to intervene.

Mr BURCI (WHO Legal Counsel):

Thank you, Mr President. Unfortunately, there is no time to distribute a written version of this draft decision. Also, as we will be losing interpretation in about 20 minutes, may I read, as we understand it, the proposal from the Philippines as amended by the European Community. It reads as follows: "The Conference of the Parties decides to invite the WHO Tobacco Free Initiative through the Convention Secretariat to develop a comprehensive technical report related to price and tax policies, based on expert advice, for presentation to the fourth session of the Conference of the Parties".

Dr LEWIS-FULLER (Jamaica):

Thank you, Mr President. I would like, on behalf of my delegation, to support the Philippines proposal to have the matter of price and tax measures studied and a paper developed as proposed, and to fully support the statement just read. Jamaica has been involved in a more in-depth study of price and taxation measures in relation to tobacco in our own country and would be quite willing to pass on our experience on this matter to the experts.

Dr YEARWOOD (Trinidad and Tobago):

Thank you, Mr President. Trinidad and Tobago would also like to throw its support behind the proposal made by the Philippines, given the importance of this matter. So, we are in full support of the Philippines proposal and the amended segment by the European Community.

Mr HOSHINO (Japan):

Thank you very much, Mr President. Japan is not opposed to the proposal made by the Philippines. However, we would like to point out that price and tax measures are the prerogative of sovereign states, and so we are of the view that, in exploring this matter, a very cautious and thorough study should be made before considering any method of work to be followed. And we are of the view that we should not prejudge the method of work – whether to establish a working group or a protocol or other method – that we would undertake afterwards. Thank you.

Mme ALI-HIGO (Djibouti):

Excusez-moi, Monsieur le Président. Tout à l'heure en écoutant la liste des Régions qui soutenaient la proposition des Philippines, je n'ai pas entendu le nom de la Région de la Méditerranée orientale. Je voudrais donc confirmer que notre Région soutient la proposition des Philippines ; nous n'avons pas de difficulté avec les amendements faits par la Communauté européenne. Par ailleurs, je saisis l'opportunité pour remercier le Brésil des éclaircissements relatifs à notre demande concernant l'article 19.

The PRESIDENT:

May I remind you that the interpreters will stop at 1 o'clock, which is four minutes from now and means that the plenary has to break and reconvene at 14:30. Mexico, please.

El Sr. CABRERA (México):

Después de algunos pronunciamientos de las Partes de la Región de las Américas sobre la propuesta de Filipinas, quisiera informar de que todas ellas han sido ya consultadas y aprueban la propuesta de ese país.

The PRESIDENT:

May I propose that the proposal of the Philippines, as amended by the European Community, should be adopted. I see no objection.

*(Applause/Aplaudissements)*

We can continue now. May I give the floor to China.

Mr GUO Xiaofeng (China):

郭晓峰（中国）：

谢谢主席先生。很抱歉，没有提前看到我们的牌子。实际上，在日本代表团发言的时候，我们已经举起牌子了。所以，我现在请问主席，我们现在还能不能就菲律宾的一些建议再发表意见。

The PRESIDENT:

You can keep the view, but not the amendment, because we have adopted the amendment.

Mr GUO Xiaofeng (China):

郭晓峰（中国）：

我们和日本代表有相同关注，但是我们没有更多的时间好好地研究这个决定本身，所以现在我们还不能做出特别清晰的一个判断，但是从我的英语程度来说，我的第一感觉，觉得菲律宾的第一个建议更容易被我们接受。所以我们建议，还是要通过菲律宾的第一个建议，而不是欧盟的修改建议。

谢谢主席先生。

Mr BURCI (WHO Legal Counsel):

We regret not noticing China, but we really could not see the delegation of China because the room is dark at the back. The proposal has just been adopted so, unless the Conference wants to re-open it, one other possibility would be to fully reflect the concerns clearly expressed by China and Japan in the record of the Conference, which would be taken into account by the Secretariat when preparing these documents for the fourth session of the Conference of the Parties. So, I wonder whether the delegation of China would be content with this statement plus the fact that their concern would be reflected. Thank you.

Mr GUO Xiaofeng (China):

郭晓峰（中国）：

对不起主席先生，我可能长得太小了，您持续地忽视我。

实际上，我们对内容本身没有意见，但是我现在想请问您或者通过您请问我们的法律顾问，如果我们决定通过之前已经举牌子，但是被主席忽略了，没有机会发表意见，那么之后我们

再发表意见，这个程序是不是会引起一个法律问题。我们让法律顾问解释一下，在这种情况下，我们该怎么处理我们的意见。  
谢谢。

Mr BURCI (WHO Legal Counsel):

Again, we may have made a mistake by not noticing the Chinese delegation. Still, I would submit that the Conference has adopted the decision, and in my experience of 10 years in WHO, when delegations really have a problem they make themselves heard, sometimes by even banging on the table. So, we appreciate that China did not do that and apologize for China being neglected by the President and the Convention Secretariat. In my view, the decision has been validly adopted. So, I repeat what I said before: either the Conference of the Parties agrees to re-open the draft decision and consider any additional amendment, or the statement by China, and if I may add by Japan, would be fully reflected in the record and taken into account by the Secretariat in its preparatory work for the fourth session of Conference of the Parties. Thank you.

The PRESIDENT:

China, do you agree?

Mr GUO Xiaofeng (China):

郭晓峰（中国）：

主席先生，我们中国并不想阻止这个进程，我们充分尊重主席本人和法律顾问提出的意见，我们在你们的手里，我们对你们的任何决定都可以遵从，但是我们希望以后尽量能避免这种情况再次发生。

谢谢主席。

**5. FOURTH SESSION OF THE CONFERENCE OF THE PARTIES (continued)**  
**QUATRIEME SESSION DE LA CONFERENCE DES PARTIES (suite)**

The PRESIDENT:

Thank you very much. As I warned you, we now have a problem with interpretation. We have two options. One, we can continue for about 30 minutes without interpretation; or two, we can return at 14:30 with interpretation. Which option do you prefer? Option one or option two? Okay, the first, whereby we will go on for some 30 minutes without interpretation. As I see no objection, let us finish the job and continue with agenda item 7, the fourth session of the Conference of the Parties.

**Date and venue of the session (continued)**

**Date et lieu de la session (suite)**

We shall first look at item 7.1 on the date and venue of the fourth session of the Conference of the Parties. At our last plenary meeting on Wednesday, Uruguay kindly offered to host the fourth session of the Conference, and we agreed to come back to this matter today, as we shall also discuss the date of the next session, including the time line for the host country to conclude an agreement with the Convention Secretariat.

In light of the discussion on further progress made by the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, and the discussions of Committee B on the 2010–2011 budget, the proposal is that the fourth session of the Conference of the Parties be held in the last quarter of 2010. I would like to read the proposed text for our decision. “The Conference of the Parties, in accordance with Rules 3 and 4 of the Rules of Procedure, decides that its fourth session will be held in Uruguay in the last quarter of 2010 subject to the conclusion of an appropriate host agreement between Uruguay and the Convention Secretariat by 30 May 2009. The exact venue and date will be decided by the Bureau after receiving confirmation by the Secretariat of the conclusion of a host agreement”. Are there any comments to this proposed text of the decision? I see none. It is so decided.

El Dr. ABASCAL (Uruguay):

Gracias, señor Presidente. Es con mucha emoción que recibo esta noticia y esta decisión. El Gobierno y el pueblo del Uruguay les agradecen a todos ustedes por esta decisión, y agradecen también a las Partes de la Región de las Américas por su apoyo unánime. Entre ellos, deseamos expresar nuestro especial agradecimiento a México, Ecuador y Brasil por su generosidad. También manifestamos nuestro reconocimiento a la Secretaría del Convenio Marco y a la OMS. Debo decirle asimismo que este ha sido un largo camino con mucho esfuerzo para nuestro país. Actualmente hemos cumplido casi todos los compromisos asumidos al ratificar el Convenio Marco. También es el momento de agradecer a mucha gente anónima que ha participado en este exitoso proceso poniendo su desinteresado esfuerzo. No ha sido un esfuerzo solamente del Gobierno y del Estado uruguayo, sino también de la sociedad civil, que a través de sus sindicatos, sus comunidades y sus organizaciones de base han participado en este proceso. No quisiera olvidar nuestro reconocimiento a tres personas en representación de muchas que han dedicado su inteligencia y su esfuerzo a este proceso. Me refiero al doctor Eduardo Bianco, la doctora Adriana Blanco y la profesora doctora Beatriz Goja. Tengan ustedes la seguridad de que el Gobierno y el Ministerio de Salud del Uruguay y el programa que yo dirijo estarán a la altura de la circunstancia en la cuarta Conferencia de las Partes. Finalmente, los esperamos a todos en un pequeño y bello país. Muchas gracias.

*(Applause/Applaudissements)*

The PRESIDENT:

Thank you very much. I am sure that the Convention Secretariat will initiate and conclude discussions without delay. I would like to add that should it prove impossible to conclude an appropriate host agreement by the date indicated in drafting this decision, the fourth session of the Conference of the Parties will meet in Geneva in accordance with Rule 3 of the Rules of Procedure. In that case, the Bureau will determine the exact dates of the session. This concludes our consideration of item 7.1.

#### **Election of officers**

#### **Election des membres du Bureau**

We shall now turn to agenda item 7.2, “Election of officers of the Conference of the Parties”. The officers shall be elected from among the Parties to constitute the Bureau for the fourth session of the Conference of the Parties. This election is governed by Rule 21 of the Rules of Procedure of the Conference of the Parties. The term of office of these officials shall commence at the close of this session and they shall serve until the closure of the fourth session of the Conference of the Parties, including any intervening extraordinary session. After consultation with the regional groups, I would like to propose that the following be elected as officers of the Bureau:

Mr Mseleku, who is the Director-General of South Africa’s National Department of Health, for the office of President. Is he here?

*(Applause/Applaudissements)*

And Dr Al-Bedah of Saudi Arabia, Dr Chocano of Peru, Mr Draijer of the Netherlands, Dr Naziruddin of Bangladesh and Mr Otto of Palau as Vice-Presidents. Finally, it is also proposed that Mr Draijer from the European Region serve as Rapporteur. Are there any objections to this proposal? I see none. It is so decided.

Please join me in congratulating the new officers of the Conference of the Parties. The order in which a Vice-President will sit at the podium or serve as President in the event that the President is unable to serve will be drawn by lots. The name of the five Vice-Presidents have been written down on five separate sheets of paper, which I am now going to draw. The first First Vice-President is Dr Al-Bedah from Saudi Arabia. The Second Vice-President is Mr Otto from Palau. Third Vice-President is Mr Nasiruddin from Bangladesh and Fourth Vice-President, Dr Chocano from Peru. Fifth and last is Mr Draijer from the Netherlands. This concludes consideration of agenda item 7.2.

## **6. CLOSURE OF THE SESSION CLOTURE DE LA SESSION**

The PRESIDENT:

Distinguished guests and representatives. I am honoured to preside over the closure of this third session of the Conference of the Parties. I wish to take this opportunity to thank first our host, the Government of South Africa, for welcoming this session and making a successful event. We shall all keep wonderful memories of our week here in Durban. I also wish to thank the Head of the Convention Secretariat, Dr Haik Nikogosian, his staff and the staff from the WHO Secretariat who supported him, the teams of interpreters, and all those who have worked hard in preparing this session. And I wish, on behalf of the Conference entourage, to express our full and continuing support of the Convention Secretariat in its functions. My sincere appreciation goes to my fellow Bureau members whose relentless efforts made my job much easier during the year. I want to thank you for your valuable contributions and your commitment in strengthening the Framework Convention. It was an honour for me to work with you.

Last but not least, I wish to thank all of you for your support, for your positive approach to all the work that we have taken on over the past few days and for your patience. Thanks to your excellent cooperation, my task has been far easier than I thought at the beginning, and I am most grateful to all of you for your support, active participation and contributions throughout the session. Now it only remains for me to wish all of you a safe return to your countries and I look forward to meeting you in Uruguay for the fourth session of the Conference of the Parties. I see that the Chairperson of Committee A would like to speak.

Mr SHAKERIAN (Islamic Republic of Iran):

Thank you, Mr President, for giving me the floor at this late hour before concluding the meeting. As you know, this was my first participation in such a meeting and I was actively involved with the proceedings of Committee A. This morning I was informed that a nongovernmental organization had spoken negatively about the Chairperson of Committee B. As one who has been in this field for 17 years, I consider myself, to some degree, a professional in this business. I was really hurt and disappointed to hear these comments and this is why I want to make a statement, if you would be so kind to allow me. I think we are all here to achieve a common objective as enshrined in the Framework Convention. We are here to reinforce each other and this includes nongovernmental organizations, governmental bodies, diplomats and people in public health departments. We are here to reinforce each other in order to reach our lofty goals as enshrined in the Framework Convention and we have to act in a responsible manner. I know, and we have noted, that many issues are not simple. Sometimes an issue can be so complicated that we cannot just look at it from one angle but from different angles. Personally, I have witnessed that sometimes the best diplomats in the world and the best international negotiators have been unable to solve some issues. But they were still respected. In this particular case, after the usual challenges and under the able leadership of its Chairperson,

Committee B was able to reach a very satisfactory conclusion. I think that such behaviour from this nongovernmental organization does not enhance its credibility and actually limits its ability to interact with governments and others who are actively involved in these issues. I think we are all here to help ensure the smooth operation of the organs and subsidiary organs and support their officers. As you may know, the Chairperson of Committee B was involved in the elaboration of the Framework Convention from the very beginning and, I think, has been an active participant in this Convention. He has a role and he has a voice, and, as Chairperson of Committee A, as well as a representative of the Islamic Republic of Iran, I strongly ask and request this nongovernmental organization to make amends to our Chairperson and I ask all the delegations to join me in applauding the Chairperson of Committee B.

*(Applause/Applaudissements)*

The PRESIDENT:

Now, the next person I would like to invite to address this meeting is a man who was selected by me and other Bureau members at the second session of the Conference of the Parties as Head of the Secretariat after interviewing him all day. As our first Head of the Convention Secretariat, he has worked very, very hard on a difficult job. As President of the Conference of the Parties I have been privileged to work with him all through my term. I now ask Dr Haik Nikogosian to say something after his very difficult job.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you, Mr President. I am very touched by what you said. Distinguished President, distinguished colleagues and representatives, I trust that you will agree that this third session was a milestone in bridging the initial stage and the long-term strategy of the Framework Convention. It was a special privilege to serve the treaty and the Conference at this juncture. I want to say that I, personally, felt that the Convention Secretariat itself was at a juncture because this was its first year of functioning. We had to build our capacity and deliver at the same time. So there was no time even to think how to build capacity as we were pressured to deliver from the second day. There was also a very unique opportunity of serving the existing treaty while participating in negotiations for another treaty at the same time. In fact, during this year the Convention Secretariat had to organize three governing body meetings of this size.

I would like to use this opportunity, first of all, to thank my colleagues in the Convention Secretariat for their very dedicated work and professionalism, but also to extend my thanks to my colleagues in WHO, as well as the regional advisers, for acting as one team and for inventing a new name for this week, "COP3 Secretariat" – not WHO Convention or Regional Advisers or TFI. It was the COP3 Secretariat, which was the spirit that prevailed in the big room in the Secretariat that was never empty until today, when it really became empty at 08:00. That was very special. I am very thankful. Let me say that being the first Secretary of the first WHO treaty was a challenge. We have a huge responsibility not only for tobacco control but for a new international dimension in public health in general. With this sense of responsibility, we started our role and I am very grateful to the Parties who supported us, who guided us and who encouraged us during this very challenging period. Thank you very much, Parties, representatives and colleagues for the very supportive environment that you created for us and for your encouragement and guidance.

May I also take this opportunity to extend my very special thanks to Dr Hatai, the President of the Conference of the Parties, who became my friend. We did not know each other at the beginning, but together we went through a challenging first year, a truly bridging year for the treaty. May I also thank the members of the Bureau, whose attitude, whose cooperation, whose guidance, whose friendship have been remarkable. We felt really like a family. Thank you very much, Bureau. May I also use this opportunity to thank our international partners and observers for lending us a hand at a very important moment. Technically, organizationally and politically, this was very important to us. Thank you.

Finally, may I use this opportunity, Director-General, Department of Health, to thank your Government, you personally and the Minister of Health for your leadership and for so graciously hosting us and, in a way, joining the Convention Secretariat as one organizational team during the year of preparation. Thank you very much for your hospitality, for the organization and for so warmly accepting us here.

Distinguished colleagues, it is my special pleasure to say that Dr Hatai showed an extraordinary leadership in this process. I really would like to share with you my feelings for a great man and a great leader, who I now know and recognize, who really led us during this very interesting and challenging time. Dr Hatai, there is a ceremonial procedure for the outgoing President to present the President's gavel, which was especially prepared for you today, and allow me to recognize your leadership and your contribution to the first international treaty. With this gavel, you will remember this year of working with us and your years with the WHO Framework Convention on Tobacco Control. Thank you again, Dr Hatai, on behalf of the Convention Secretariat.

*(Applause/Applaudissements)*

Mr HUBER (Framework Convention Alliance on Tobacco Control):

Thank you, Mr President. On behalf of the Framework Convention Alliance, I wish to thank South Africa for the warm welcome it has given to all of us, and for the leadership over many years in tobacco control. We would also like to thank the President of the Conference of the Parties, Dr Hatai, the outgoing Bureau and the Convention Secretariat for their many months of work to get us to this point. We would also like to thank the Chairpersons of both Committees, and we acknowledge that the role of the Chairperson of Committee B was very difficult. We would like to particularly thank the Chairperson of Committee B for his recognition of the role of civil society and for his contribution to all stages of the Framework Convention process over the years. It has not gone unnoticed by the civil society community and we thank him for this.

Lastly, we would like to congratulate the Conference of the Parties on the hard work it has carried out this week. In the years ahead, we will look back at the third session of the Conference of the Parties as a momentous meeting. This morning, the Conference has adopted three strong guidelines on the critical articles of the Framework Convention. For this, this Conference of the Parties deserves a strong round of applause. Thank you very much.

*(Applause/Applaudissements)*

Mr SALAGAI (Russian Federation):

Thank you, Mr President. First, we would like to extend our appreciation to you, the Committee Chairpersons and Secretariat for the very intensive and productive work. We would also like to thank all the distinguished representatives for their constructive work. Taking into account the speech of the Committee A Chairperson, we also would like to express our deep concerns about the activities of several nongovernmental organizations during the Conference of the Parties. The materials prepared by them abound in factual and juridical mistakes that lead to incorrect political conclusions and have produced an unconstructive atmosphere during the Conference. That is why we ask the Parties not to leave such facts without attention. Thank you very much.

The PRESIDENT:

Thank you very much. Now, may I invite the new President to address the meeting.

Mr MSELEKU (South Africa):

Dr Hatai, the President of the third session of the Conference of the Parties, the Head of the Convention Secretariat Dr Nikogosian, WHO officials, the Convention Secretariat, Parties to the WHO Framework Convention on Tobacco Control, all other States here today, representatives of



nongovernmental organizations, ladies and gentlemen. When our former Minister of Health, Dr Tshabalala-Msimang, decided to lead our proposal to host the third session of the Conference of the Parties, we as officials were filled with trepidation, because we believed that this was really a mammoth task. Indeed, we joined with the Convention Secretariat to ensure that we host this august meeting in a manner that would be true to the spirit of the collaboration and cooperation that is expressed in the Framework Convention. I would like to begin, therefore, by expressing our sincerest gratitude to the Parties that first agreed that we should host this first meeting in the African continent in our land, South Africa. I would like to also thank the members of the Bureau for bearing with us as we were making preparations for the third session. It has been a very difficult process. It has been a bumpy road, but with the support of the members of the Bureau, in particular under the leadership of the President of third session of the Conference of the Parties, we were able to pull it together.

I would like to single out Dr Nikogosian for his stewardship in ensuring that indeed this third meeting did take place in South Africa. In spite of the difficulties that we were experiencing in finalizing preparations, he was patient with us and he engaged us in a very supportive, friendly manner. We are indebted to him for the success that we have seen, if the Conference has been seen to be successful. I would also like to thank the Secretariat of the third session of the Conference of the Parties, under his leadership, those members of the Secretariat who came several times to South Africa to look at all angles of this Conference, including venues and hotels, for their patience, engagement with us and the kind of spirit that we have enjoyed in working together. I would also like to thank all the representatives and apologize on behalf of the Government and people of South Africa where we did not meet your expectations, but we hope that those parts that did not meet your expectations have been overshadowed by being in this city of fun, Durban. I hope that you have had the fun that we asked you to have during this week. We want to sincerely apologize for some of the difficulties that you may have experienced with your bookings, hotel accommodation and other arrangements, and to just say that we appreciate your taking this in a spirit of cooperation and friendship and without rancour. We want to thank you very much for that.

Let me also express my personal gratitude for your support as regions in appointing me as the President of the next Conference of the Parties in Uruguay. I promise you that South Africa and I, as an individual, will ensure that we continue the spirit that has been reflected in the relationship between the Bureau and the Convention Secretariat under the leadership of Dr Hatai. Let me assure you that this is actually not a prediction of how the World Cup is going to go. Indeed, we are going to have a semi-final soccer match between an Asian and an African country; I will not say South Africa at this stage, but I will say an African country and obviously, as Dr Hatai is handing over to Africa, so will the Asian country hand over to Africa for the final. But I must warn the South Americans that this time around we are not prepared to hand over to them. We will only hand over the fourth session of the Conference of the Parties to them, and that is all. We will ensure that we will keep the World Cup in South Africa. And so, this is just a reflection of the final that will be played here in 2010. After that, I will be leading the African celebrations, because this time the World Cup is going to be won by an African country, and we will come to Uruguay with that trophy.

On a more serious note, I also would like to single out Uruguay, with whom we worked together to launch the exhibition that you saw. Of course, we experienced difficulties, and I want to thank Uruguay for cooperating and being tolerant with us as we tried to resolve the problems in setting up the exhibition. I want to propose that, as a gesture of friendship on their part, and as a way of actually begging Africa not to beat them at the World Cup, they leave this exhibition here in South Africa permanently. Then we will allow them to take the World Cup to Uruguay, or Brazil, permanently.

Let me end by sincerely thanking all of you and wishing you all the best as you journey back home. Let us meet once again at the fourth session of the Conference of the Parties in Uruguay with the same spirit that we have had here – the spirit of Africa. Thank you.

*(Applause/Applaudissements)*

The PRESIDENT:

Thank you very much. I hereby declare the third session of the Conference of the Parties closed.

**The meeting closed at 13:40.**

**La session est close à 13h40.**

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