



WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

## **Conference of the Parties to the WHO Framework Convention on Tobacco Control**

Fifth session  
Seoul, Republic of Korea, 12–17 November 2012  
**Provisional agenda item 4**

**FCTC/COP/5/4**  
**22 October 2012**

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# **Report of the Secretariat on its activities**

1. This report has been prepared in line with the requirements set forth in Article 24.3(d) of the WHO Framework Convention on Tobacco Control (WHO FCTC).
2. The report summarizes the main activities of the Convention Secretariat undertaken since the fourth session of the Conference of the Parties (COP) (Punta del Este, Uruguay, 15–20 November 2010), in line with the workplans and budgets adopted by the COP at its third (Durban, South Africa, 17–22 November 2008) and fourth sessions,<sup>1</sup> other decisions of the COP requiring action, and the guidance provided by the Bureau of the COP in the intersessional period.
3. The report also provides information on the status of the WHO FCTC and important developments in global health relevant to implementation of the Convention. In addition, it contains key observations and conclusions deriving from the implementation of workplans and progress in implementation of the Convention internationally. Finally, it contains a review of the administrative, financial and budgetary implications of work related to substantive agenda items contained in the provisional agenda of the fifth session of the COP (see Annex).

### **Status of the WHO FCTC**

4. Since the fourth session of the COP, the Convention has entered into force for five new Parties.<sup>2</sup> This will bring the total number of Parties for which the Convention is in force to 176 as at 12 November 2012, the date on which the fifth session of the COP opens.
5. Twenty-six international intergovernmental organizations and a similar number of nongovernmental organizations are currently accredited as observers to the COP. The Secretariat has presented new applications for accreditation as observers, as submitted by two intergovernmental organizations, for the consideration of the COP at its fifth session (document FCTC/COP/5/3).

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<sup>1</sup> The period covered by this report falls under the two most recent workplans and budgets adopted by the COP: the one for the financial period 2010–2011 adopted at its third session; and the one for the financial period 2012–2013 adopted at its fourth session.

<sup>2</sup> Czech Republic, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Turkmenistan, and Uzbekistan.

## Recent global developments relevant to implementation of the WHO FCTC

6. Since the last session of the COP, major developments in international health cooperation have taken place: notably the First Ministerial Conference on Healthy Lifestyles and Noncommunicable Disease (NCD) Control,<sup>1</sup> the High-level Meeting of the General Assembly on the Prevention and Control of NCDs,<sup>2</sup> and the World Conference on Social Determinants of Health,<sup>3</sup> along with the associated political declarations. The Secretariat actively engaged in these events. Comprehensive implementation of the WHO FCTC was mentioned in these declarations as being one of the key factors in the global response to NCDs as well as in the context of social determinants of health, further recognition of the importance of the WHO FCTC as a major preventive and international health cooperation tool.

7. Following the report of the Secretary-General to the United Nations Economic and Social Council (ECOSOC) in July 2012, the ECOSOC adopted a resolution concerning United Nations system-wide coherence on tobacco control. The resolution emphasized the need to further strengthen the multisectoral and interagency contribution to full implementation of the WHO FCTC; recalled the obligations of Parties to the Convention to set up comprehensive, multisectoral, national control strategies, plans and programmes, with the support of the Convention Secretariat, upon request; and invited all members of the United Nations Ad Hoc Interagency Task Force on Tobacco Control and other United Nations funds, programmes and specialized agencies to contribute, as appropriate, to the goals of the Convention, including through multisectoral assistance, public outreach and communication, in particular in the context of the prevention and control of NCDs.

## Activities of the Secretariat

8. While detailed information is provided in the performance report for the 2010–2011 workplan and budget<sup>4</sup> and the interim performance report for the 2012–2013 workplan and budget,<sup>5</sup> a summary of the activities of the Secretariat is presented below.

### *Sessions of the COP and the work of the Bureau*

9. The fourth session of the COP was organized from 15 to 20 November 2010, with the support of the Government of Uruguay, in Punta del Este. All necessary follow-up activities were undertaken after the session and completed on time. The official records of the session were completed and made available to the Parties and observers.

10. Preparations for the fifth session of the COP were at an advanced stage at the time of writing, with the necessary preparations being undertaken in coordination with the Government of the Republic of Korea. The official documentation for the session had also been prepared and disseminated to the Parties and observers in the six official languages of the COP.

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<sup>1</sup> Held in Moscow on 28–29 April 2011.

<sup>2</sup> Held at United Nations Headquarters, New York, on 19–20 September 2011.

<sup>3</sup> Held in Rio de Janeiro on 19–21 October 2011.

<sup>4</sup> Document FCTC/COP/5/19.

<sup>5</sup> Document FCTC/COP/5/20.

11. The Secretariat supported the convening of meetings of the Bureau of the COP at regular intervals, and carried out the necessary follow-up activities as requested. The Bureau decided on the date and venue of the fifth session of the COP and the final session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products (INB). The Bureau also reviewed intersessional work and provided guidance to the Secretariat in several areas, such as: implementation of the workplan and budget and other decisions adopted by the COP; global and regional developments in implementation of the Convention; reports requested by the COP for its fifth session; and preparation of the provisional agenda and organization of the fifth session of the COP.

#### *Elaboration of the protocol and guidelines*

12. The Secretariat facilitated the organization of the fifth session of the INB, including the pre-session work of the informal working group and preparation of the required technical reports. The European Union provided an in-kind contribution totalling approximately €850 000 to support the work of the INB and the informal working group. The draft of the protocol agreed at this final session, along with the report of the Chairperson of the INB,<sup>1</sup> were transmitted to the COP six months before the opening of the fifth session of the COP as required.

13. The Secretariat provided the necessary assistance to the working groups established by the COP. The meetings of all three working groups were convened in late 2011 (for Article 6, with financial support from Australia) and early 2012 (for Articles 9 and 10, and Articles 17 and 18) in Geneva. The reports prepared by the working groups, containing draft guidelines and recommendations,<sup>2</sup> were submitted to the COP in line with the procedure and timeline established by the COP. The Secretariat also published and disseminated the guidelines previously adopted by the COP in one volume to facilitate their use by the Parties.

#### *Reporting arrangements under the Convention*

14. The Secretariat organized activities in this area in line with the revised (biennial) reporting cycle approved by the COP at its fourth session. Though the rate of submission (72%) requires further improvement there is, in general, increased compliance of the reports with the requirements of the reporting instrument compared with previous years. The database of reports was further refined and updated, and work continues to establish a broader information platform based on Parties' reports and other available sources to further strengthen information exchange under the Convention. The Secretariat also prepared the 2012 report on global progress in implementation of the Convention based on the reports of Parties, as requested by the COP.<sup>3</sup>

15. The Secretariat provided support to Parties in complying with their reporting obligations, through the provision of training sessions, both face to face and online, individual advice as requested, and technical feedback upon submission of reports. Further work to strengthen assistance to Parties in this area is in progress, particularly through an online forum and a web-based training tool currently under development. Further recommendations to promote the reporting system are contained in document FCTC/COP/5/14.

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<sup>1</sup> Documents FCTC/COP/5/6 and FCTC/COP/5/7.

<sup>2</sup> Documents FCTC/COP/5/8, FCTC/COP/5/9 and FCTC/COP/5/10.

<sup>3</sup> Document FCTC/COP/5/5 contains key findings of the report.

*Assistance to Parties, with particular focus on developing country Parties and Parties with economies in transition*

16. The Secretariat carried out this work in line with Articles 22, 24 and 26 of the Convention and the relevant decisions, workplans and budgets adopted by the COP at its third and fourth sessions. Needs assessments and needs-based assistance, facilitation of exchanges of expertise, best practices and technologies, and promotion of awareness of and access to resources available for implementation of the Convention evolved as principal mechanisms of assistance, as called upon by the Convention and the COP. Support to streamlining of treaty implementation within national health and development programmes and strategies, in line with the principles of national ownership and aid effectiveness, has been another important characteristic of the implementation assistance work in the intersessional period, which has in general substantially strengthened since the fourth session of the COP in line with the guidance provided by the COP.

17. The Secretariat, in particular, continued the joint needs assessments, which were carried out in a further eight countries following the 2009–2010 pilot phase and were in progress or preparation in another eight countries at the time of finalization of this report. In the intersessional period following the fourth session of the COP the Secretariat also organized comprehensive treaty implementation workshops covering three regions, in cooperation with the host countries and the respective WHO regional offices, and work will continue to cover the remaining regional groups in the first half of 2013. Other work in this area is described in detail in document FCTC/COP/5/15, on resources and mechanisms of assistance, in addition to the information provided in the performance reports (documents FCTC/COP/5/19 and FCTC/COP/5/20).

18. The intersessional period also saw a substantial increase in the mobilization of extrabudgetary resources for implementation assistance. In particular, the substantial contributions provided by the European Union, in the amount of €5.2 million, and Australia, in the amount of approximately AUD 1 million, allowed a breakthrough in ensuring the implementation of the respective parts of the workplan adopted by the COP and addressing the needs of an increasing number of lower-resource Parties that face challenges in fully implementing the Convention. The Convention Secretariat will continue to mobilize resources to strengthen implementation assistance to developing countries, in cooperation with the relevant WHO departments and offices and international partners, and in line with the needs and priorities identified by, or jointly with, the Parties.

*Cooperation with intergovernmental organizations and bodies*

19. Work in this area was carried out in line with Article 24.3(e) of the Convention and relevant decisions of the COP, particularly decisions FCTC/COP/4(17), FCTC/COP/4(18) and FCTC/COP/4(19). Three principal frameworks of cooperation have evolved in this area: the United Nations Ad Hoc Interagency Task Force on Tobacco Control; the intergovernmental organizations accredited as observers to the COP, some of which are also members of the Task Force; as well as international and regional intergovernmental organizations and development partners that are not in the above-mentioned frameworks but have the potential to support implementation of the Convention, particularly through South–South and Triangular cooperation.

20. A major step forward in this area was the convening of a special meeting of the Interagency Task Force in February 2012 to review and promote the multisectoral and interagency response to the needs arising from implementation of the Convention. The deliberations during the meeting served as the basis of the report of the Secretary-General of the United Nations that was submitted to the ECOSOC at its 2012 substantive session. The report, inter alia, recognized the challenges of

multisectoral assistance and at the same time described the potential of the Task Force members to extend technical assistance to the Parties in their respective areas of expertise.

21. Some intergovernmental organizations have been progressively engaged in the treaty work facilitated by the Secretariat, particularly since the fourth session of the COP. Recent examples include the contributions provided by the UNCTAD and WTO to the intergovernmental workshop on trade-related aspects of implementation of the Convention, the cooperation extended by WCO during the negotiations on a protocol to eliminate illicit trade in tobacco products and by FAO and ILO at the meetings of the working groups established by the COP, contributions provided by UNDP and the World Bank through participation in needs assessments and the preparation of technical reports, and most recently the contributions to a comprehensive review of mechanisms of assistance by UNCTAD, UNDP, UN Women and the World Bank at the African regional meeting on implementation of the Convention organized by the Secretariat in cooperation with the Government of Senegal.<sup>1</sup>

22. Strengthening cooperation with the relevant WHO departments and offices was another important component of the work undertaken after the fourth session of the COP. It included cooperation with the WHO Tobacco Free Initiative in areas such as reporting and surveillance, needs assessments, preparation of reports requested by the COP and the World No Tobacco Day campaigns; cooperation with regional and country offices on regional workshops, training on treaty reporting and needs assessments; cooperation with other relevant departments and clusters in areas covering reporting and databases, promotion of United Nations interagency coordination for implementation of the Convention, and implementation of the Political Declaration on the Prevention and Control of Noncommunicable Diseases.

23. The Secretariat also accomplished a review of relevant practices in other treaties, which has been utilized in the preparation of reports submitted to the fifth session of the COP and in other work under the Convention. More details of the work undertaken and in progress on international cooperation and coordination are presented in documents FCTC/COP/5/16 and FCTC/COP/5/17, covering, respectively, cooperation with international organizations, and South–South and Triangular cooperation for implementation of the Convention; and in document FCTC/COP/5/15 covering financial resources and mechanisms of assistance.

#### *Activities related to general management and administration*

24. The performance reports presented to the COP for the 2010–2011 and 2012–2013 periods describe the key activities in terms of administration and management undertaken after the fourth session of the COP. One notable area is the collection of Parties' voluntary assessed contributions (VAC). Collection improved after the fourth session of the COP, but a large number of Parties have still not paid their contributions or have paid with substantial delays that may hamper implementation of the 2012–2013 workplan if not resolved. The report of the Secretariat on the payment of VAC, as requested by the COP at its fourth session, is contained in document FCTC/COP/5/21. The mobilization of extrabudgetary contributions, in contrast, has expanded substantially to cover implementation assistance to developing countries and some other areas marked in the workplan as being subject to the availability of such resources.

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<sup>1</sup> Dakar, Senegal, 9–12 October 2012.

*Other work requested in decisions taken at the fourth session of the COP*

25. In addition to reports referred to in the workplan, the COP at its fourth session requested that several other reports be prepared and submitted to its fifth session. All reports had been delivered as requested, namely those on: smokeless tobacco (document FCTC/COP/5/12); electronic nicotine delivery systems (FCTC/COP/5/13); implementation of Article 19 (FCTC/COP/5/11); reporting arrangements under the Convention (FCTC/COP/5/14); cooperation with intergovernmental organizations and bodies (FCTC/COP/5/16); resources and mechanisms of assistance for implementation of the Convention (FCTC/COP/5/15); cooperation with WTO (FCTC/COP/5/18); the role of the Bureau (FCTC/COP/5/24); the process for appointment of the Head of the Convention Secretariat (FCTC/COP/5/25); arrears in the payment of VAC (FCTC/COP/5/21); and travel support available to Parties (FCTC/COP/5/22). The Secretariat also prepared and submitted the next, 2014–2015, workplan and budget for consideration of the COP, in line with Article 23 (FCTC/COP/5/23), which also contains, as an annex, measures proposed by the Secretariat to improve the efficiency of Convention-related work.

### **Observations and conclusions**

26. The Convention, now in its eighth year in force, has passed in 2012 the mark of 175 Parties, embracing close to 90% of the world's population. The continued increase in the number of Parties demonstrates the importance and the expectations that countries attach to the Convention.

27. The development of treaty instruments, vital for implementation work globally, has made vigorous progress since the COP was established in 2006. More than 10 articles of the Convention are covered by guidelines and recommendations already adopted by the COP or submitted for adoption at its current session. In addition, the first protocol to the Convention, to eliminate illicit trade in tobacco products, has also been submitted for adoption. In the meantime, feedback from Parties indicates the need for broader dissemination and assistance in utilizing the adopted guidelines.

28. The treaty reporting system is now well established and synchronized with the biennial cycle of the regular sessions of the COP. More than 90% of the Parties have submitted at least one report since 2007, with Parties' compliance with the requirements of the reporting instrument gradually improving. Yet the number of Parties that have not submitted reports or that have done so with substantial delays indicates the challenges that some Parties face and the need for further assistance in this area. Work will also continue to promote the use of implementation guidelines and standardized indicators in reporting, and the review of Parties' reports by the COP.

29. Implementation of the Convention internationally has improved steadily. The average implementation rate of all substantive articles, judged by key indicators, passed the 50% threshold in 2010 and further increased to 56% in 2012. In the meantime, global implementation rates still vary between different treaty provisions as shown in the global progress report. Most progress has been achieved through improvements to the relevant legislation, with 80% of Parties reporting that they have adopted or strengthened their legislation after ratifying the Convention.

30. Recent years have also seen groundbreaking achievements by some Parties, ranging from requiring tobacco products to be sold in plain packages to banning the sales of all tobacco products and declaring the intention of becoming completely tobacco-free in the near future. These achievements may inspire and accelerate implementation of the Convention internationally, also taking into account Article 2 of the Convention.

31. The trend also showed that novel products, often effectively marketed, are increasingly appearing on the market, in particular smokeless tobacco products and electronic nicotine delivery systems. Countries that have implemented effective anti-smoking policies and even experienced a decline in smoking prevalence now face the challenge of new smokeless tobacco products being introduced into their markets. Concerted action internationally will be required to address this growing challenge.

32. Recent years have seen growing political recognition of the role of the WHO FCTC on the global health and development agenda. This was demonstrated, in particular, by the two political declarations adopted in 2011, one by the United Nations General Assembly High-level meeting and the other by the World Conference on Social Determinants of Health, which highlighted the key role of comprehensive implementation of the Convention in the context of noncommunicable diseases and social determinants of health. Furthermore, the ECOSOC adopted a landmark resolution in 2012 that called for United Nations system-wide coherence on tobacco control, and emphasized the need to further strengthen multisectoral and interagency contributions to the achievement of full implementation of the Convention and its linkage to the wider development agenda.

33. The resource base of the workplans adopted by the COP has gradually strengthened, particularly through extrabudgetary contributions targeted to support the treaty implementation in lower resource countries. However, the continued arrears in payment of voluntary assessed contributions by a substantial number of Parties, unless resolved as promptly as possible, may impede the implementation of the workplan adopted by the COP.

34. In line with the guidance provided by the COP, undertaking joint needs assessments, promoting intercountry exchanges of expertise and practice, raising awareness of and promoting access to available resources, as well as promoting integration of the Convention within national health and development strategies and programmes and within the United Nations Development Assistance Frameworks emerged as central mechanisms in implementation assistance. These activities were undertaken by the Secretariat in cooperation with the relevant WHO departments and offices and with a growing number of partners, particularly within the United Nations system. In the meantime, the analysis of Parties' reports and the needs assessments reveal increasing needs for assistance as more Parties reach the deadlines for implementation of time-bound and other key provisions of the Convention.

35. The reviews and cooperation undertaken in recent years have shown that the work of the WHO FCTC, the first treaty in public health, could benefit from the vast experience accumulated in other relevant treaties. Several aspects of this experience have been reflected in reports submitted to the current session of the COP. Furthermore, evolving experience under the WHO FCTC has indicated some possible measures to improve the efficiency of treaty work, based on new technologies and relevant experiences under other treaties; proposals for such measures have also been submitted for consideration by the COP at its current session.

## **ACTION BY THE CONFERENCE OF THE PARTIES**

36. The COP is invited to note this report.



## ANNEX

**REVIEW OF THE ADMINISTRATIVE, FINANCIAL AND BUDGETARY  
IMPLICATIONS OF WORK RELATED TO SUBSTANTIVE  
AGENDA ITEMS CONTAINED IN THE PROVISIONAL  
AGENDA OF THE FIFTH SESSION OF THE COP**

In accordance with Rule 12 of the Rules of Procedure of the COP, the Convention Secretariat reviewed the administrative, financial and budgetary implications of work related to substantive agenda items contained in the provisional agenda of the fifth session of the COP. Where there are such implications, they are described in documents FCTC/COP/5/20 (Interim performance report, covering also the proposed work in relation to the protocol) and FCTC/COP/5/23 (Proposed workplan and budget for 2014–2015) as follows:

- Provisional agenda item 5.1
  - With regard to activities and budget required for preparation of the entry into force of the protocol to eliminate illicit trade in tobacco products, and, in particular, the 2013 segment of that work: Annex 2 of document FCTC/COP/5/20
  - With regard to activities and budget required for preparation of the entry into force of the protocol and the convening of the first Meeting of the Parties to the protocol in 2014: item 2.1 and the Appendix of Annex 1 of document FCTC/COP/5/23, as well as Annex 2 of document FCTC/COP/5/20
- Provisional agenda items 6.2 and 6.3 (continuation of existing working groups): item 2.2 of Annex 1 of document FCTC/COP/5/23
- Provisional agenda item 6.4 (should the COP consider establishing an expert group on Article 19): item 2.3 (ii) of Annex 1 of document FCTC/COP/5/23
- Provisional agenda item 7.1 (should the COP consider establishing an intersessional intergovernmental process/body as part of the reporting system of the Convention): item 3.3 of Annex 1 of document FCTC/COP/5/23
- Provisional agenda items 7.2 and 7.4 (work on assistance to Parties and international cooperation): items 4.1, 4.2 and 5.1 of Annex 1 of document FCTC/COP/5/23
- Provisional agenda 7.3 (work related to South–South cooperation for implementation of the Convention): item 5.2 of Annex 1 of document FCTC/COP/5/23
- Provisional agenda item 8.6 (regarding the role of the Bureau of the COP): item 1.2 of Annex 1 of document FCTC/COP/5/23
- Provisional agenda item 9 (convening the sixth session of the COP): item 1.1 of Annex 1 of document FCTC/COP/5/23

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