



WORLD HEALTH ORGANIZATION

EXECUTIVE BOARD
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WHO framework convention on tobacco control

Report by the Secretariat

BACKGROUND

1. By resolution WHA52.18 the Fifty-second World Health Assembly established an Intergovernmental Negotiating Body, open to all Member States, to draft and negotiate the proposed WHO framework convention on tobacco control and possible related protocols. The present report outlines key outcomes of the first session of the Negotiating Body. It also provides information on other WHO tobacco control activities in support of the framework convention process since the Executive Board's 106th session in May 2000.

PUBLIC HEARINGS ON THE FRAMEWORK CONVENTION

2. The first session of the Intergovernmental Negotiating Body was preceded by two days of public hearings. WHO received 514 written submissions. During the hearings, testimonies were given by representatives of 144 private sector and nongovernmental organizations and institutions, covering all regions of the world.

3. The hearings highlighted the key differences between the position of tobacco companies and related bodies and public health institutions and organizations on the role of taxes on tobacco products; the risk of environmental tobacco smoke and passive smoking; and the contribution of advertising to smoking, especially among youth. Most tobacco companies questioned whether the convention could be a single global regulation, citing national sovereignty, the appropriateness of regulation at the national level, and self-regulation. Representatives of public health institutions on the other hand, strongly argued that a truly viable tobacco control had to be global in reach, while respecting country and culture-specific solutions.

FIRST SESSION OF THE INTERGOVERNMENTAL NEGOTIATING BODY

4. The first session of the Intergovernmental Negotiating Body on the WHO framework convention on tobacco control (Geneva, 16 to 21 October 2000) was attended by representatives of 148 Member States, and observers from the European Community, nine other intergovernmental organizations, and 25 nongovernmental organizations.

5. The Negotiating Body elected Mr C.L. Nunes Amorim (Brazil) as Chairman. The representatives of six Member States – one from each WHO region – were elected to serve as Vice-

Chairmen: Australia, India, the Islamic Republic of Iran, South Africa, Turkey and the United States of America. The representatives of South Africa and Turkey were appointed to serve concurrently as Rapporteurs.

6. The Negotiating Body decided to begin its substantive work with a discussion on the proposed draft elements for the framework convention, as prepared by the working group on the framework convention (October 1999 and March 2000).¹ There was wide agreement that the final report of the working group² was a sound reference document for initiating negotiations.

7. The review of core obligations and guiding principles helped the discussion of what should be included in the framework convention itself and what might be included in protocols. It also provided guidance for the future work of the three working groups established by the Negotiating Body on the Chairman's proposal. Each of the three working groups will have two co-chairmen. The six co-chairmen will be chosen from each of WHO's six regions.

8. With regard to work between sessions, the Negotiating Body agreed that the Chairman should prepare a draft text indicating possible compromises and a reduced number of options as compared to the reference document,¹ as well as containing some reorganization of the draft elements, on the basis of comments made during the first session. Member States also called for technical work to be continued on such issues as trade, technical support to countries, compensation and liability, monitoring and implementation, and financial mechanisms.

9. Canada and Thailand co-chaired an informal working group on the question of extended participation of nongovernmental organizations in the work of the Negotiating Body, in accordance with resolution WHA53.16 and in response to demands for them to have a role in the negotiating process. A number of Member States expressed a preference for such organizations to participate in accordance with WHO's existing rules. On the recommendation of the informal working group, the Negotiating Body agreed to encourage the Executive Board to explore ways of expediting the review of applications for official relations from organizations seeking the necessary standing during the negotiations.

10. A feature of the Negotiating Body's work during the session was the vital role played by regional groups and the regional coordinators in linking discussions in the groups with plenary debates.

11. The Negotiating Body decided to hold its second session from 30 April to 5 May 2001.

OTHER ACTIVITIES RELATED TO THE FRAMEWORK CONVENTION PROCESS

12. **Report of the Committee of experts on tobacco industry documents.** An inquiry by a committee of experts on tobacco industry documents, appointed by the Director-General, into whether WHO's global tobacco control policies had been adversely affected by tobacco industry practices aimed at influencing its funding, policy and research priorities, concluded in August 2000 that tobacco

¹ Document A/FCTC/INB1/2.

² Documents A53/12 and A53/12 Corr.1.

companies had planned and implemented global strategies to discredit and impede WHO's efforts to carry out its mission. In all, the Committee made 58 recommendations.

13. One of the key recommendations was that WHO should formally vet prospective experts, consultants and advisers for possible conflict of interest. WHO has accordingly introduced a declaration of interest form to be signed before appointments are made.

14. Among its recommendations, the Committee proposed that WHO should develop a sophisticated communications campaign to support the proposed framework convention on tobacco control and counter any campaign of opposition by tobacco companies. In the view of the Committee, WHO should also monitor tobacco industry activities and make regular public reports on continuing misconduct.

15. The attention of the Board is drawn to two recommendations of the Committee that relate to the World Health Assembly. Specifically, these recommendations are to submit to the Health Assembly, for discussion by Member States, the questions of whether:

- Member States have in place adequate mechanisms to ensure the transparency of affiliations between delegates to the Health Assembly and tobacco companies; Member States should be encouraged to take any additional steps necessary to avoid inappropriate affiliations (recommendation 22);
- current procedures for recognizing organizations as nongovernmental include adequate mechanisms to make transparent any affiliations between a nongovernmental organization and tobacco companies (recommendation 23).

16. **United Nations Ad Hoc Inter-Agency Task Force on Tobacco Control.** WHO has made substantial progress in working with other United Nations agencies in the formulation and promotion of tobacco control initiatives. The United Nations Ad Hoc Inter-Agency Task Force on Tobacco Control, set up in 1999 under WHO's leadership, and comprising bodies and organizations of the United Nations system, as well as WTO, has helped to initiate new interagency partnerships on the economics of tobacco control and on supply, demand and trade issues. Negotiation of the proposed framework convention on tobacco control will require increased collaboration within the United Nations system to provide technical support for the development and eventual implementation of the convention and its protocols.

17. **Expansion of country support.** In working towards the negotiation and subsequent implementation of the framework convention, WHO fully recognizes the close link between stronger country action and complementary global action against tobacco. Both at headquarters and in the regional offices, the Organization now has enhanced ability to respond to requests from countries, particularly in relation to legislation, surveillance and media advocacy. With the World Bank and IMF, it is also providing support in areas related to the economics of tobacco control.

18. **Regional activities.** Activities to provide input or support to the framework convention process have been prominent in all WHO regions. For example, an Inter-Country Meeting on Tobacco Control Policy and Programming in the African Region (Nairobi, 23 to 28 October 2000) helped to organize support in the Region for negotiation of the proposed framework convention. In the Americas, a meeting of focal points of the WHO megacountry health promotion network (Mexico City, 3 and 4 June 2000), focused on mobilization of the world's most populous countries to play a leadership role in promoting the framework convention. Support for the framework convention was also raised at Ministerial discussions held during the Fifth Global Conference on Health Promotion

(Mexico City, 5 to 9 June 2000). In the Eastern Mediterranean Region, WHO has encouraged the Arab Councils of Ministers of Education, Information, Justice, Finance, Interior, Agriculture and Industry to undertake concerted action to promote the framework convention in their respective areas.

19. At its 53rd session in September 2000, following a substantial discussion, the Regional Committee for South-East Asia adopted resolution SEA/RC53/R10 urging Member States to promote the proposed framework convention, with technical support from the Regional Office. In the Western Pacific, the recently issued document, Country profiles on tobacco or health 2000, includes a first assessment of the receptiveness of countries in the Region to the framework convention.

20. **11th World Conference on Tobacco or Health.** WHO helped to support the attendance of a number of emerging leaders in tobacco control from developing countries at the 11th World Conference on Tobacco or Health (Chicago, United States of America, 6 to 11 August 2000). At the end of the Conference, a strong resolution was adopted in support of the proposed framework convention.

21. **Scientific Advisory Committee on Tobacco Product Regulation.** The function of WHO's Scientific Advisory Committee on Tobacco Product Regulation, composed of scientists and tobacco control experts from around the world, is to advise WHO on the regulatory framework, policy development, and dissemination of scientific information for tobacco products. Its work could have particular relevance for the framework convention, including a possible protocol on tobacco product regulation. As part of the Committee's first meeting (Geneva, 12 and 13 October 2000), WHO invited selected tobacco companies to provide information on their perspective on product modification and their efforts to reduce the harm caused by tobacco products.

22. **World No-Tobacco Day 2001.** World No-Tobacco Day 2001 will centre on a pivotal issue in tobacco control, passive smoking. Recognizing that some of the most effective and sustainable clean indoor air policies have occurred at the local level, WHO is urging mayors of cities around the world to launch "Clear the Air" campaigns. Local actions taken by individuals and organizations to protect people from passive smoking are seen as an essential complement to negotiation of the framework convention.

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