Report of Committee B

(Draft)

The following officers were elected to Committee B: Mr Yi Xianliang (China) as Chairperson, Mr R.Y. Ibrahim (Sudan) and Mr L.L. Viegas (Brazil) as Vice-Chairpersons.

Committee B recommends to the Conference of the Parties the adoption of the following decisions:

Items 6.3 and 6-4  Financial resources, mechanisms of assistance and international cooperation

Item 6.4  Cooperation with the World Trade Organization

Item 6.5  Promoting South–South cooperation for implementation of the WHO Framework Convention on Tobacco Control

Item 7.3  Arrears in the payment of financial contributions

In addition, Committee B took note of the reports of the Convention Secretariat on the following agenda items:

7.1  Performance report for the 2008–2009 workplan and budget

7.5  Logo of the WHO Framework Convention on Tobacco Control

7.9  Coordination between WHO’s Tobacco Free Initiative and the Convention Secretariat
Agenda items 6.3 and 6.4

Financial resources, mechanisms of assistance and international cooperation

The Conference of the Parties,

Noting the reports of the Secretariat on financial resources and mechanisms of assistance\(^1\) and cooperation with international organizations and bodies for strengthening implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC);\(^2\)

Noting also the report of the United Nations Secretary-General to the 2010 substantive session of the Economic and Social Council and in particular the action points on implementation of the Convention under the United Nations Development Assistance Frameworks (UNDAFs);

Reaffirming that implementation of the Convention under the UNDAFs is a strategic approach ensuring long-term and sustainable implementation, monitoring and evaluation of implementation progress for developing country Parties and Parties with economies in transition, and that it encourages developing country Parties and Parties with economies in transition to utilize the opportunities for assistance under the UNDAFs;

Recalling the measures under the Convention including objectives, guiding principles and general obligations, demand and supply side measures for tobacco control sustainability and protection of the environment, scientific and technical cooperation, communication of information and institutional arrangements and financial resources, and in this regard;

Recalling, in particular, Articles 22, 23(e) and (g), 24(e), 25 and 26 of the WHO FCTC, highlighting the importance of international cooperation in implementation of the Convention;

Further recalling earlier decisions of the Conference of the Parties\(^3\) to strengthen the financial resources and mechanisms of assistance to developing country Parties and Parties with economies in transition, including decision FCTC/COP1(13), in which the Conference of the Parties decided, inter alia, to strongly encourage all international and regional organizations to support activities related to tobacco control and to acknowledge its role in the achievement of the Millennium Development Goals, especially those related to poverty reduction, gender empowerment, reduction of child mortality, environmental sustainability and global partnership for development;

Taking note of the fact that summary reports of implementation of the WHO FCTC by the Parties reveal that lack of resources is one of the most important obstacles to implementation of the Convention;

Recognizing the importance of financial resources, mechanisms of assistance and international cooperation in implementation of the Convention and taking note of the Secretariat database on available resources;

\(^1\) Document FCTC/COP/4/16.
\(^3\) Decisions FCTC/COP1(13) and FCTC/COP2(10).
Reaffirming the importance of international cooperation and potential contribution of the United Nations system, particularly through the UNDAFs and the role of other relevant international, regional and subregional organizations, financial institutions and other potential development partners in assisting the Parties in implementation of the Convention;

Welcoming efforts within the United Nations system to address noncommunicable diseases, including resolution A/RES/64/265, in which the United Nations General Assembly decided to convene a high-level meeting of the General Assembly in September 2011, with the participation of Heads of State and Government, on the prevention and control of noncommunicable diseases;

Endorsing the recognition in resolution A/RES/64/265 of the enormous human suffering caused by noncommunicable diseases, such as cardiovascular diseases, cancers, chronic respiratory diseases and diabetes, and the threat they pose to the economies of many States, leading to increasing inequalities between countries and populations, thereby threatening the achievement of internationally agreed development goals, including the Millennium Development Goals;

Considering that resolution A/RES/64/265 underlined the importance for States to continue addressing key risk factors for noncommunicable diseases, including through the implementation of the WHO FCTC, and emphasizing the role of tobacco control as a leading strategy to combat noncommunicable diseases,

1. **DECIDES to:**

   (1) urge all Parties to implement the Convention, recalling that it is their primary responsibility and that Governments of developing countries are in the driving seat of tobacco control activities, which is essential for countries’ ownership in accordance with the Paris Declaration on Aid effectiveness and the Accra Agenda for Action;

   (2) call upon Parties, particularly developed country Parties to include support to the implementation of the Convention as an eligible area of bilateral assistance programmes provided this assistance can be eligible to ODA;

   (3) urge Parties to share their technical, legal and scientific expertise and technologies in implementing the WHO FCTC and to assess and share their needs in light of their total obligations under the Convention;

   (4) call upon Parties to support the inclusion of full and rapid implementation of measures required under the WHO FCTC as a key goal of the international community and the inclusion of tobacco control in the successor goals of the internationally agreed development goals and any subsequent global indicators of development;

   (5) call upon relevant international, regional and subregional organizations, international financial institutions and other partners to build capacity and allocate resources in supporting of global implementation of the Convention, particularly the needs identified in developing country Parties and Parties with economies in transition.

2. **FURTHER DECIDES to request the Convention Secretariat to:**

   (1) continue to actively work in accordance with Article 24.3(e) of the WHO FCTC and in particular, in line with paragraph 22 of the report on cooperation with international
organizations and bodies, and in particular with the United Nations agencies responsible for implementation of UNDAFs and coordination of the delivery of assistance, for strengthening implementation of the Convention at country level, and to present a report on progress made in this area to the next regular session of the Conference of the Parties. This report would include the assessment of implementation mechanisms at the international, regional and country levels;

(2) take the necessary action to coordinate with the relevant United Nations agencies, funds and programmes and other development partners to assist developing country Parties and Parties with economies in transition to utilize the opportunities for assistance, including under the UNDAFs;

(3) actively engage in and contribute to the holding of the high-level meeting of the General Assembly requested in resolution A/RES/64/265, and the special meeting of the Ad Hoc Interagency Task Force on Tobacco Control requested in resolution E/2010/L.26, and to report to the fifth session of the Conference of the Parties on the outcomes of these meetings and any impacts on the mobilization of resources for implementation of the Convention;

(4) make the database on available resources, established in line with the decision of the Conference of the Parties, available to the Parties and update the available information in the database on continuous basis and actively identify and facilitate access to resources upon request by Parties and whenever possible earmark extra budgetary resources from the Convention budget for specific implementation activities;

(5) actively work to raise necessary extrabudgetary resources to implement the required activities, as contained in the workplan, to facilitate assistance to Parties in implementation of the Convention, including, in particular, the conduct of needs assessments in cooperation with WHO’s Tobacco Free Initiative and relevant development partners;

(6) undertake, under the guidance of the Bureau and with the assistance of competent authorities within WHO, in particular the Tobacco Free Initiative, as well as Parties particularly interested in the issue and relevant intergovernmental and nongovernmental organizations, a review of progress in the mobilization of resources and the performance of the mechanisms of assistance to support implementation of the Convention, and to submit a report and recommendations based on this review to the fifth session of the Conference of the Parties.

\[1\] Document FCTC/COP/4/17.
Agenda item 6.4

Cooperation between the WHO FCTC Convention Secretariat and the World Trade Organization

The Conference of the Parties,

Recalling the preamble to the WHO Framework Convention on Tobacco Control (WHO FCTC), which states that Parties to the Convention are “determined to give priority to their right to protect public health”;

Having considered the report by the Convention Secretariat on cooperation with international organization and bodies for strengthening implementation of the Convention (document FCTC/COP/4/17);

Welcoming progress made in establishing cooperative relations with international organizations towards implementation of the Convention, particularly activities related to achievement of the Millennium Development Goals and other aspects of the global development agenda;

Recalling that the Fifty-ninth World Health Assembly noted the need for all relevant ministries, including those of health, trade, commerce, finance and foreign affairs, to work together constructively in order to ensure that the interests of trade and health are appropriately balanced and coordinated, and requested the Director-General to continue collaborating with the competent international organizations in order to support policy coherence between trade and health sectors at regional and global levels (resolution WHA59.26);

Recalling the joint 2002 study by WHO and the World Trade Organization (WTO) Secretariat on WTO agreements and public health1 recognizes that health and trade policy-makers can benefit from closer cooperation to ensure coherence between their different areas of responsibilities;

Mindful that closer cooperation with the WTO specifically on tobacco-control issues would support Parties to the WHO FCTC in implementing the Convention;

Recalling that WHO has observer status in the WTO Technical Barriers to Trade Committee and that it has ad hoc observer status in the TRIPS and GATS Councils,

1. REQUESTS the Convention Secretariat to invite WHO to develop, in consultation with the Convention Secretariat and appropriate international organizations or bodies, a comprehensive report for presentation to the fifth session of the Conference of the Parties that explores options for cooperation with the WTO on trade-related tobacco-control issues as a means of strengthening implementation of the Convention, and that makes recommendations on the feasibility of implementing the identified options;

2. REQUESTS the Convention Secretariat to:

(1) cooperate with the WTO Secretariat with the aim of information sharing on trade-related tobacco control issues;

(2) monitor trade disputes regarding WHO FCTC-related tobacco control measures and other trade-related issues of relevance to the implementation of the Convention;

(3) facilitate cooperation on trade-related issues between Parties to the WHO FCTC, by creating links between Parties having similar problems;

(4) to communicate regularly with the relevant WHO offices on tobacco-control issues raised at WTO committees and report on these activities regularly to the Conference of the Parties.
Agenda item 6.5

Promoting South–South cooperation for Implementation of the WHO Framework Convention on Tobacco Control

The Conference of the Parties,

Taking note of the report of the Secretariat on South–South cooperation and the implementation of the Convention;¹

Acknowledging the potential of technological, scientific and economic cooperation among the developing countries, particularly with reference to the 30-year report on the promotion of South–South cooperation by United Nations Secretary General,² and the growing significance of triangular cooperation in international development cooperation;

Further acknowledging the role of the Parties, South–South and triangular cooperation networks and institutions as well as existing mechanisms under the United Nations system, in facilitating the implementation of the Convention at country, regional and global levels;

Recognizing the importance attached to the South–South cooperation in its previous sessions,³ particularly in view of the fact that the tobacco epidemic disproportionately affects populations in developing countries, and of its expected growth in developing countries in the future;

Further recognizing the importance of South–South and triangular cooperation in international development assistance mechanisms in general, and in the context of implementation of the Convention in particular,

1. DECIDES to reaffirm the importance of South–South and triangular cooperation in implementation of the Convention and call upon Parties to actively consider promotion of South–South and triangular cooperation for implementation of the Convention;

2. REQUESTS the Convention Secretariat:

   (1) to actively work in the areas of potential South–South and triangular cooperation and actively engage with the appropriate institutions and networks in areas as mentioned in paragraphs 27 and 32, respectively, of the Secretariat report on South–South cooperation and the implementation of the Convention;⁴

   (2) to provide, appropriate inputs and information, on opportunities available to the Parties for South–South and triangular cooperation and to promote transfer of technical, scientific and legal expertise and technology in accordance with Articles 22 and 25 of the Convention for tobacco control;

¹ Document FCTC/COP/4/18.
² See United Nations General Assembly document A/64/504.
³ See decisions FCTC/COP1(13), FCTC/COP2(10) and FCTC/COP3(19).
⁴ Document FCTC/COP/4/18.
(3) to continue its efforts to raise the required extrabudgetary resources for implementation of activities related to the South–South cooperation and prepare a comprehensive report on the work undertaken to promote South–South and triangular cooperation to be presented to the Conference of the Parties at its next regular session.
Agenda item 7.3

Arrears in the payment of financial contributions

The Conference of the Parties,

Recalling the current budget constraints and bearing in mind the priority that should be given to operational work under the WHO Framework Convention on Tobacco Control;

Deeply concerned by the present situation whereby a very large number of Parties still have outstanding voluntary assessed contributions and that a number of Parties have never paid any of their voluntary assessed contributions,

1. REQUESTS the Convention Secretariat to prepare and present to the fifth session of the Conference of the Parties a report on ways and means to improve payment of voluntary assessed contributions to the Convention taking into account relevant practice in the United Nations system;

2. URGES all Parties, mainly those which are in a position to do so, to comply with their contributions in due time.