



**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

FCTC/COP/4/REC/2

---

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

**Fourth session  
PUNTA DEL ESTE, URUGUAY, 15–20 NOVEMBER 2010**

**VERBATIM RECORDS  
OF PLENARY MEETINGS**

GENEVA  
2011

---





**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

**FCTC/COP/4/REC/2**

---

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

**Fourth session  
PUNTA DEL ESTE, URUGUAY, 15–20 NOVEMBER 2010**

**VERBATIM RECORDS  
OF PLENARY MEETINGS**

GENEVA  
2011

---



## **PREFACE**

The fourth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control was held in Punta del Este, Uruguay, from 15 to 20 November 2010. The proceedings are issued in three volumes containing, in addition to other relevant material:

Decisions and ancillary documents – document FCTC/COP/4/REC1

Verbatim records of plenary meetings – document FCTC/COP/4/REC2

Summary records of committees – document FCTC/COP/4/REC3

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

---

## CONTENTS

### VERBATIM RECORDS OF PLENARY MEETINGS

<b>First plenary meeting .....</b>	<b>1</b>
1. Opening of the session.....	1
2. Opening remarks by the President of Uruguay.....	1
3. Opening remarks by the Director-General of WHO.....	3
4. Opening remarks by the Minister of Health of Uruguay .....	4
5. Statement by the President of the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control .....	7
6. Adoption of the agenda and organization of work .....	9
7. Credentials of participants .....	18
8. Applications for observer status to the Conference of the Parties to the WHO Framework Convention on Tobacco Control.....	19
9. Invited speaker.....	20
10. Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control .....	23
<b>Second plenary meeting .....</b>	<b>30</b>
1. Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control .....	30
2. Announcements .....	59
<b>Third plenary meeting .....</b>	<b>62</b>
1. Report of the Convention Secretariat, followed by a general debate.....	62
2. Treaty instruments and technical matters .....	85
Protocol to eliminate illicit trade in tobacco products .....	85
3. Announcements .....	88
<b>Fourth plenary meeting .....</b>	<b>90</b>
1. Treaty instruments and technical matters (continued).....	90
Protocol to eliminate illicit trade in tobacco products (continued).....	90
Commercial interests related to the implementation of the WHO FCTC .....	111
2. Credentials of participants (continued) .....	121
3. Announcements.....	121
<b>Fifth plenary meeting .....</b>	<b>122</b>
Budgetary and institutional matters.....	122
Process related to the renewal of the contract (or otherwise) of the current Head of the Convention Secretariat and to future appointments and renewals.....	122
<b>Sixth plenary meeting.....</b>	<b>123</b>
1. Treaty instruments and technical matters (continued).....	123
Protocol to eliminate illicit trade in tobacco products (continued).....	123
Commercial interests related to the implementation of the WHO FCTC (continued).....	134
<b>Seventh plenary meeting.....</b>	<b>142</b>
Budgetary and institutional matters (continued) .....	142
Process related to the renewal of the contract (or otherwise) of the current head of the Convention Secretariat and to future appointments and renewals (continued).....	142

<b>Eighth plenary meeting</b> .....	<b>143</b>
1. Budgetary and institutional matters (continued) .....	143
Process related to the renewal of the contract (or otherwise) of the current Head of the... 143	
Convention Secretariat and to future appointments and renewals (continued) .....	143
2. Credentials of participants (continued).....	143
3. Announcements .....	143
<b>Ninth plenary meeting</b> .....	<b>144</b>
1. Organization of work.....	144
2. Budgetary and insitutional matters (continued) .....	144
Process related to the renewal of the contract (or otherwise) of the current Head of the	
Convention Secretariat and to future appointments and renewals (continued) .....	144
Review of the role of the bureau of the conference of the parties .....	145
3. Progress report of Committee A .....	146
Guidelines for implementation of Article 12 of the Convention: “Education, communication,	
training and public awareness” .....	146
Guidelines for implementation of Article 14 of the Convention: “Demand reduction	
measures concerning tobacco dependence and cessation” .....	146
Economically sustainable alternatives to tobacco growing (in relation to Articles	
17 and 18 of the convention): progress report of the working group.....	146
Reports of the Parties and global progress report on implementation of the Convention... 147	
Measures that would contribute to the elimination of cross-border advertising,	
promotion and sponsorship (in relation to recommendations of the former working	
group on Article 13 of the Convention) .....	147
4. Progress report of Committee B .....	148
5. Budgetary and institutional matters (continued).....	148
Review of the role of the Bureau of the Conference of the Parties (continued).....	148
Date and venue of the fifth session of the Conference of the Parties.....	150
<b>Tenth plenary meeting</b> .....	<b>151</b>
1. Announcement .....	151
2. Credentials of participants .....	152
3. Report of Committee A.....	152
4. Report of committee B.....	155
<b>Indexes</b> .....	<b>176</b>



**VERBATIM RECORDS OF PLENARY MEETINGS****FIRST PLENARY MEETING****Monday, 15 November 2010, at 09:40****President: Mr T.D. MSELEKU (South Africa)****1. OPENING OF THE SESSION**

The PRESIDENT:

Your Excellency, President of the Oriental Republic of Uruguay, honourable ministers, distinguished delegates, excellencies, ladies and gentlemen: in my capacity as President of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC), I have the honour to declare open the fourth session of the Conference of the Parties. It is indeed a great honour for us this morning to have this opening occasion graced by none other than His Excellency Don José Alberto Mujica Cordano, President of the Oriental Republic of Uruguay, and we are also graced with the presence of the Minister of Foreign Affairs of Uruguay, His Excellency Luis Almagro, and the Minister of Health of Uruguay, Mr Daniel Olesker. Ladies and gentlemen, on behalf of the Bureau of the Conference of the Parties and the Convention Secretariat, I want to express our deepest gratitude to the President for making the time to be available to address us. The President has a lot of engagements and therefore we are here to start early and will waste no time, and will allow him to address the Conference. Therefore it is my pleasure and honour now to invite the President of the Oriental Republic of Uruguay to address this session of the Conference of the Parties. Your Excellency.

*(Applause)***2. OPENING REMARKS BY THE PRESIDENT OF URUGUAY**

El Sr. MUJICA CORDANO:

En nombre de nuestra República, sean bienvenidos a este país las autoridades y quienes representan a esta cuarta reunión de la Conferencia de las Partes, los señores ministros, y los muchos militantes por la salud de los seres humanos que hay en este recinto.

Seguramente que nuestro pequeño país se siente orgulloso y motivado por los acuerdos, por las recomendaciones, por los avances que en definitiva puedan surgir de vuestros debates. El Gobierno actual de esta República no está haciendo otra cosa que dar continuidad a una política puesta en marcha hace unos años por el gobierno que nos precedió, y que ha tenido enorme repercusión y enorme importancia porque se ha incorporado hoy, y es una política con respaldo nacional, por encima de diferencias que pueden existir en tantos aspectos. Y queremos señalar esto, porque seguramente que no fue un hecho secundario que un oncólogo brillante llegara a la Presidencia de nuestro país y pusiera un hecho capital, voluntad política para respaldar las conclusiones técnicas y médicas de la salud. Para

nosotros ese ha sido un hecho capital. Seguramente que el señor ministro en su exposición dará algunos datos con repercusiones, ya francamente positivas, en la materia.

El esfuerzo no ha sido en vano, bien al contrario; tampoco es una lucha terminada: es un enemigo difícilísimo. Y quiero señalar que, como ustedes saben mucho mejor que nosotros, hay muchas adicciones que están jaqueando a la vida. Pero no es menor, y las multiplica a todas, la gran adicción de nuestro tiempo, el excesivo amor al dinero, que termina complicando la persistencia de todas las otras adicciones que se transforman en negocios fenomenales.

Así pues, nuestro pequeño país ha sido un franco laboratorio práctico de decisiones y acuerdos que por el bien de la humanidad se hicieron en el Convenio Marco. También nuestro pequeño país es un laboratorio de enfrentamiento con una multinacional que tiene que ver mucho con el comercio del tabaco y con todo lo que significa. Por eso, doble campo de experimentación, en el terreno de la ciencia y en el terreno de la vida, y también una prueba del uso de los resortes jurídicos para complicarle la vida y la soberanía a una pequeña nación que tiene la osadía de defender, o intentar defender, la salud de su gente. Tenemos acuerdos nacionales para pagar los precios que tengamos que pagar. Ya estamos pagando precios: sufriendo un dumping. Desde el punto de vista interno, seguramente que tendremos otro.

Finalmente, esta es una adicción terrible. Les voy a contar una anécdota personal: he sido en mi vida un fumador empedernido; estuve muchísimos años preso, y para mortificarme me racionaban el tabaco. A veces me dejaban un mes sin nada. Y de puro orgulloso, o vaya a saber porqué, un día le dije a las autoridades, no fumo más, y estuve siete años sin fumar. Cuando salí de esa circunstancia, empecé a fumar de vuelta y me fumaba un palo de escoba igual. Nunca es un enemigo derrotado, siempre está al acecho. Por favor, todo lo que puedan hacer y todo lo que puedan inventar es poco para semejante enemigo.

Pero el Uruguay también es una república apacible, tiene lindas praderas, tiene muy buena carne y es un hermoso país para vivir. Ayúdenos, por favor y el porvenir se los va a agradecer. Gracias.

*(Applause)*

The PRESIDENT:

Your Excellency, Mr President. On behalf of the Conference of the Parties I wish to express our sincere thanks to you for your inspiring address. Indeed it is an honour for the Conference of the Parties to meet here in Uruguay, which is, as you have said Mr President, a small, very beautiful country. We would like to express our sincere thanks to you Mr President, the Government and the people of Uruguay for allowing us to host our session here in Punta del Este. Ladies and gentlemen, the President said to me when we met privately that this country indeed is a beautiful country and that there are even more beautiful people to see than him, so I should not worry if he leaves early because there are still more beautiful people – and my response was that indeed all that beauty is represented in this beautiful person, the President. So, we have seen the beauty of Uruguay in the presence of His Excellency the President of Uruguay. Ladies and gentlemen, I would request you to remain seated while we, the Secretariat and myself, see His Excellency and his entourage out. We wish to thank him very much once again for making the time to address us so eloquently. Thank you Mr President.

*(Applause)*

**The President of Uruguay withdrew from the room.**

Distinguished delegates, ladies and gentlemen. Thank you for your cooperation this morning. We know we pushed the starting time; we had to do so in order to accommodate the President, who has a very important trip to undertake to a neighbouring country on State business. So we wish to thank you very much for your cooperation and to request you to keep this spirit of cooperation up until the end of the Conference.

We now continue with our opening session. The Director-General of WHO, Dr Margaret Chan, was unable to be with us today. However, she sent a message to the Conference through a video which I now propose we view.

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

### **3. OPENING REMARKS BY THE DIRECTOR-GENERAL OF WHO**

Dr CHAN (Director-General, WHO):

Excellencies, distinguished delegates, ladies and gentlemen. Greetings from Geneva. I am pleased to address this fourth session of the Conference of the Parties and regret that I cannot be with you because of previous commitments.

The marketing of tobacco products is the kind of pervasive and devious threat where true protection depends on collective action. Support for the WHO FCTC continues to grow. As this Conference opens, we can count 171 Parties that have ratified the treaty. I am personally proud of this rapid and wide acceptance. Our job now is to ensure that the Framework Convention is used to maximum effect. Full implementation of the Framework Convention will be the greatest single contribution to preventive medicine in this century. I can say this with confidence. The evidence of the vast damage done by tobacco products, in all their forms, including environmental smoke, continues to grow. During this session, you will be reviewing progress in implementing the Framework Convention, within individual countries and globally. Five years on, we can say: the Framework Convention is already making a difference. Some specific articles are being more readily implemented than others, and progress is uneven around the world. But progress is definitely being made. In fact, striking progress has been made in countries with a range of different political settings and economic resources. This tells us that implementation is entirely feasible, in any country.

Countries, with the best of will and good intentions, face obstacles. Unquestionably, the biggest obstacle is fierce opposition from the tobacco industry. This is an epic battle between the protection of public health and the pursuit of corporate wealth. This is a ruthless pursuit of wealth, with no regard for the damage tobacco products cause to health. Protecting public health policy from interference by the tobacco industry is a cornerstone of the Framework Convention and vital to its implementation. Public health has the evidence and the right values on its side. On the other hand, the tobacco industry has vast financial resources, lawyers, lobbyists, and no values whatsoever beyond the profit motive. The tobacco industry is an old dog with new tricks. Its behaviour has changed. Efforts to subvert the Framework Convention have always been elaborate, sophisticated, and above all very well financed. In the past, these efforts have been covert and largely invisible, but not any more. Today, the attack against the treaty is out in the open. Big Tobacco is throwing its resources and its power into efforts to defeat legislation or delay it as long as possible. Lawsuits are being filed to nullify parts of legislation.

The WHO FCTC is unquestionably the best instrument for resisting these efforts. Properly implemented, backed by strong national legislation and enforcement, it has the power to force the tobacco industry into retreat. Rest assured: WHO is always ready to extend technical support. Implementation of the treaty benefits greatly from support by a large number of intergovernmental partners and nongovernmental organizations. I know you are present here as observers. In other settings, you are highly vocal anti-tobacco activists. This support is needed, and is very much appreciated. Ladies and gentlemen, the WHO Framework Convention, in letter and spirit, calls upon Parties to go beyond the baseline of obligations required by the treaty. I challenge you to do so, and wish you a most productive conference.

*(Applause)*

#### 4. OPENING REMARKS BY THE MINISTER OF HEALTH OF URUGUAY

The PRESIDENT:

On behalf of the Conference of the Parties allow me, distinguished delegates, to express our sincere thanks and gratitude to the Director-General of WHO for sharing her views with us today on this very important occasion of the Conference of the Parties. Dr Chan has been working with the Bureau and we really appreciate her support, and the role of WHO that she has presented to us for any technical support. I would now like to call upon Mr Daniel Olesker, the Minister of Health of Uruguay to address this session. Honourable Minister.

El Sr. OLESKER (Uruguay):

Buenos días. Como dijo el Presidente Mujica, para Uruguay, para el Gobierno Nacional y para el país en su conjunto, es un gran honor que la COP4, la Conferencia de las Partes, sea desarrollada aquí en Uruguay. Damos en primer lugar la bienvenida a todos aquellos que han venido desde lugares tan lejanos: ministros, viceministros, directores de salud, en fin, a todas las delegaciones que hoy nos acompañan.

Para nosotros, este es un evento de gran importancia y, por lo tanto, como ustedes lo vieron, hemos venido aquí con una representación de alto nivel jerárquico del Gobierno, encabezada por el propio Presidente de la República, el Canciller, el Presidente de la Junta Nacional de Drogas, y el Ministro y Viceministro de Salud Pública.

Como lo dijo el Presidente, esta política que yo voy a comentar en detalle y que ustedes tienen en el documento que el Gobierno Nacional les ha entregado al comenzar esta Conferencia, es el resultado de la continuidad de una política de control de tabaco iniciada en el año 2005 y cuya expresión más importante es la Ley 18.256, aprobada en el año 2007. Por eso quiero particularmente resaltar la presencia de la Ministra, Viceministro y Director General de Salud del periodo pasado, la Dra. Muñoz, el Dr. Fernández Galeano y el Dr. Basso, que, como no podría ser de otra manera, nos acompañan aquí, dado que buena parte de las cosas que yo les voy a exponer como simbología, como modelo, como política desarrollada por Uruguay, fue obra del periodo de Gobierno que nos precedió, entre 2005 y 2009. Pero al mismo tiempo, una política de esta magnitud no hubiera tenido la viabilidad y el desarrollo que tuvo sin la voluntad política generalizada de todo el país, y por eso también agradezco que estén aquí los senadores y diputados del propio Frente Amplio, el partido de Gobierno, de la Comisión de Salud y del Partido Colorado, el Dr. Solari, que nos acompaña e integra la Comisión de Salud del Senado, y que demuestra que sobre este punto, sobre la política sanitaria, sobre el modelo de hacer de los hábitos de vida saludable el centro de la política de salud hay un consenso nacional, una voluntad política nacional, que se expresa, en esta Conferencia donde hoy estamos.

Nosotros integramos esta política sanitaria referida al control del tabaco en el marco de una reforma profunda del sistema de salud que realizamos en el año 2005, que realizó el Frente Amplio en su primer Gobierno en el año 2005, y que este Gobierno ha decidido continuar y profundizar, y que tiene su eje en tres componentes centrales: la universalidad de la atención en salud, la accesibilidad en calidad igual para todos al sistema de salud, y la justicia distributiva bajo el lema de que cada quién paga según sus ingresos y recibe según sus necesidades. Con esos tres lemas hemos desarrollado una reforma sanitaria que hoy tiene una presencia nacional irreversible, que hoy está en segunda fase, pero que tiene un asentamiento, una consolidación muy importante, con encuestas de opinión pública que le dan niveles de aceptación entre 60% y 70% de la ciudadanía respecto a que el camino emprendido respecto a la reforma de salud, fue frente al colapso de los comienzos de la década del 2000, frente a ese colapso fue la respuesta adecuada.

Por lo tanto, queremos integrar, queremos que esta política sea parte de esa visión de la reforma, una visión que comprende que gran parte, el 80% según algunos cálculos, de los problemas de salud no se resuelven en el sistema de salud sino se resuelven en los hábitos de vida, en la forma en la que la gente desarrolla su vida, en el consumo, en el sedentarismo, en la falta de controles, en la falta de tener un hábito de vida saludable. Y si eso es así, y todos los estudios científicos así lo demuestran, la

política de control del tabaco es una herramienta central en esa visión de hábitos de vida saludables, por sus implicancias en las principales causas de morbimortalidad que tiene, en general en el mundo, pero en Uruguay en particular.

Y habiendo comprendido la magnitud de este problema es que Uruguay ha decidido ser de los primeros países que ratificaron el Convenio Marco y de los primeros países transformados en 100% libres de humo de tabaco. De hecho, en las Américas fue el primero. Lo importante de esto, y esa es la experiencia queremos transmitir, y eso lo que de alguna manera vamos a discutir en estos días, es que esta política tiene tres rasgos que la caracterizan. El primero, es su consistencia. Cuando uno toma medidas hacia un objetivo, esas medidas tienen que ser consistentes entre sí, porque si no lo que se hace por un lado después se revierte por el otro. En primer lugar: consistencia. En segundo lugar, tiene que tener resultados medibles, indicadores medibles de esos resultados, y sobre eso voy a hablar después. Y en tercer lugar, tiene que tener un marco legal de largo plazo que lo sustente y lo haga mantenible, cualquiera sea el proceso posterior que viniese. Esta política se asentó en seis puntos, seis puntos estratégicos de la política de salud que están expresados en la Ley 18.256 que, de alguna manera, lo que hace es transformar en norma legal una serie de medidas que se habían ido tomando a partir del año 2006 en esta materia.

En primer lugar, los ambientes libres de humo de tabaco 100%; eso está en el artículo 3 de la Ley 18.256. En segundo lugar, los procesos de fiscalización de dicha norma, aquellos procesos que hacen que la norma no quede en un cajón, que no quede en un lugar, digamos, como la simple voluntad legislativa de hacerla, sino que además se cumpla a través de un proceso de fiscalización. Quiero decir sobre esto, aunque voy a volver al final, que en este proceso de fiscalización no solo tiene un rol la autoridad sanitaria (obviamente la autoridad sanitaria es muy importante): tienen un rol muy importante los gobiernos departamentales, tienen un rol muy importante los ahora nuevos gobiernos municipales, y tiene también un rol muy importante la conciencia ciudadana de que este es un problema, porque parte de los procesos de fiscalización más exitosos, y la experiencia mundial así lo demuestra, son aquellos en que la ciudadanía se involucra y participa del proceso de contralor. Un gobierno no puede controlarlo todo, no puede tener esa capacidad de contralor, y el control ciudadano, la voluntad ciudadana de que esta es una epidemia que hay que controlar, es un factor fundamental. Esto está en los artículos 4 y 5.

En tercer lugar, las advertencias sanitarias con imágenes y leyendas, que están en el artículo 9. En cuarto lugar la prohibición amplia de publicidad; esto está en el artículo 7. Es muy difícil determinar cuál de estos seis puntos tuvo más impacto. Habría que hacer un modelo econométrico y seguramente nos daría cualquier cosa el resultado, pero seguramente este punto, el de la prohibición amplia de publicidad, por el impacto que generó en el cambio, fue muy importante.

En quinto lugar, la incorporación, el diagnóstico y tratamiento de la dependencia del tabaco en el primer nivel de atención, lo que hoy es obligatorio en todo el sector público y en todo el sector mutual, sector privado, con policlínicas de cesación del tabaquismo, porque no solo se trata de una política de control sino también de una política de prevención sanitaria, de promoción de la salud y de tratamiento. En sexto y último lugar, la prohibición de términos, marcas y signos que crean la falsa impresión de que determinados productos de tabaco son menos nocivos que otros; esto está en el artículo 8.

A estos seis puntos de la estrategia del tabaco, que están resumidos y consolidados en la Ley 18.256, hay que agregar un séptimo punto que tiene que ver con la política fiscal, con la política de precios, de incrementar los impuestos para que eso incremente el precio y eso encarezca el costo relativo de esta adicción en términos del consumo familiar. Esta política, muy efectiva, también tiene sus riesgos cuando enfrentamos enemigos de talla y de poder económico, porque a veces hay a quienes no le importa perder dinero si eso repercute en el mediano plazo positivamente, y la política predatoria de precios ha sido una constante en los últimos años en el país, sobre todo no con la empresa nacional productora de tabaco sino con la empresa multinacional. Sin embargo, el efecto de la política de precios, de la política fiscal, ha sido un complemento indispensable que continuará en esta línea en los próximos periodos.

En definitiva, la consistencia y la integralidad de la política están basadas en estos siete pilares, los seis que tiene la ley, complementados con la política fiscal. Es decir, hemos asumido que una política de control de tabaco tiene aspectos de mercado, donde hay que ingresar, tiene aspectos de

regulación y de prohibiciones, y tiene aspectos de promoción y prevención de salud. La combinación de aspectos vinculados a las políticas de promoción y prevención, de prohibiciones, y de mercado es lo que nos ha permitido, a nuestro juicio, tener una política consistente, integral y de resultados ya medibles en el corto plazo. Algunos resultados que ya tenemos, obviamente, una política que recién se inicia tiene resultados que se van a ir viendo en el tiempo, pero ya hay varios estudios que empezaron a medir resultados. Yo voy a mencionar solo tres: la encuesta del consumo de tabaco, que nos muestra una reducción de la prevalencia de un 25% en los últimos tres años, más en los hombres que las mujeres (allí tenemos una cuestión que en términos comunicacionales tendremos que analizar y enfocar para profundizar), una reducción de impactos sobre las enfermedades cardíacas (midiendo un año previo a la ley y un año posterior, la prevalencia de infartos de miocardio se redujo un 17% en el país), y en tercer lugar, la contaminación del aire en los espacios públicos cerrados en base a la medición de partículas menores de 2,5 micras en el aire disminuyó más del 90%. Y este último aspecto tiene mucha importancia, porque una buena parte de los efectos nocivos del consumo del tabaco está en los fumadores, pero otra muy buena parte está en los no fumadores, que comparten los efectos nocivos en la atmósfera con los fumadores.

Queremos entonces decir que en este contexto de los siete puntos de la política con tabaco queremos seguir profundizando, asumimos el compromiso de seguir profundizando esta política integrada y articulada con la promoción general de hábitos saludables de vida. Por eso, además del Presidente y del Canciller, nos ha acompañado con su presencia, y nos va acompañar en el día de hoy en varias de las reuniones que tenemos, el Prosecretario de la Presidencia, Presidente de la Junta Nacional de Drogas, el Dr. Diego Cánepa, porque queremos mirar esta adicción en el marco de la política general de todas las adicciones que impactan negativamente sobre el país, y la Junta Nacional de Drogas está integrada por el Prosecretario de la Presidencia y todos los viceministros de los Ministerios involucrados en estas políticas, y tiene un rol clave en el liderazgo de estas políticas.

Pero decíamos, y para ir culminando nuestra ponencia como país, abriendo esta conferencia y transmitiendo a todos ustedes nuestras convicciones y nuestras políticas, decíamos al comienzo y lo decía el compañero Pepe Mujica también, que buena parte de los éxitos de esta política, una vez que está consolidada la base estructural, la prohibición de publicidad, la prohibición de fumar en lugares públicos, la política fiscal, están los aspectos de educación y comunicación, están los aspectos de explicación, la didáctica para mostrar los efectos nocivos de esta política, y por eso es que cuando comparecimos ante el Parlamento ya hace un mes, comprometimos y recibimos el respaldo de todos los partidos con representación parlamentaria, enviar una nueva ley de profundización de la lucha contra el tabaco, que va a tener básicamente tres objetivos. Por un lado, incorporar con rango de ley cosas que están incorporadas a la política del tabaco y que aún no tienen rango de ley, pero que ya están incorporadas al acervo de las medidas; en segundo lugar, pedirle, facultar al Gobierno, para que le pida a la Administración Nacional de la Educación Pública, órgano que tiene autonomía técnica para fijar sus currículas, pedirle, sugerirle, promover que incorpore en las currículas de primaria y secundaria los impactos negativos, individuales y sociales del consumo de sustancias adictivas, tanto legales como ilegales, en su conjunto. Que nuestros jóvenes, nuestros niños, cuando estén en la escuela o en el liceo, en la primaria o en la secundaria, incorporen en su acervo el conocimiento de los impactos negativos. Y seguramente, por lo que ya hemos hablado con los presidentes de los consejos de la educación primaria y secundaria, más allá de la autonomía técnica que ellos tienen en la decisión de sus currículas, ya han mostrado un interés particular de incorporarlo en los próximos años. Y por otro lado, también incorporar la obligatoriedad de los medios de comunicación de dar mensajes sobre hábitos saludables de vida e impactos negativos del consumo de sustancias adictivas legales e ilegales. Aquí estamos generando, más que una obligatoriedad, un llamado a la responsabilidad social de los medios de comunicación, que deben, como parte de su rol de comunicadores, tener esa responsabilidad de incorporar estos impactos negativos. Queremos hacerlo también por ley, facultando al Poder Ejecutivo a solicitarle, a sugerirle, a promover estos mensajes en los medios masivos de comunicación.

Por lo tanto, cerramos esta intervención reafirmando nuestro compromiso como país, como gobierno y como partidos, todos, tanto del Gobierno como de la oposición, en que esta es una causa nacional, y que esta causa para seguir reduciendo la mortalidad, la morbilidad y la discapacidades generadas por el consumo del tabaco siga siendo una realidad, con un mensaje, quizás, final.

El resultado de esta política se va a medir en cuánta gente deje de fumar, se va a medir en la reducción de enfermedades provocadas por el consumo de tabaco, se va a medir por el número de partículas en la atmósfera, pero la medición fundamental, la medición de mediano y largo plazo, la que aspiramos todos a que suceda, es que cada vez menos jóvenes ingresen a fumar y llegue un tiempo generacional en el que ya no haya fumadores en el país. Muchas gracias.

*(Applause)*

**5. STATEMENT BY THE PRESIDENT OF THE THIRD SESSION OF THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

The PRESIDENT:

Thank you, Honourable Minister, for your very detailed account of what is happening in Uruguay and what our hopes are in achieving the goals of health reform. We want to assure you Minister, that as delegates at this Conference we will engage with all the issues that relate to the policy questions you have raised, as well as some of the challenges that the country faces, and we pledge our support in all aspects of your country's challenges.

Ladies and gentlemen, distinguished guests, may I take this opportunity as we move to the second part of our opening session to address you on a few issues reflecting what the Bureau and I have been doing since you elected us in Durban in 2008. First, let me express the sincere appreciation of the members of the Bureau for the confidence that you placed in us, that we would be able to take the responsibility of driving the WHO FCTC up to this point and of managing this Conference up to its conclusion. We are very committed to ensuring that this Conference itself succeeds, and therefore we promise to preside over it in a manner that will facilitate a positive conclusion of the Conference.

Briefly, the period after the third session of the Conference of the Parties saw important progress in many countries in the implementation of the WHO FCTC. The Convention has been ratified by another 10 States since then, and therefore may I take this opportunity to congratulate the following States: Afghanistan, Bahamas, Bosnia and Herzegovina, Côte d'Ivoire, Gabon, Liberia, Republic of Moldova, Sierra Leone, Suriname and Tunisia. I would like on your behalf to welcome them to the Conference of the Parties. Give them a big hand, please.

*(Applause)*

The third session of the Conference of the Parties also made important progress in the effort to control tobacco use globally. Among other decisions of which I would like to remind delegates, the Conference of the Parties adopted a set of guidelines for the implementation of the treaty on Articles 5.3, 11 and 13, and established the process for the development of several others, which will be considered this week. Much has been accomplished since then. The Intergovernmental Negotiating Body pursued its negotiations on a protocol to eliminate illicit trade in tobacco products as decided by the Conference, and held two additional sessions in 2009 and 2010. Mr Ian Walton-George, the Chairperson of Intergovernmental Negotiating Body, will report to this Conference on the work that has been achieved so far, including the draft text of a protocol which has been submitted to this Conference for consideration.

The Bureau or its parts met several times after the third session to review, as requested, progress in the implementation of a number of decisions taken by the third session of the Conference in 2008. In accomplishing its role in the intersessional period, the Bureau also discussed a number of important strategic issues that I would like to bring to the attention of this Conference. Let me begin by saying that top among these issues was the role of the Bureau vis-à-vis the intersessional period and the Conference. The Bureau held two strategic sessions to look at this matter, which has arisen as a result of a number of decisions that the Bureau had been asked to implement, which were slightly in conflict, in our interpretation, with some of the responsibilities that are given to the Bureau by the

Rules of Procedure of the Conference of the Parties. What emanated from these discussions was a concern about three issues, that we would like to raise for the consideration of this Conference.

Firstly, let me start by saying that the Rules of Procedure only allow the Parties and the Conference of the Parties itself to determine what should be on the agenda of the Conference. In other words, if you look at the Rules of Procedure they suggest that a Party to the Convention may request an item be included on the agenda of the Conference and also that the Conference itself may make certain decisions about what should be on the agenda. The role of the Bureau is basically to assist the Secretariat to put together that agenda. One of the responsibilities of the Head of the Secretariat is to prepare, in consultation with the Bureau, an agenda for the Conference. It therefore became difficult for us to locate some of the items that were directed at the Bureau, so that we could enable the Bureau to report on those items that do not emanate from either the Conference of the Parties itself, or from any of the Parties, except for the members of the Bureau themselves in discussions and strategic workshops. Therefore we would like this morning to request your indulgence as the Conference of the Parties to agree to the inclusion of some of these items when we return to the agenda.

The first item relates to the role of the Bureau intersessionally and during the Conference of the Parties. To illustrate the challenge that we were facing in this regard: the Bureau, according to the Rules of Procedure, is supposed to be designed primarily to meet the needs of the session of the Conference of the Parties – in other words to manage the Conference. There are no other specific roles that are given to the Bureau, except to work with the Secretariat, first in order to put together an agenda, second in order to deal with the matter of admitting observers to the Conference, and third in order to ensure that the Conference runs smoothly. Beyond that, the responsibilities of the Bureau end. Therefore there are many other administrative and strategic matters that are outside the purview of the Bureau. This will become more apparent when I come to the second item that we want to put on the agenda. In summary, the first matter that we as the Bureau propose for your consideration to be put on the agenda is the review of the role of the Bureau: to see whether we can strengthen it or whether we need to leave it as it is.

The second item that we would like to put on the agenda relates to the extension or otherwise of the contract of the Head of the Secretariat. The session of the Conference of the Parties that determined this process took a very clear decision regarding how the process would be undertaken in relation to the appointment of the first Head of the Secretariat; so the mechanisms were put in place by the Conference itself for the Bureau to be able to undertake such a task. What the Conference of the Parties did not do was to elaborate very clearly what would happen in the event of implementation of the clause that relates to the extension or otherwise of the contract of the Head of Secretariat – how this would be handled. You will recall, if you look at the Rules of Procedure and the founding documents of the WHO FCTC, that the term of office of the Head of Secretariat is supposed to be four years, which may be extended by another three years. The Bureau was not very clear how to undertake the possible extension by three years, as there is no decision from the Conference in regard to its implementation. The Bureau held a lot of meetings and consulted with the Director-General on this matter, and we would like to request that it be placed on the agenda so that we can report on what we have done, so that the Conference can decide how to take this matter forward. So again, it is a matter that would not have come from the Conference, but from the Bureau. The Bureau is aware that the term of office of the current Head of Secretariat will end at the end of July or so, and that is in the middle of the period before the next session of the Conference, and so you cannot defer the matter to the next session. Therefore that is the second item on the agenda that we would like to raise.

Finally there is the matter that was directed at the Bureau by the Conference of the Parties at its third session, which was a resolution for the Bureau to ensure that there is better cooperation between WHO's Tobacco Free Initiative and the Convention Secretariat. Of course, we have done a lot of work in relation to that. We would not have expected the report of the Secretariat to cover the role the Bureau played in that matter – the Head of the Convention Secretariat will report on developments in relation to that matter separately from a technical point of view, but as the Bureau we do not have space to say, "you gave us a mandate to do 1, 2, 3, where do we report?" So, we would also request that we put that matter on the agenda so that we as the Bureau can report to the Conference. It will already be apparent from the two other items that I have mentioned that this matter

of the role of the Bureau and of course its relationship with this august body is a very important matter in our view.

Allow me to seize this opportunity to thank my colleagues in the Bureau for their invaluable support and their contribution during the intersessional period, and also for their steadfast commitment to the achievement of the objectives of the WHO FCTC. I would particularly like to express my own personal thanks to the members of the Bureau who were willing to explore very difficult waters, including some which would have meant that they may be alienated from their own regional representation, simply because people would not necessarily understand why they were doing what they were not supposed to do in terms of the mandate – which will become more apparent when we have that discussion. Let me also express our sincere thanks to the Secretariat, under the leadership of the Head of the Secretariat, Dr Nikogosian, for their facilitation of our work and for ensuring that our work as the Bureau is smooth and is supported at all times.

We have a very important agenda to cover for the next six days. Apart from the consideration of a protocol to eliminate illicit trade in tobacco products and the guidelines, the proposed agenda includes a whole range of other issues including the review of global progress on the implementation of the Convention, matters relating to implementation assistance and international cooperation, consideration of the performance reports and the next budget and workplan. Parties have also suggested that we include matters related to liability in accordance with Article 19 of the Convention and there are other emerging issues such as smokeless tobacco and electronic cigarettes. Therefore, as in previous sessions, the work ahead of us this week will be intense and may occasionally be difficult, but I have no doubt that the outcome will be successful thanks to the contributions and the commitment of all the delegates that are here. I wish to state that the Bureau that I have had the honour to chair will be at the disposal of delegations to assist you at different times as necessary to achieve the objectives of the fourth session of the Conference of the Parties. I would once again like to thank all of you for your support to the Bureau and to myself, and thank you very much for your attention at this stage.

## 6. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

The PRESIDENT:

I would like to call upon all of you to refer to agenda item 1.1, Adoption of the agenda and organization of work. This is contained in document FCTC/COP/4/1 Rev. 1. I propose that we first deal with the adoption of the agenda itself, and then move to aspects of the organization of work.

A number of delegations would like to intervene and I hope these interventions relate to the opening address and the opening session, because you will still be able to address other matters concerning the agenda, especially those I have just raised. You will have the opportunity to address them under the item that I have just outlined.

Mr YI Xianliang (China):

谢谢主席。

关于通过工作议程和安排，我们两份文件需要处理。一是刚才提到的 FCTC/COP/4/1 Rev.1 这份临时议程文件，二是主席团或者是公约秘书处所提供的解释性会议议程。也就是说，我们不能只看 FCTC/COP/4/1 Rev1 文件，我们更多的是要注意秘书处提供的这份说明文件。

这份文件内提到的一些内容，特别是第 5 项关于条约文件和技术事项这一点，我们要结合本次会议前相关工作组已经开展的工作，以及第三届缔约方会议所作出的决定加以考虑。有关会议第 5 项议程，在 5.1、5.2、5.3 以及 5.5 项下都提到要通过某些议定书或者措施。我们既然制定了这么一个议程，就要设法去完成。为此，我们要考虑到几个工作组的目前进展状况，比如 5.2 项的工作组，还有 5.5 项的工作组，它们提交的文件能否足以支持我们这次会议通过某些措施或者议定书，或者为本次会议作出进一步的决定形成了基础。我认为，这是我们这次会

议要考虑的一个问题。我们不能只看到这里面的文字，因为我们要面对国际社会的审查，审查我们是否已完成了缔约方会议本身的工作。其实会议议程对我们大家来讲是一个量力而行的问题。

主席先生，我并不是对这个议程有什么原则性反对意见，我只是想提请主席团和各方与会代表注意到第5项议程下存在的一个技术性问题，这可能对我们带来挑战。

谢谢主席！

The PRESIDENT:

Thank you. Perhaps I may request that other delegates do not speak on the same matter. I had made a proposal that we first talk about the adoption of the agenda, before we talk about how we organize that agenda. So we have an agenda that is proposed in front of us, that we would like to adopt first. Once we have adopted the agenda, then we will talk about how to organize that agenda, how to discuss which matter where – that is the organization of the agenda. But we cannot move on to that unless we have an agenda to discuss. So, I am requesting that delegates speak only on questions relating to a matter that precedes the fact that we are now discussing the adoption of the agenda, because I am still going to move to that. So Brazil, do you still want to speak, on a subject that I hope does not relate to the adoption of the agenda but to something before that?

Mr DE SOUZA-GOMES (Brazil):

Thank you Mr President. I just wanted to express our entire agreement on the line that you have just mentioned – on the course of action that you stick to the question of the adoption of the agenda and then move on to other matters related to that. So we fully agree with you. We raised our flag together with Uruguay and I would kindly ask you if Brazil could make its statement after the intervention by the delegation of Uruguay, if you will allow us. Thank you Sir.

The PRESIDENT:

If I may ask for clarity, you mean making a statement on this discussion after Uruguay has spoken?

Mr DE SOUZA-GOMES (Brazil):

Sir, this is the understanding. We would like to make a small intervention after the intervention of Uruguay.

The PRESIDENT:

Can I then ask delegations – I will come back to Brazil – can I ask the representative of Belgium, do you still need to speak, Sir?

M. GOFFIN (Belgique):

Merci Monsieur le Président. J'interviens au nom de l'Union européenne et je vous remercie pour votre exposé ; je veux simplement très brièvement intervenir sur l'ordre du jour. Vous avez suggéré d'y ajouter deux points : un premier sur le rôle du Bureau, un rôle renforcé du Bureau de la Convention, et un deuxième sur les modalités de sélection et les modalités contractuelles du chef du Secrétariat. Ma question est de savoir si le Secrétariat produira un document visant, disons, à élargir le débat et à répondre à des questions qui seront certainement posées, notamment en ce qui concerne le premier point sur le rôle d'un Bureau élargi. Quelles seraient les justifications ? Nous ne sommes pas nécessairement contre cette idée, mais quelles seraient les justifications d'un Bureau élargi, d'un Bureau qui serait plus actif entre les sessions des conférences. Et élément important : quelles seraient,

par exemple, les implications budgétaires et financières d'un renforcement du Bureau de la Conférence. Ma question est simple : quand pouvons nous compter sur une documentation qui nous aiderait à prendre position sur ces deux points qui ont été ajoutés ou qui seront ajoutés formellement à l'ordre du jour. Merci Monsieur le Président.

The PRESIDENT:

Thank you to the representative of Belgium. At this stage we are just proposing a rationale for including these items on the agenda. If the Conference of the Parties agrees to include them and proposes that we produce documentation then there will be documentation on them, but at this stage we do not assume that there is such an item on the agenda, and therefore we would not say that there is documentation on it. We would say, directed by the Conference, that we've just given some rationale for their inclusion on the agenda, and if the Conference feels they are important enough to be included on the agenda, if only so that clarification can be given as to what they are about, then we would be very happy as the Bureau to expand on them. The one on the Head of the Secretariat is much more critical, because if there is no decision about how we take that process forward then we are in limbo as to how to move forward. We would then only make suggestions about how we settle that matter once the matter is on the agenda. At the moment it is not, it is simply a proposal on our part. Thank you very much. Representative of Bhutan, would you like to speak?

Mr DUKPA (Bhutan):

Thank you Mr President, excellencies, ladies and gentlemen, I am at a loss actually now; I thought I was going to make a statement on what we are going to do in a small country like Bhutan. Can I do that?

The PRESIDENT:

Not at this stage, we are still just dealing with the adoption of the agenda. You will have the opportunity once we get to the debate about the Secretariat's report.

Mr DUKPA (Bhutan):

In this regard I would like to support the agenda items that you proposed for inclusion for deliberation in the next week. I wish to support that. Any problem that arises from the Rules of Procedure must be deliberated and sorted out, ironed out, and this is the forum in which it should be discussed.

The PRESIDENT:

Thank you very much to the delegate of Bhutan, we will come back to your proposal. Can I move to the representative of the Russian Federation?

Ms NIKITINA (Russian Federation):

Г-жа НИКИТИНА (Российская Федерация):

Спасибо, уважаемый господин Председатель,  
Мы бы хотели согласиться с Вами в той части, что первоначально надо утвердить предварительную повестку дня и, возможно, обсудить те новые предложения, которые Вы озвучили, но, если можно, хотели бы попросить также о возможности выступить уже после утверждения повестки.

Спасибо.

The PRESIDENT:

We will try and look at whether we can accommodate that, thank you very much Madam. The representative of Honduras – would you like to take the floor?

El Dr. EFRAIN PORTILLO (Honduras):

Muy buenos días, señor Presidente. Muy buenos días, honorables miembros de la mesa principal y todos los delegados del mundo aquí presentes. Honduras apoya en este momento, según las normas parlamentarias, la implementación de estos tres puntos en el orden del día. Pero no sé, señor Presidente, si usted a bien daría incluso incluir en el tercer punto que usted mencionó (mejorar la cooperación entre la OMS y la Secretaría de la COP), la cooperación en el presupuesto, también a raíz del problema existente en los países nuestros, debido a la presión que están ejerciendo las empresas tabacaleras, ya que así como nuestro país anfitrión, Uruguay, nuestro país, Honduras, también se encuentra presionado por las mismas empresas tabacaleras transnacionales, y en este caso desearíamos que, según las normas parlamentarias, si usted a bien le parece, incluir este tema también en su tercer punto y, como repito, Honduras secunda su moción para incorporar estos tres punto al orden del día. Muchas gracias.

The PRESIDENT:

Thank you for your support Honduras. May I request you to reflect on your suggestion in terms of our view that the whole discussion of the Secretariat's report and countries responding to that, and the discussion that will take place in committees or whatever form in relation to the implementation of the instruments, will be underlined by the questions of what is the industry and what do we do to act in relation to that, so that we are able to take a specific decision related to the instruments that we are here to discuss, in order to respond to the specifics of those instruments. But that is just for consideration, we will come back to that issue, I am sure, when the representative of Uruguay also speaks, and then we will ask the Conference to take a view on that.

Are there any other speakers before I call on Uruguay, Brazil and Peru to say something? Nigeria, sorry for skipping you. Please take the floor.

Mr USMAN (Nigeria):

Good morning Mr President, members of the Conference of the Parties, fellow delegates. Nigeria on behalf of the Parties in the WHO Africa Region wishes to express support for the proposed three items to be included on the agenda.

The PRESIDENT:

Thank you very much Nigeria. Can I call upon the representative of Uruguay then to make an intervention?

El Sr. ABASCAL (Uruguay):

Gracias, señor Presidente. Y gracias por sus palabras de inicio y la bienvenida a todas las delegaciones, a muchos amigos que tenemos en esta sala. Como todos acá sabemos, en un momento de la historia de la humanidad, no hace mucho, nos dimos cuenta de que existía una epidemia global que estaba provocando un daño irreparable en la salud y en las condiciones de vida de nuestras poblaciones a nivel de todo el planeta. Eso exigió, por todos nosotros, dar también una respuesta global a este problema global y esta respuesta global fue el Convenio Marco del cual tenemos hoy esta Conferencia de las Partes.

En el transcurso y el desarrollo de la implementación de este Convenio han aparecido en el horizonte nuevos problemas y nuevos desafíos. Actualmente, señor Presidente, tenemos dificultades a

través de la interferencia o los intereses económicos afectando la política de salud de los respectivos Estados. Y estos intereses económicos también como antes se manifiestan a nivel global. Por lo tanto, señor Presidente, deberemos comenzar a analizar que necesitaremos una nueva serie de medidas globales para responder a estos desafíos. En concreto, señor Presidente, la delegación de Uruguay está proponiendo incluir en la agenda el tema del tratamiento de las dificultades provocadas por los intereses económicos globales en relación a la política de salud soberana de los Estados. Además, señor Presidente, quiero informarle que Uruguay y otros países han preparado un texto de declaración para ser consultado a las demás partes. Gracias, señor Presidente.

The PRESIDENT:

Thank you very much Uruguay for the proposal, I think I will call upon the representatives of Brazil and then Peru.

Mr DE SOUZA-GOMES (Brazil):

My delegation fully supports and agrees with the arguments just expressed by my colleague from Uruguay. The inclusion of this item is of utmost importance, will enrich our debates and will fulfil the purpose of this Convention. Therefore, we fully support the inclusion of this item, and we can advance that we have had informal access to the text of the declaration and in general we fully agree with it. Thank you Sir.

El Sr. CHOCANO BURGA (Perú):

En nombre del Grupo de las Américas, apoyamos la propuesta del Uruguay de que se agregue el punto al orden del día. Muchas gracias.

The PRESIDENT:

Thank you very much. May I therefore put to the Conference two proposals. One proposal that has been initiated by the Bureau but is supported by three Parties – Bhutan, Honduras and Nigeria – is for the inclusion on the agenda of three items: first the role of the Bureau, second the relationship between WHO's Tobacco Free Initiative and the WHO FCTC, and third matters relating to the contract of the Head of the Secretariat. May I put the question: is there any objection to the inclusion of those three items on the agenda? I see none, so the items are included on the agenda.

Second, there is a proposal from Uruguay to include an item on the agenda which relates to the difficulties and the processing of difficulties emanating from the actions of the industry, I think that is what was said. That has been supported by Brazil and Peru. Can I put the question to the Conference of the Parties – is there any objection to the inclusion of such an item on the agenda? Belgium on behalf of the European Union, are you objecting?

M. GOFFIN (Belgique):

Non Monsieur le Président, simplement je souligne encore le point que j'avais évoqué précédemment : nous avons besoin pour chaque point supplémentaire inscrit à l'ordre du jour d'une documentation bien approfondie. Merci.

The PRESIDENT:

Thank you very much. We will come to that stage just now. In the absence of any objection therefore, the matter that has been raised by Uruguay is included on the agenda.

Can I put the aspects of the agenda that relate to the list of items on the agenda to the Conference for adoption? Is there an objection from China?

Mr SUN Jin (China):

主席，很抱歉，在您作出决定之前我就举起了牌子，所以我还是要说一下我们代表团的观点。刚才，我们代表团已经对议程项目5下的几个分项提出了看法，特别是5.2、5.3、5.4和5.5分项。我们代表团认为，将这些细项目列入大会议程的时机还不够成熟，至少我想听一下其他各方代表的意见。

谢谢主席！

The PRESIDENT:

These items had been decided upon already by the Conference of the Parties at its third session, for reporting here. It is this Conference that may decide what to do next with regard to them if they are not ready. So they have to be on the agenda because that was the decision at the last session of the Conference, but it does not mean that they will be finalized yet; it is up to the representatives here to decide whether they are not ready, they need further work or they do not need further work. Our understanding is that just because they appear on the agenda does not mean they are adopted, it means there is a report on where they are, what has happened, and therefore the Conference decides what the next step is going to be. So, the idea is that you may raise that issue at the time when they are discussed, in any committee or in plenary, to suggest that they are not ready and therefore that they need further work, and then you will hear the views of others and we can adopt a position on that proposal. At this stage we are simply talking about them being a list of items that has come from the previous session of the Conference. If you agree? Thank you very much.

Shall we then move on to the organization of work. First, from our point of view, the Secretariat, in consultation with the Bureau, has made a proposal on the method and distribution of work that is contained in the annotated agenda to which I referred earlier. Specifically, the proposal is that, following the practice of 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 will work in parallel. It is proposed that Committee A could be entrusted with matters that relate to treaty instruments and technical matters under provisional agenda item 5, as well as matters under provisional agenda items 6.1 and 6.2 on reporting and global progress in implementation. In that regard we would also like to suggest that the items that relate to the proposal from the delegation of Uruguay also be discussed in Committee A. Then it is proposed that Committee B could work on agenda items 6.3 to 6.5, related to implementation assistance and international cooperation and on budgetary and institutional matters under provisional agenda item 7, which relates also to the logo and other matters. We are also proposing that the matter relating to the role of the Bureau be discussed under this item and therefore be directed to Committee B.

We are proposing that before we refer the matter that relates to the determination of the contract of the Head of the Secretariat to any specific committee, we make a proposal from the Bureau on the matter in plenary, after the discussion on the invited speaker in plenary, and before we break the plenary for the various committees. The committees may also wish to establish working groups if necessary. I think you would also agree that the other items on the agenda, namely item 1.2, Report on credentials, item 2, Applications for observer status, and item 3, Report of the Secretariat, as well as item 7.6, Date and venue of the fifth session of the Conference of the Parties, will be discussed in plenary, including the other items that I have just referred to; and that there may be a general debate following the report of the Secretariat. In consultation with the Bureau, the general debate will also include a special segment on the role of the United Nations Development Assistance Framework in promoting the implementation of the Convention, and we understand that we have invited speakers in that regard. That therefore will constitute part of the debate of the Secretariat's report.

Now, these are the proposals that we would like to make from the Secretariat in consultation with the Bureau on the organization of work and I will now open the floor to delegations to either respond to those or to make suggestions and amendments in terms of the organization of work. The delegation from China has started talking about those matters, not only about whether they are ready but the organization of work in terms of how they would be discussed, and therefore I want to check

first with the delegation of China to see whether they want to repeat what they said about where they particularly want certain matters to be discussed.

Mr YI Xianliang (China):

谢谢主席。

您也讲到 因为我们实际上先要通过程序.1, 所以我提出了一些我们的关注, 我相信 其它一些代表团也关注同样的问题, 因为我们要做的工作与上届缔约方会议的决定和上届缔约方会议所设立的几个相关工作组都有关系, 所以文件FCTC/COP/4/1 Rev.1 (annotated) 提到要通过的一些文件, 包括.1、5.2、5.3都是到了'adoption(通过), consider the adoption(考虑通过)”。我们设定了这样一个目标, 有没有可能实现呢? 这就是我提出的问题, 该问题与我们的组织工作安排关系不大, 如果要把整个5.1、5.2、5.3, 一直到5.9都放在一个工作组或者一个工作委员会来研究, 同时要寻求实现一个目标或者是要努力达到“通过”这样一个目标的话, 我想工作量会是非常大的。所以 主席先生, 在我们进入正式的会议工作之前, 要是请我们所有的与会代表注意到这个问题, 不能到最后谈判的时候或者讨论的时候, 有些缔约方说我们必须“通过”这份文件。这样一来, 会使我们的会议陷入无序, 也会陷入很大的争端, 所以我们必须务实地来考虑, 哪些工作我们这次会议是可以完成的, 哪些工作我们这次会议可能难以完成, 而需要设定另外一个路线图, 为下一次缔约方会议, 或者下一次缔约方会议之前需要召开的一些工作组会议, 制定出一些方案, 我认为这一点非常重要。

在这里我只是请大家注意以上问题, 至于怎样安排会议工作, 我尊重主席和主席团的建议以及所有代表团的考虑。谢谢主席。

The PRESIDENT:

Thank you to the representative of China, South Africa.

Ms MATSAU (South Africa):

Thank you Mr President, South Africa is just seeking clarification. I am sure we missed something regarding the allocation of the three agenda points: I understood that Committee B would deal with the point that focuses on the role of the Bureau and that the issue of the contract of the Head of the Secretariat is going to be deferred until after a plenary discussion, and then I did not understand what happens to the third item. If you could just repeat that.

The PRESIDENT:

The role of the Bureau, since this falls very well with some of the issues that relate to Committee B, we would want it to be discussed there, including also the relationship with WHO's TFI. Because it also arises from a resolution that came from Committee B before anyway, so that is our suggestion. India, please take the floor.

Mr SATPATHY (India):

Thank you, Mr President good morning to you and good morning to all my colleagues here. One of my reasons for taking the floor here is to mark my presence in your memory so that these things do not happen too often. I have a couple of suggestions. The first suggestion relates to what some of my other colleagues have mentioned regarding the burden of work that has been placed on both committees. It is useful to make an assessment as to what extent we can fulfil the various items that have been outlined and then have a realistic sense of their achievement, otherwise as has been pointed out, it is true we will be saddled at the end of the day, end of the week rather, with items that will need hurried discussions.

The other suggestion I had was relating to items 6.1 and 6.2. As I see it, they will be assigned to Committee A. Given the amount of tasks that have been assigned to Committee A, I wondered if it would be useful to assign them to Committee B. This could be something that could be looked at. The third item was regarding the role of the Bureau. The role of the Bureau in our opinion would merit some kind of discussion in plenary. What the Bureau does and what the Bureau conducts has an

implication for the entire plenary and if we split it into a group, because delegations will be split up between these committees, we will not have the benefit of the full discussion which we would normally have in a plenary meeting. Along those same lines, I was wondering whether we could also have a limited discussion on the extension of the Head of Secretariat's responsibilities. So this is something that the President could perhaps consider and outline some time. Thank you.

The PRESIDENT:

Thank you very much. To the delegations from India and China, may I beg your indulgence once again to say: this Conference has adopted a list of things to be done. So they are adopted, they are part of the work that this Conference will do because it has adopted them. What we are saying is that, in order for the Conference to consider how it is going to deal with each of these items, let us establish committees. It is in those committees that people will look at the workload and say, "look, we do not think the Committee will achieve this work, this is how we can achieve it, this is how we cannot achieve it, etc". We cannot in our view sit in plenary and discuss whether we are going to deal with agenda item 5.1 in the other Committee and then say what about item 5.2? I think that would actually delay even more the objective of trying to reach agreements in certain places. So, part of the objective is to move to committees immediately so that we can consider the items on the agenda and say "this is ready for adoption, is it ready for adoption? Our view is this; our view is that; therefore let us defer it; we will recommend deferment in plenary", that kind of situation. Otherwise we would have to go item by item and not choose certain items from certain delegations to say "this one we will not finish, we want to finish it here in plenary", we would have to go through the whole agenda and find out what outcome is going to come out of it. So, if I may beg your indulgence we are really trying to organize exactly what you're saying: in order for us to move faster we have to move to the committees and distribute the work.

Secondly on the matter that you are proposing, India, about transferring some of the items: at different points we will look at the workload of the committees and transfer some items from one committee to the other as progress is taking place in terms of the Conference. So do not worry at this stage whether one is overloaded compared with the other. Our view is that it is balanced at the moment, but we will be checking during the Conference so that we are able to balance the Committees, so at some point it might be adopted that we move certain items from one committee to another depending on how far that committee is.

Then finally on the role of the Bureau: yes, we will have a debate in plenary once we get the report, because there are technical aspects that we need to present first, and which must be looked at technically because we are talking about an amendment if necessary of the existing Rules of Procedure. So, you must discuss them in the context of your very technical debate before you come back to say "Okay, we agreed on that". Then we debate it in plenary. It will be discussed in plenary at some point, once there's a report. So if I may beg your indulgence on those issues. Thank you for your proposals, but we think that we will be able to address them in that particular fashion. The Russian Federation, please take the floor.

Ms NIKITINA (Russian Federation):

Г-жа НИКИТИНА (Российская Федерация):

Спасибо, уважаемый господин Председатель,

Мы бы хотели сказать, что мы в целом, конечно, не возражаем против предложенной организации работы, и с учетом пояснений, данных Вами сейчас, мы бы все-таки подумали о том, чтобы все-таки пункт 5.1 и принципиальные решения по протоколам нам оставить на усмотрение пленарного заседания, поскольку Комитету или одному из Комитетов не так просто будет определиться. Но это на Ваше усмотрение.

Спасибо.

The PRESIDENT:

There is a proposal from the representative of the Russian Federation that we take some time, before we refer agenda item 5.1 to the Committee, to have a plenary discussion on agenda item 5.1. That would mean that the report from the Chairperson of the Intergovernmental Negotiating Body would be presented in plenary and then the discussion be undertaken before we refer it to the committee. That is the proposal from the Russian Federation. Does the proposal have a seconder? New Zealand and Canada in that order.

Ms EVISON (New Zealand):

New Zealand would just like to second the proposal by the Russian Federation. Thank you.

The PRESIDENT:

Canada, you are also supporting, you are not speaking?

Ms PAINE (Canada):

Canada supports the motion.

The PRESIDENT:

Okay, there is a motion on the floor – Brazil, would you like to support?

Mr DE SOUZA-GOMES (Brazil):

Yes Sir, indeed. Yes, fully support Sir.

The PRESIDENT:

Anybody else who is supporting, you do not have to raise your flag because I am going to put the measure on the table. If you are objecting you'll be able to object when I put the matter on the table. If you are asking for clarity, I will give you a chance to ask for clarity. Otherwise I am ready to put the matter on the table. There is a proposal on the table for item 5.1 to be discussed first in plenary, and at the second stage, for plenary to decide the way forward in terms of how it should be settled. The matter has been seconded. Is there any objection to that matter? There is a hand at the back. Please take the floor.

Mr LINDGREN (Norway):

Thank you, Mr President. I would like to seek clarification from the Russian delegation with respect to exactly what aspects of agenda item 5.1 the Russian Federation would like us to discuss in plenary right now. Thank you.

The PRESIDENT:

If I may make an attempt? In terms of the agenda item itself, first it starts with a report from the Chairperson of the Intergovernmental Negotiating Body in terms of the Rules of Procedure, because the Chairperson was given a responsibility so he will present a report. The proposal from the Russian Federation, as I understand it, is that that report be presented here first. Then a response to that report would be undertaken here from the various delegations in terms of how people are responding to that report and the way forward, initially, and then out of that debate would come a direction as to what should happen. But the suggestion as I see it is that it is supposed to happen here

in plenary. Would you like to add or subtract from my explanation? Are you happy with my explanation? Are you happy, Norway, with that? So the idea is that the Chairperson's report from the fifth session of the Intergovernmental Negotiating Body is presented to plenary, plenary responds to that report in whatever manner and then decides what to do next. And therefore plenary may decide still to take it to a committee, or to take a different direction. Norway, before I pass, I want to make sure that you have been answered. Is that an objection? I have just put the matter on the table and then Norway wanted clarity, if Norway is clear then I can move again to asking for any objections. Okay, Norway seems to be clear. Is there an objection to the proposal from the Russian Federation seconded by the various delegations? I see no objections, therefore agenda item 5.1 will be discussed in plenary initially.

El Sr. CHOCANO BURGA (Perú):

Muchas gracias, señor Presidente. Mi delegación desearía saber cuándo se va a tratar este tema. Deseamos hacer una propuesta, y si se ha previsto tratar el tema dentro de algunos días preferiríamos plantear la propuesta a partir de ahora. Muchas gracias.

The PRESIDENT:

Thank you very much to the representative of Peru. The agenda items will follow as they are listed on the agenda. So, after the discussion of the credentials, the applications for observer status, the invited speaker and the report of the Convention Secretariat and the response to that, including the high-level segment, we will move to the two agenda items that have been referred to the plenary, and those are item 5.1 and the matter of the Head of the Convention Secretariat. We will follow that order. We are hoping that plenary will be finished by lunchtime tomorrow. At least the first plenum. And so it is in that order, depending on how fast we go on those issues, I cannot say exactly when, but we will follow the order that is on the table, if that clarifies it. Thank you. I now take it that we can move on to the next item on the agenda having adopted the organization of work and I thank you very much for your cooperation in that regard.

## **7. CREDENTIALS OF PARTICIPANTS**

The PRESIDENT:

Can we move to agenda item 1.2, Credentials of participants. We have our honourable invited guest who is going to address us as you can see on agenda item 3; he is already in our midst and will be presented to us soon, so as we discuss these matters please take into consideration that we would like to give him the opportunity to address us. If we take longer, then we may suspend and try to move in that direction, but at the moment I am still appealing for us to try to execute the matter a little bit faster. Credentials of participants: May I make a proposal that, in accordance with Rule 19 of the Rules of Procedure, the Bureau will examine the Credentials of the participants in this session and report in writing at a later meeting of the plenary, tentatively by Wednesday morning. May I remind delegations that have not yet submitted their formal credentials please to do so by tomorrow, Tuesday morning, through the registration desk. May I put the proposal of the Bureau to the house? Is there any objection to the Bureau examining the credentials and then reporting in writing later, possibly on Wednesday morning? No objection. We have adopted that proposal. It is therefore decided.

## 8. APPLICATIONS FOR OBSERVER STATUS TO THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

The PRESIDENT:

The next item on the agenda today is the consideration of applications for observer status to the Conference of the Parties. We are to review the applications received by the Secretariat that are contained in the document FCTC/COP/4/2/Rev 1. Six applications have been submitted to the Secretariat under Rule 31.2 of the Rules of Procedure, from the following organizations: the European Network for Smoking and Tobacco Prevention; the Global Acetate Manufacturers Association; the International Network of Women against Tobacco; the Human Rights and Tobacco Control Network; the Lega Italiana Anti Fumo; and the International Tobacco Growers Association. These six applications were submitted to the Secretariat in accordance with Rule 31, paragraph 2, of the Rules of Procedure and were received within the required 90 days before the opening of the session.

As requested by decision FCTC/COP2(6), adopted by the Conference of the Parties at its second session, the Bureau examined all six applications on the basis of a report prepared by the Secretariat. The Bureau would like to recommend to the Conference of the Parties that observer status be granted to the following organizations: the European Network for Smoking and Tobacco Prevention and the International Network of Women against Tobacco, whose aims and activities appear to be in conformity with the spirit and purpose and principles of the Convention. The Bureau also recommends that consideration of the application of the Human Rights and Tobacco Control Network be deferred until that organization has fully established itself and conducted relevant activities internationally that would support its application in the future.

Finally, the Bureau recommends that the application of the Global Acetate Manufacturers Association and the International Tobacco Growers Association be rejected, as the information available on these two organizations showed that their activities may not be in line with the aims and the spirit of the Convention, in particular with regard to Article 5.3 of the Convention. The Bureau also recommends the rejection of the application of the Lega Italiana Anti Fumo, which did not submit the required documentation to enable a detailed review. However, a preliminary review showed that the organization's activities are predominantly national, and therefore this organization may not fulfil the criteria set out in Rule 31 of the Rules of Procedure and the Decision FCTC/COP2(6). Are there any objections to the recommendations being made by the Bureau on the applications for observer status? There is a hand. Is that an objection, China? Please take the floor.

Mr YI Xianliang (China):

谢谢主席。

我们对主席团做出决定，使两个非政府组织成为合格的观察员表示祝贺。同时我们认为，既然非政府组织的参会地位是由缔约方会议决定的，那么我们希望能够得到有关非政府组织较为详细的信息，而不仅仅是名子。这些信息应散发给参会的代表。同时我们也认为，主席团对三个非政府组织提出的拒绝理由，目前看来也比较简单。希望以后作出类似拒绝决定时，能够详细说明一些理由。

同时，要将这些组织的详细信息提供给缔约方，而不是仅仅向缔约方与会代表提供一个名子，因为仅凭一个名字我们无法做出决定。我们需要知道更多的情况，比如这个组织的总部在什么地方？谁是负责人？有多少成员？是全球性的还是区域性的，或是地区的？还有就是它的相关经济背景怎样？

谢谢。

The PRESIDENT:

Thank you very much, representative of China. Any other comments on this matter? It seems to me that the representative of China was saying that in future we should have documentation on the actual analysis that was done by the Secretariat, so that you can make up your minds. The representative of China was not objecting to the proposals as they are at the moment, and was not asking for the decision to be deferred until that information is available. So, because there are no objections to this, then we have adopted the proposals on observer status. Yes, South Africa.

Ms MATSAU (South Africa):

I just was not clear how this documentation was going to be made available, because my thinking was that every region has a representative on the Bureau and it is the representatives' responsibility to their region to give out that explanation, instead of the Bureau trying to make documentation available for every single Party. I think it is the responsibility of the Bureau member representing a region.

The PRESIDENT:

Thank you very much South Africa, we will refer this matter to the new Bureau to discuss how it fulfils the obligations or the proposals that are made as to how to deal with this item in future. Thank you very much. I am told there is a hand from the Democratic Republic of the Congo.

M. MBUYU MUTEBA YAMBELE (République démocratique du Congo):

Monsieur le Président, merci beaucoup pour la parole. Ma délégation souhaite que, même pour les demandes rejetées, nous puissions avoir suffisamment de motivation, parce que cela nous donne des arguments pour nous défendre aussi quand nous serons dans notre pays car nous serons confrontés aux mêmes situations.

The PRESIDENT:

Thank you very much. We will refer the matter to the Bureau in terms of perhaps providing some of the basis in a bit more detail; this is not about objecting to the decision but trying to say "can we have some further documentation on how to explain the decision", rather than simply presenting it from here. So we will try and see how we deal with that request at the Bureau meeting and we will report back. Thank you very much.

## 9. INVITED SPEAKER

The PRESIDENT:

We shall now turn to agenda item 3, Invited speaker, and I would like to request the Conference to welcome our invited speaker, the former President of Uruguay, His Excellency Vázquez Rosas. Former President Vazquez Rosas is a physician and holds a degree in oncology and radiology. He held office as President of Uruguay from 2004 until 2010 and played a very special role as you heard earlier on, in leading national policy and legislation of tobacco control in this country, Uruguay. It is my greatest pleasure and honour to invite His Excellency to take the rostrum.

*(Applause)*

El Sr. VAZQUEZ ROSAS (Uruguay):

Mr President, dear friends. Thank you so much for this opportunity, that is very important, not only for me, but also for my country. Having said this, I would like to speak in my mother language, Spanish.

Amigas y amigos: confieso que me resulta especialmente grato estar aquí. Gracias, muchas gracias al comité organizador de la Conferencia, a las autoridades del Gobierno de la República Oriental del Uruguay, que son mi país y mi gobierno, y a todos ustedes por haberme invitado y recibirme tan fraternalmente.

Debo confesarles también que me siento como un enano en hombros de gigantes, para utilizar la conocida metáfora atribuida a Bernard de Chartres. En efecto, si hoy estamos abriendo la cuarta

Conferencia de las Partes en el Convenio Marco para el Control del Tabaco, es porque antes hubo una tercera conferencia, y antes una segunda y una primera, y antes un Convenio Marco, y antes la gestación del mismo, y antes, conciencia de su necesidad. En ese largo proceso no hubo milagros y nada fue fácil, pero si llegamos a donde estamos, ha sido por la inteligencia, el compromiso y la tenacidad de hombres y mujeres que bien podemos llamar gigantes. Científicos y médicos muchos de ellos, pero no todos, pues el coraje y la responsabilidad no son patrimonio exclusivo de ninguna profesión. Lo que no podemos es nombrarlos a todos, pues aún la lista más larga sería incompleta, y al omitir algún nombre cometer una injusticia. Sin embargo, creo que es justo en esta circunstancia mencionar un nombre que seguramente representa a todos y que por cierto significa mucho para los uruguayos, y significa más aún para mí, que tuve el privilegio de ser uno de sus tantos discípulos, me refiero al Profesor Helmut Kasdorf. A él, nuestro homenaje, y en él a todos quienes de una forma u otra han defendido la vida ante el tabaquismo, a todos quienes forjaron y alumbraron el Convenio Marco para el Control del Tabaco aprobado por la 56.<sup>a</sup> Asamblea de la Organización Mundial de la Salud en el año 2003.

Siete años no es mucho tiempo para un acuerdo que no fue concebido para ser, ni pretende ser, el fin de la historia en materia de control del tabaquismo. Pero para evaluar los resultados de este instrumento, perfeccionar su uso y fijar nuevos horizontes, está entre otras instancias y mecanismos esta Conferencia, cuya sede, como se ha dicho anteriormente, se ha confiado a Uruguay, y que nuestro país, como también se ha dicho anteriormente, se complace en recibir.

Amigas y amigos: a los uruguayos nos gusta que quienes nos visitan se sientan como en su propia casa, que respiren nuestro aire habitual, sencillo y desde el 1 de marzo de 2006 libre de humo de tabaco. Lograr tal condición tampoco fue fácil ni instantáneo. Por el contrario, supuso un extenso, complejo y enriquecedor proceso de encuentros, negociaciones y acuerdos que involucró a la sociedad uruguaya en su conjunto, involucró a todos los uruguayos. Desde sucesivos periodos de gobierno y parlamentarios, hasta los fumadores, pasando por todos los partidos políticos, las comunidades científicas y educativas, los sindicatos médico y de trabajadores de la salud, gremiales de comerciantes y asociaciones de consumidores, comunicadores, de gente común y corriente, en fin, reitero, de todos los uruguayos.

De esa dimensión, sustancialmente ciudadana y democrática del Uruguay libre de humo de tabaco, surge su legitimidad, su sustento y su fortaleza. Porque si algo está claro, es que la epidemia del tabaquismo es mucho más que un problema de salud cuya solución depende exclusivamente de la ciencia y de los médicos. Y si alguna duda queda al respecto, obsérvese que la oposición más feroz al Uruguay libre de humo de tabaco, no parte de los fumadores uruguayos, que los hay y muchos, no parte de los comerciantes que venden productos de tabaco, que también los hay y con derecho a hacer buenos negocios, sino que viene de Philip Morris. En febrero pasado, esta poderosa empresa tabacalera presentó ante el Centro Internacional de Arreglo de Diferencias Relativas a Inversiones, el CIADI, un recurso contra el Uruguay por violación del acuerdo bilateral de inversiones que tenemos con Suiza, país también referente en materia de políticas para el control del tabaco, pero en el cual Philip Morris tiene su centro financiero y operativo. La mecánica de tal demanda puede parecer un poco sofisticada, pero la razón del malestar del demandante, Philip Morris, es muy sencilla: el tabaquismo, como la guerra, mata a muchas ciudadanas y ciudadanos del mundo, pero también enriquece a algunos.

Obvio es decir que a esta tabacalera, como a todas las tabacaleras, poco le importa la salud de los consumidores. Ni siquiera le importa la salud de sus modelos publicitarios, los emblemáticos vaqueros de Marlboro, si se considera que dos de ellos, Wayne McLaren y David McLean, murieron hace algunos años de cáncer pulmonar por consumir tabaco. Tampoco la desvela el reducido mercado uruguayo, ni la irrelevante competencia de las tabacaleras locales. Lo que sí le interesa, y mucho, a ésta y otras multinacionales del tabaco, es dar un escarmiento al Uruguay e intimidar a otros países que están instrumentando políticas públicas para el control del tabaco o se dispongan a hacerlo. Este escarmiento al Uruguay tampoco le viene mal a la industria tabacalera local, que pese a sus reducidas dimensiones tiene ganancias en el orden del 300 %, ni a las mafias del contrabando, ya que el 12 % o más de los fumadores uruguayos admite consumir cigarrillos de ese origen.

Amigas y amigos: Philip Morris no ahorrará recursos para lograr su objetivo. Tiene mucho dinero, y el dinero, lamentablemente, tiene mucho poder, incluido el de la frivolidad y el de la

corrupción, dos males a los cuales la naturaleza humana no es inmune. Sin embargo, yo, como ciudadano uruguayo, el título más sencillo y el más hermoso que la vida pública me ha dado, puedo decirles que tengo plena confianza. Tengo confianza en mi país y mi gente, que a los uruguayos no nos gusta andar gritando ni pleiteando por el mundo, que no tenemos vocación de mártires, que no nos gusta la cultura de la queja y de la excusa, y que no tenemos miedo y tampoco tenemos precio.

Tengo confianza en el Gobierno de la República Oriental del Uruguay, no solo por una elemental razón de lealtad institucional, sino además, porque aunque el voto es secreto, no es secreto que yo voté al Presidente Mujica y que apoyo su gestión de gobierno y que confío en mi Gobierno y en mi Presidente. Tengo confianza porque el Uruguay no está solo en esta circunstancia. Nos sentimos apoyados por ustedes, por lo que ustedes representan, y por muchas otras personas e instituciones que en los más diversos rincones del mundo trabajan por lo mismo que nosotros en Uruguay. Juntos somos más y somos más fuertes.

Los uruguayos somos gente de diálogo, negociación y acuerdos, porque reconocer a los demás, valorarlos como semejantes, dialogar y acordar con ellos, es una forma de respetar y de respetarnos. Pero hay cosas que no admiten negociación alguna. Hay cosas que no se pueden negociar. No se negocia la soberanía y el orden público de un país, y la salud pública, tal como lo establece la Constitución de la República, hace a la soberanía y al orden público de nuestro país. No se negocia el ordenamiento constitucional y legal de un país. Tampoco se juega ni se experimenta con el mismo. No se negocia la salud de los uruguayos, porque la salud es la vida y la vida es todo. Ello, en el caso que plantea esta tabacalera, no significa para nada desconocer los acuerdos y tratados vigentes. Por el contrario, significa reconocer que los mismos no son incompatibles con las disposiciones constitucionales y legales que atienden la salud y la higiene pública de los uruguayos, y que hay que cumplirlos. Los uruguayos, además, somos gente que cuando prometemos nos comprometemos, y cuando acordamos cumplimos lo acordado. En alguna manera, esta reunión es una demostración de ello. Pero no basta con demostrar lo hecho y detenerse, hay que renovar el compromiso y seguir avanzando.

Amigas y amigos: esta reunión es también una buena oportunidad para seguir avanzando. Basta mencionar algunos temas de su agenda temática para constatarlo: asuntos estatutarios, administrativos y presupuestales, ¿cuándo no?; protocolo para la eliminación del comercio ilícito de productos del tabaco; directrices para reglamentar los artículos del Convenio referidos a contenidos de productos del tabaco; divulgación sobre productos del tabaco y educación, educación de nuestra gente, mucha educación comunicación, formación y concientización de la población; medidas de reducción de la demanda relativa a la dependencia y abandono del tabaco: apoyar a quienes fuman y quieren dejar de fumar; medidas tendientes a eliminar la publicidad total, la promoción, y el patrocinio transfronterizo; alternativas económicamente viables al cultivo del tabaco, porque también hay trabajadores que viven de cultivar tabaco y tienen que tener derecho a trabajar; cooperación con organizaciones y organismos internacionales para reforzar la aplicación del Convenio Marco y, como parte de lo anterior, cooperación Sur-Sur para la instrumentación del Convenio, porque serán nuestros países del mundo subdesarrollado los que en el futuro sufrirán más el embate de esta industria de la muerte que es la industria tabacalera.

Menuda agenda tienen ustedes para los próximos días. Semejantes responsabilidad y desafíos constituyen una buena razón para no prolongar más esta intervención. Pero siento que no puedo cerrarla sin volver al principio, cuando les agradecí la hospitalidad y los invité a seguir avanzando sobre hombros de gigantes, como el Profesor Helmut Kasdorf. En esa tarea pueden contar conmigo como un enano más. Muchas gracias.

*(Applause)*

The PRESIDENT:

Thank you so very much, Mr President, for your inspiration. We promise you we will continue to fight on as you have asked us. On behalf of the Conference I express our sincerest thanks for your address today – it has been an honour for the Conference to have had you here and to have heard your

views – and for your contribution to the struggle in support of the WHO FCTC. Thank you very much. This concludes item 3 of the agenda.

#### **10. REPORT OF THE CONVENTION SECRETARIAT AND STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

The PRESIDENT:

I now wish to proceed with agenda item 4, which is the Report of the Convention Secretariat and the status of the WHO FCTC. The report of the Secretariat has been circulated and is contained in document FCTC/COP/4/3. I would now like to give this opportunity to the Head of the Convention Secretariat, Dr Haik Nikogosian, to present his report. You have the floor Dr Nikogosian.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Distinguished President of the Conference of the Parties, excellencies, delegates, ladies and gentlemen. Let me start with a very warm welcome to all delegates and participants to this fourth session of the Conference of the Parties. According to the latest information that we have, the fourth session is being attended by the delegations of 135 Parties to the Convention; in addition, seven States that are not Parties, as well as 15 intergovernmental and nongovernmental organizations are attending as observers. Let me thank the Government of Uruguay for the kind arrangements and the cooperation that has been extended to the Secretariat in the organization of this session.

Colleagues, the activities of the last two years are presented in detail in the report of the Secretariat. I will therefore be brief, and will only focus on providing an overview and key points.

Elaboration of treaty instruments remained a key area of intersessional work. The four working groups established by the Conference of the Parties worked in parallel and have now presented their reports and draft guidelines. There was also substantial progress in the negotiations on the protocol on illicit trade, and the Conference of the Parties will now discuss the way forward to conclude the negotiations. I would like to thank all the Parties that extended their very kind cooperation to the Secretariat in the organization of this work, and in particular to the Key Facilitators of the working groups, and to the Chairperson and the Bureau of the Intergovernmental Negotiating Body.

Another area on which the Secretariat continued to focus was the reporting system of the Convention. There was significant progress in the submission of implementation reports, but there were also substantial delays, on which we hope the Parties will reflect. The Secretariat assisted a large number of Parties in their reporting and has now also prepared a global database of treaty implementation, which we will present later in the week. The Parties have also received the report on harmonization of data collection initiatives, and we look forward to the guidance of the Conference of the Parties in this important area.

Assistance to Parties and international cooperation was the third major block of activities in the intersessional period. To ensure synergy with international partners and efficiency, we focused strictly on activities which are directly mandated to the Secretariat in the Convention itself or in decisions by the Conference of the Parties, such as, for example, needs assessments, advice on available resources, compilation and communication of treaty information, promoting the use of guidelines, assisting in reporting, and promoting the transfer of expertise and technology. The needs assessment is a key tool for promoting treaty implementation and has the potential to activate broader assistance and cooperation. I would like to use this opportunity to thank the Governments of Bangladesh, Ghana, Guatemala, Jordan, Lesotho, Papua New Guinea and the Republic of Moldova for conducting the pilot series of needs assessments last year and this year in cooperation with the Secretariat. We will present more details of this work, as well as the newly designed database of resources available to support implementation of the Convention, during a lunchtime seminar later this week.

Another important development in this area was the link that the report of the United Nations Secretary-General established between the implementation of the Convention and the United Nations

Development Assistance Framework and a single United Nations strategy. This was followed by a resolution of the United Nations Economic and Social Council that called for a special meeting of the United Nations Interagency Task Force to focus on the role of the member organizations of this Task Force in promoting implementation of the Convention.

A special aspect of international cooperation is related to synergy and coordination with WHO and particularly WHO's Tobacco Free Initiative. Notable progress in coordination was achieved in several areas, such as country needs assessments, preparation of technical reports and databases, harmonization of data collection, and reporting. At the regional level, good coordination exists for the organization of regional implementation meetings and for assistance to governments in relation to the sessions of the Conference of the Parties and subsidiary bodies. We now understand that coordination will be further discussed by the Conference of the Parties and we very much look forward to that discussion.

This report would not be complete if I did not mention the work undertaken to establish the Secretariat itself. It coincided with the transition to the new Global Management System in WHO and therefore was not straightforward. I can however now report that the core capacity of the Secretariat has been established; we will also address future tasks, of course, as they arise. I would like to thank my colleagues in the Secretariat for their hard work and commitment in this very special period when establishing capacity and carrying out the treaty work had to be undertaken in parallel.

The Secretariat wishes to thank all Parties for the cooperation that was extended to us in the organization of treaty work. There were special contributions which deserve special appreciation. Let me refer in particular to the substantial funding and support that the European Commission provided for the third session of the Intergovernmental Negotiating Body, and to the contribution that several governments made by hosting and supporting important meetings. Recent examples of such meetings include the regional consultation meetings for the Intergovernmental Negotiating Body that were hosted by the Governments of Bangladesh, China, the Islamic Republic of Iran, and Mexico, the technical missions that Djibouti and Kenya kindly agreed to host, the recent regional implementation meetings hosted by Romania and Singapore, and the meetings of the working groups so kindly hosted by Ghana, India, Jordan, New Zealand, the Republic of Korea, and Turkey to support the work on new guidelines. Our very sincere appreciation to those and other Parties that have supported the treaty work so substantially. Let me also use this opportunity to thank sincerely the intergovernmental organizations and civil society, particularly those that are observers, for their valuable support to the implementation of the Convention and for the cooperation that they have extended to the Secretariat.

President, excellencies and delegates. This year marks the fifth anniversary of the entry into force of the Convention. This is probably a good juncture to review progress made so far globally. There have of course been challenges and difficulties, which is natural given that these have been the first five years. But there has also been substantial progress, achieved by the Parties and by the treaty overall. Let me name some examples. First, the rapid rise in membership continued after the entry into force of the Convention, and the absolute majority of States are now Parties to the Convention. Second, the principal treaty bodies, the Conference of the Parties and the permanent Secretariat, have been established and are fully functional. Third, the key implementation tools, namely the first protocol and the several guidelines, covering more than half of the substantive articles of the Convention, have been adopted or are at an advanced stage of development. Fourth, the treaty reporting system is now well established, and more than 80% of the reports expected from the Parties have already been received and analysed. Fifth, support to Parties in meeting their obligations has gradually been put in place through several mechanisms such as needs assessments, facilitating the transfer of expertise and technology, and promoting access to resources. Finally, international cooperation has gradually increased and now is well placed to support the alignment of treaty implementation with and within broader international frameworks.

The progress made so far is also evident at the national level. Most Parties have passed strong legislation and established multisectoral coordination mechanisms. There were also some achievements of strategic importance, which may set the agenda for the future. One important positive sign is that several countries have started to report a decrease in smoking prevalence, although this is still not a general trend and not in all groups of populations.

President, excellencies and delegates. Now, as the Convention enters its next phase of implementation, allow me to share some observations from past work, which the Parties may wish to consider and possibly even take into account in the future.

The first observation is to say that as we are fighting a global epidemic, strong global cooperation will be crucial for success. This is also a very strong message in the Convention. The reports of the Parties, however, show that international cooperation has not progressed as far as national measures. This is of course understandable, as most of the focus has been on national policies in the first five years; but more progress may be needed on international cooperation and multilateral aspects in the longer term. Links to existing international frameworks will be important for the sustainability of international cooperation and development assistance. We hope that the discussion planned for this afternoon on a linkage to the United Nations Development Assistance Framework will contribute to this objective.

Another observation is linked to the analysis of the reports of the Parties. The reports have revealed some trends in global implementation that may need attention in the future. Implementation rates first of all vary quite substantially between different provisions of the treaty. Particular attention may need to be paid to the time-bound provisions; for example, the banning of cross-border advertising, promotion and sponsorship faces difficulties in many countries, including those already reaching the five-year deadline. Reports also refer to gaps between needs and resources. And the reports also reveal some matters that are considered by the Parties as particularly challenging or urgent. We trust that the Conference will elaborate and provide guidance on these and other findings.

The transition to the next phase will most probably highlight another issue, which is related to the mid-term strategy and planning. The Conference of the Parties has so far adopted biennial workplans that have ensured substantial progress in the initial period. The Conference in the meantime may wish also to consider whether a mid-term strategy would also be needed, starting from some point in the future. For example, what are the treaty instruments that Parties see in the pipeline? What would be the articles that may require a special effort internationally? How does the Conference plan to engage the potential of relevant international organizations and bodies? These are the issues, probably among many others, on which advance consideration may help with future planning and perhaps also with future implementation. A related issue is that of the budget and resources. The number of Parties has almost doubled in five years, and the demand for treaty work and assistance will probably continue to grow. The current financial realities have had (and will probably continue to have) an impact on the funding of the Convention. The payment of voluntary assessed contributions, however, remains an important standing issue to which, on behalf of the Secretariat, I would like to draw the attention of the Conference of the Parties. The payment trend improved starting from the second half of 2009 compared with the previous two years, but many Parties still did not pay their contributions or made payments with substantial delays. The Secretariat would like to ask for your kind cooperation on this matter to ensure that activities can be delivered as planned.

President, excellencies, delegates and colleagues, the WHO FCTC is the first international treaty negotiated under the auspices of WHO. As such it provides a new legal dimension for international health cooperation. The first years of this first treaty have been exciting and rich, full of lessons, challenges, cooperation and achievements. Let me thank again the Parties for your trust in the Secretariat, and for your support and cooperation. We have had the constant support and guidance of the Bureau for which we would like to express our special appreciation. The Secretariat will remain at your service to promote the implementation of this landmark treaty in global health. Thank you.

*(Applause)*

The PRESIDENT:

Thank you Dr Nikogosian for your presentation. We have now reached the point where we would like to open the debate on the report of the Secretariat, and to ask delegates wishing to speak on this item to please raise their nameplates. While that is happening, may I make a proposal from our part of the Secretariat and the Chair, that we start by checking whether regions would like to present their regional inputs before Parties, so that we prioritize regional inputs before the Parties. Also we

have honourable ministers in our midst, and we would like to see whether in our speaking list we can prioritize the honourable ministers. If you agree with that order, can I take this opportunity to ask all delegations that would like to speak to raise their flags so that we can note them. May I remind you that it is our general practice that there is a five minute limit for individual Party statements, and a seven minute limit for regional statements and we are therefore hoping that speakers will deliver their addresses from their seats and that they will try their utmost to adhere to five minutes if they are speaking as individual Parties and that if they are representing a region they will say so and we will give them seven minutes. We will not at the moment implement any regulatory measures for those five and seven minutes from the Chair. May I call upon the first speaker, who shall be the Minister of Health of Bhutan, followed by the Minister of Agriculture of the Former Yugoslav Republic of Macedonia?

Mr DUKPA (Bhutan):

Thank you, President, I hope I will be able to keep within time. Your excellencies, distinguished delegates, ladies and gentlemen, despite a long and tedious travel from a Himalayan country at one end of the world to a coastal country on the other side of the globe, I feel excited and exhilarated to be in this beautiful city of Punta del Este. I would like to express my sincere gratitude to the Honourable Minister of Health of the Oriental Republic of Uruguay for his invitation to me to attend this Conference. I also bring the greetings of our King, Prime Minister and the people of the Kingdom of Bhutan, or the land of gross national happiness, to the delegates to this Conference of the Parties to the WHO FCTC.

I am participating in the Conference of the Parties for the first time. While reading and in some cases skimming through the voluminous documents or reading materials for this Conference I was flabbergasted by the amount of work and progress achieved by the Bureau and the Convention Secretariat of the WHO FCTC within the period of five years. This may be the rarest of the rare of international organizations for such achievements in scope, substance and extent. It is appropriate for us to congratulate the leadership of those people involved in sharing and spreading the work and progress. This also demonstrates the commitment of the member countries to the mitigation if not elimination of tobacco-related health problems.

Bhutan is happy to be associated with, and a member of, this institution of international importance. In June 2010, the Parliament of Bhutan passed the Bhutan Tobacco Control Act, after lengthy and explosive debates in both houses of Parliament. Indeed, this was a culmination of various legislative initiatives taken in the country since 1629, during the rule of Zhabdrung Ngawang Namgyel. At the repeated request of the people through their representatives in the then National Assembly of Bhutan, the production, cultivation and sale of all forms of tobacco and tobacco products was banned in 2009 by the resolution of the Assembly, making Bhutan the first country to do so. The WHO FCTC was ratified by the same Assembly in 2004.

Since then, the country has put in place strategies, measures and mechanisms and has been implementing the resolution both in its spirit and letter. With the introduction of the parliamentary form of government in 2008, the need for the Act was felt and thus enacted. It must be acknowledged that a small, serene and spiritual country like Bhutan is not free from tobacco-related problems such as the abuse of tobacco and the smuggling of tobacco products, and tobacco-related diseases, deaths and disabilities.

The recently enacted Act makes the sale and smuggling of tobacco criminal. This is not aimed at penalizing the people but to help them live happier and healthier lives in a harmonized society. I believe even the organizations for holy people, such as the Buddhist Sangha or churches, require laws and rules in the forms of precepts and principles for the attainment of enlightenment or make those holy people holier and more human. We know that a country that promotes the rule of law on the basis of equity and justice provides and promotes peace and prosperity. I was happy to read an article a recent issue of *Time* magazine, that recognizes Uruguay as one of the countries promoting the rule of law and therefore doing well socially and economically.

We are working on rules and regulations for the effective enforcement of the Act and I found the material printed and prepared for this Conference useful, as many of those issues raised and

discussed can be incorporated in the rules and regulations that are being drafted in my country. I look forward to the Conference for more ideas so as to enable us to develop the rules more comprehensively and more pragmatically for the implementation and enforcement of the Act.

Sorry Sir, I have to take some few minutes. Our socioeconomic development is guided by the philosophy of gross national happiness conceived and propounded by the fourth king, the father of our present king. Our fourth king believed that what people want ultimately is happiness. This barometer is absent from the concept of gross domestic product, which excessively focuses on the material aspect of growth only. I am happy to inform this august gathering that the gross national happiness philosophy is capturing the imagination and thinking of many countries, individuals, intellectuals and academicians as the entire world is thirsting for alternatives to the current development paradigms. We all know that communism has failed and that capitalism is not doing well either. Let me quote the then foreign minister of Czechoslovakia who said in the United Nations General Assembly in 1983: "Capitalism knows how to create wealth but does not know how to distribute wealth. Communism knows how to distribute wealth but does not know how to create wealth". So the gross national happiness aims to harmonize these key paradigms of the development philosophy.

The insatiable greed of mankind is responsible for the suffering of the people across the world in the form of wars, terrorism, climate change that affect the health and well-being of the people irrespective of social and economic background, creed and cast. I find it difficult to comprehend the motive of the people producing and manufacturing all kinds and forms of tobacco products that harm or kill millions of their fellow people. I agree with Dr Margaret Chan: it is time that the Conference of the Parties should ponder or reflect upon the bane of manufacturing and production of tobacco in the world. I know it is an uphill task. There is a saying in Bhutanese that it is not simple to kill a person to save the lives of hundreds of thousands of people.

In conclusion, I would like to share our experiences and challenges during the one-week Conference and I am looking forward to interesting and fruitful deliberations in the interests of the health and happiness of the peoples of this ailing Mother Earth. As an ancient proverb says, together we can move the mountain. Let us therefore conscientiously, collaboratively and collectively move a mountain of problems facing the implementation and enforcement of the WHO FCTC. Thank you very much, I have taken more than five minutes and my apologies to all of you. Thank you very much for listening.

The PRESIDENT:

Thank you very much to the Honourable Minister of Health of Bhutan. I am able only to take the Minister of the Former Yugoslav Republic of Macedonia; after him or her we will have to break for lunch. We will be back here at 15:00 and at that stage the Minister of Health of Belgium will take the floor. May I request the Minister of Agriculture of the Former Yugoslav Republic of Macedonia to take the floor, please.

Mr JORGAKJIESKI (Former Yugoslav Republic of Macedonia):

Dear President, unfortunately the Minister of Agriculture of the Republic of Macedonia is not present at this meeting, so I prefer to deliver the speech for my Government on the committee work if that is possible.

The PRESIDENT:

Thank you very much for your cooperation. I now call upon the Secretary of State for Social Integration and the Fight against Poverty of Belgium to take the floor.

M. COURARD (Secretary of State for Social Integration and the Fight against Poverty, Belgium):

Monsieur le Président, j'ai l'honneur d'intervenir en cette séance d'ouverture au nom de l'Union européenne. Je souhaite avant tout remercier le Gouvernement de l'Uruguay pour son hospitalité et sa

générosité qui feront de cette quatrième session de la Conférence des Parties à la Convention-cadre de l'OMS pour la lutte antitabac un succès indéniable, j'en suis convaincu. Mes remerciements sont également adressés au Secrétariat de la Convention et aux membres du personnel pour l'excellence de l'organisation et de la préparation à cette Conférence.

L'Union européenne considère la Convention-cadre de l'OMS pour la lutte antitabac comme un instrument fondamental d'assistance aux décideurs politiques en vue de leur permettre de mettre en œuvre des politiques efficaces de lutte antitabac. Cent soixante et onze États ont adhéré à la Convention-cadre de l'OMS pour la lutte antitabac depuis son adoption en 2003, ce qui en fait un des traités auquel les États ont adhéré le plus rapidement au cours de l'histoire des Nations Unies. L'originalité de la Convention tient à ce qu'elle énonce une approche multisectorielle globale. Elle prévoit, par exemple, des mesures concernant la réduction de l'offre et de la demande, la coopération scientifique et technique ainsi que la coopération internationale. Elle prie les Parties de constituer des mécanismes intersectoriels de coordination qui concernent les ministères de la santé, de la justice, des affaires étrangères, de l'intérieur, des finances, de la jeunesse et des sports ainsi que les administrations locales.

La lutte antitabac, nous dit la Convention, c'est un peu l'affaire de tous. Nous avons déjà bien progressé lors des sessions passées, l'adoption des lignes directrices sur les articles 5.3, 8, 11 et 13 ont montré un succès indéniable. Nous sommes amenés cette semaine à nous pencher sur l'élaboration des directives pour l'application des articles 9 et 10 de la Convention-cadre, Réglementation de la composition des produits du tabac et Réglementation des informations sur les produits du tabac à communiquer, de l'article 12 Éducation, communication, formation et sensibilisation du public, et de l'article 14, Mesures visant à réduire la demande en rapport avec la dépendance à l'égard du tabac et le sevrage tabagique.

Je peux déjà vous dire que l'Union européenne soutiendra l'adoption des lignes directrices concernant les articles 12 et 14, sans aucune modification. L'Union européenne souhaite aussi l'adoption rapide des lignes directrices concernant la composition des produits du tabac et la réglementation des informations sur les produits du tabac à communiquer, car nous considérons que le document proposé est complet et qu'il répond aux objectifs souhaités. L'Union européenne suggérera néanmoins quelques modifications en vue de préciser le texte.

Un autre point majeur de l'ordre du jour de cette semaine concerne le projet de protocole pour éliminer le commerce illicite des produits du tabac. L'Union européenne accueille favorablement les progrès considérables faits lors de la quatrième session de l'organe intergouvernemental de négociation de la Convention-cadre de l'OMS pour la lutte antitabac, et les contacts informels constructifs qui ont suivi. Nous sommes maintenant à un moment crucial des négociations, nous ne devons pas perdre de vue l'objectif de l'adoption à temps d'un protocole fort et équilibré qui sera l'instrument de la lutte globale contre le commerce illicite des produits du tabac. Dans ce contexte, l'Union européenne appelle la Conférence des Parties à considérer tous les moyens appropriés pour s'assurer de l'encadrement collectif de toutes les Parties pour finaliser le travail sur le protocole dans un futur proche. A cette fin la Conférence des Parties pourrait envisager d'inviter toutes les Parties à examiner si un large consensus pouvait être trouvé sur les questions en suspens, en tenant compte du fait que les questions qui ont déjà été examinées et fermées ne devraient pas être ré-ouvertes. Un groupe de travail pendant la Conférence des Parties pourrait travailler sur les questions principales et assister la Conférence des Parties pour faire avancer ce processus.

Monsieur le Président, soyez assuré que l'Union européenne souhaite poursuivre les négociations sur un protocole pour éliminer le commerce illicite des produits du tabac. Nous souhaitons conserver la dynamique politique des négociations, mais celle-ci doit tenir compte des contraintes budgétaires existantes, autrement dit du budget 2010-2011. En ce qui concerne les travaux futurs liés aux articles 6, 13, 17, 18 et 19 de la Convention-cadre, il faudra nécessairement faire des arbitrages en fonction des priorités et des contraintes budgétaires.

La mise en œuvre de la Convention nécessiterait également que les États intensifient leur coopération technique afin d'offrir une assistance aux pays les plus pauvres pour le renforcement de leurs capacités.

L'Union européenne est convaincue que la lutte contre le tabagisme est aussi un domaine pertinent de la coopération au développement. Les faits montrent que l'utilisation du tabac et la

pauvreté sont liés et qu'elles constituent un cercle vicieux : le coût d'opportunité de l'usage du tabac peut être nettement plus élevé dans les ménages pauvres si l'on tient compte des dépenses de santé connexes qui incombent directement aux personnes. On ne saurait donc trop souligner qu'il est important d'intégrer la mise en œuvre de la Convention dans les plans-cadres des Nations Unies pour l'aide au développement. Le débat-atelier qui est prévu aujourd'hui mettra en lumière l'importance d'intégrer la lutte antitabac dans les programmes « Unis dans l'action » des Nations Unies.

La consommation de tabac concerne pratiquement tous les aspects des objectifs du Millénaire pour le développement, spécialement les objectifs liés à la santé, à la pauvreté et à la faim. La mise en œuvre de la Convention et l'adoption des mesures complètes de lutte contre le tabagisme devraient dès lors faire partie du programme de développement et de lutte contre la pauvreté ; ce qui est important c'est de comprendre que les programmes antitabac complets sont rentables du fait de la diminution des dépenses de santé. La mise en œuvre de la Convention relève également de la responsabilité du gouvernement de l'État Partie, de son mode de gouvernance, du degré de respect des droits de l'homme, de la consultation auprès de la société civile : il ne s'agit pas exclusivement d'une affaire d'assistance financière mais de la volonté politique de bien ou de mieux gouverner.

La politique européenne de développement, la politique européenne de voisinage et la politique d'élargissement incluent la possibilité d'assistance et de financement des politiques de lutte contre le tabagisme : la demande doit provenir des parties bénéficiaires, ce qui exige évidemment une volonté politique forte.

Monsieur le Président, pour terminer, en ce qui concerne les questions institutionnelles et budgétaires, essentiellement les points 6 et 7 de notre ordre du jour, l'Union européenne réitère sa volonté de renforcer le mandat et l'action de la Convention-cadre tout en soulignant que cette priorité s'inscrit désormais dans un contexte budgétaire plus difficile. L'action de la Convention doit donc être poursuivie mais avec des arbitrages et des réajustements qui ne remettent bien évidemment pas en cause son mandat fondamental qui est la lutte contre l'usage du tabac au niveau local.

En ce qui concerne les premières indications relatives au budget 2012-2013, celles-ci devront être définies suivant le principe de la croissance nominale nulle. Les contributions des États Membres devront être égales aux contributions actuelles. Dans ce contexte restrictif, et tout en se réjouissant des États qui se portent candidats pour la tenue des conférences, car cela contribue à une certaine appropriation renforcée du mandat de la Convention, l'Union européenne souhaite exprimer sa préférence pour un retour des conférences des États Parties, au Siège de l'Organisation mondiale de la Santé, à savoir Genève, afin de potentialiser les effets d'économie et de synergie au niveau organisationnel.

L'Union européenne se félicite de la candidature de la Corée pour l'organisation de la cinquième session de la Conférence des Parties. Elle souhaite à nouveau exprimer toute sa reconnaissance au Gouvernement de l'Uruguay pour l'excellente organisation de la conférence, mais plaidera à l'avenir pour que les prochaines conférences soient de préférence organisées à Genève.

Enfin, l'Union européenne rappelle son engagement en faveur du versement des contributions dues à la Convention ; elle fait appel à l'ensemble des États Membres pour que tous les arriérés de contribution soient progressivement apurés et que le fardeau de la charge de financement de la Convention soit plus équitablement partagé. Je vous remercie de votre attention.

The PRESIDENT:

Thank you Honourable Minister. I now adjourn the meeting and would request us to all reconvene at 15:00 to continue the debate on the Secretariat's report. Thank you very much. The meeting is adjourned.

**The meeting rose at 12:45**

**SECOND PLENARY MEETING****Monday, 15 November 2010, at 14:55****President:** Mr T.D. MSELEKU (South Africa)**1. REPORT OF THE CONVENTION SECRETARIAT AND STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

The PRESIDENT:

I now have the honour to resume the debate on the report of the Secretariat. It was agreed earlier on that we would begin by taking the regional reports or responses and we said that we would allow the host region, the Region of the Americas, to make the first input. I call upon the delegate who will speak on behalf of the Parties in the Region of the Americas to take the floor.

El Sr. CHOCANO BURGA (Perú):

En primer lugar, el Grupo de las Américas desea expresar al Gobierno del Uruguay su reconocimiento y agradecimiento por los esfuerzos realizados para hacer posible esta Conferencia, y por la hospitalidad y las atenciones que venimos recibiendo. El Grupo de las Américas desea expresar también a usted, señor Presidente, los mejores deseos en esta difícil responsabilidad que le ha tocado asumir y manifestarle que cuenta con todo el apoyo de este grupo regional.

El Grupo de las Américas agradece al Sr. Nikogosian por la presentación del informe contenido en el documento COP/4/3, sobre las actividades de la Secretaría, que pone de manifiesto los importantes avances que se han logrado y los desafíos que debemos enfrentar en la aplicación del Convenio Marco. En este concepto, el GRUA reconoce la importancia de que la Secretaría y la iniciativa OMS Liberarse del tabaco extremen los esfuerzos iniciados para evitar la duplicación y armonizar el ciclo de presentación de informes con el de las reuniones ordinarias de la Conferencia de la Partes.

Con relación a la asistencia presentada a las Partes, el GRUA desea destacar la importancia de que las actividades de cooperación se enmarquen en una visión estratégica que parta de la identificación de las necesidades de los países para aplicar adecuadamente el Convenio, y que se materialice a través del establecimiento de programas de cooperación por país, con metas claras y cronogramas de actividades que permitan añadir la consecución de los objetivos establecidos. Para ello, será fundamental que la Secretaría realice mayores esfuerzos para conseguir recursos para la cooperación, no solo a través de los mecanismos tradicionales sino también del impulso de la cooperación horizontal y de la identificación de las mejores prácticas.

El GRUA desea destacar también los importantes esfuerzos realizados para el fortalecimiento de la coordinación internacional para promover la aplicación del Convenio, particularmente dentro del sistema de las Naciones Unidas, y hace un llamado a la Secretaría para que continúe con estos esfuerzos, para asegurar una respuesta multisectorial a escala mundial, que incluya no solo la perspectiva de salud sino también de derechos humanos y de promoción del desarrollo.

El GRUA desea destacar también los importantes avances que se han registrado en las negociaciones del borrador del protocolo sobre comercio ilícito de productos del tabaco. En ese contexto, el GRUA considera que se debe aprovechar la positiva dinámica de negociación que se ha generado, por lo que propondrá, cuando se considere este tema, la creación de un grupo de trabajo que formule recomendaciones a la Conferencia de las Partes sobre los temas no resueltos. Esas recomendaciones asistirán a la COP en sus deliberaciones para avanzar en el Protocolo.

En el afán de continuar promoviendo la aplicación del Convenio Marco, y con el interés de alcanzar progresos con respecto a su artículo 6, el GRUA propone a la COP estimular a las Partes para que consideren la opción de medidas de precios e impuestos que sean factibles y apropiadas de acuerdo con los objetivos nacionales de salud y la política tributaria de cada país. Con relación a las directrices de los artículos 9 y 10, cuyos objetivos se dirigen a dar a las Partes una guía de cómo regular los contenidos y emisiones de los productos de tabaco, el GRUA reconoce que la regulación de los aditivos protegerá a los grupos vulnerables de las tácticas de la industria.

Reconociendo que las medias para reducir la demanda de tabaco podrían eventualmente afectar a los cultivadores de tabaco, que son los más vulnerables de la cadena de suministros, el GRUA apoya la necesidad de extender el grupo de trabajo para los artículos 17 y 18. Este grupo de trabajo necesita continuar desarrollando la metodología y evaluación de estas actividades relativas a la diversificación de alternativas económicamente viables a las regiones que cultivan tabaco.

Para terminar, señor Presidente, no puedo dejar de destacar la presencia en esta reunión del embajador Martabit de Chile. El embajador Martabit, como ustedes saben, fue presidente de las dos primeras Conferencias de las Partes y su liderazgo y compromiso permitió no sólo adoptar la convención sino su consolidación como un instrumento fundamental en la protección del derecho humano a la salud. Muchas gracias.

The PRESIDENT:

May I call upon the delegate speaking on behalf of the Parties in the European Region to take the floor please. Do we have the regional speaker for the Parties in the European Region? I am told that Norway will speak on behalf of the Parties in the European Region, so can I ask the representative of Norway to take the floor?

Mr LINDGREN (Norway):

Thank you Chair. President, ministers, excellencies, Head of Secretariat, dear colleagues, I am speaking on behalf of the Parties in the European Region. Let me start by thanking the Government of Uruguay which has so graciously offered to host this session of the Conference of the Parties. We are grateful for the extensive preparations made in order to enable us to take up our work in an efficient manner. We certainly look forward to the days we will be spending in this beautiful location in late spring time and consider the setting here at Punta del Este to be an excellent point of departure for our deliberations. Thanks also to the Convention Secretariat for the well-prepared documents presented in a timely manner for the Parties to make the necessary preparations ahead of the Conference of the Parties. The reports are generally very informative and of good quality both as regards the summing up of past achievements and as a well-founded basis for our future decisions to be made on development and implementation of the Convention. The Parties in the European Region would like to welcome the 10 new Parties to the WHO FCTC that have joined since the third session of the Conference of the Parties, especially the two new Parties from our own Region: Bosnia and Herzegovina, and the Republic of Moldova. With a total of 171 Parties to the Convention and still growing, this is a sign of a strong and relevant Convention, which constitutes an indispensable tool for governments that want to address the issue of tobacco control in a comprehensive manner. And the overall picture with regard to the implementation of the Convention is in our view quite promising. The level of timely reporting on implementation, including the quality of data, shows a significant increase compared with the report presented to the third session of the Conference of the Parties.

Implementation of important provisions by Parties continues at an increasing rate assisted by the guidelines developed by the Parties for this purpose. The Parties in the European Region note with

great interest the reports of increased coordination and collaboration between WHO's Tobacco Free Initiative and the Convention Secretariat in the implementation of the Convention. This is key to rapid and effective implementation assessments to Parties in need and secures the collective efforts of both organizations without overlapping of work. In addition to fully supporting the continuation of these collaboration efforts we also want to send a very clear message that we need to see further improvements in this area. The Parties in the European Region note the Secretariat budget proposal for 2012–2013; we look forward to the debate in Committee B on this agenda item later in the week. We are, however, also facing a number of challenges relating to implementation. Despite improvements made compared with the third session of the Conference of the Parties, there continue to be too many Parties that do not fulfil their reporting requirements in time, and who delay their payment of voluntary assessed contributions. The European Region notes the Secretariat's view that this represents a significant concern as it hampers the timely implementation of the workplan. We call on all Parties to the Convention to make their voluntary assessed contributions within the timeframe established by the Conference of the Parties.

The Parties in the European Region welcome the considerable progress on the draft protocol on eliminating illicit trade in tobacco products made at the fourth session of the Intergovernmental Negotiating Body and the constructive contacts that have taken place in an informal brainstorming session in Cape Town this October. We are now at the key point in the negotiations. We must not lose sight of the objective of timely adoption of a strong, well-balanced protocol, which is instrumental for the global fight against illicit trade in tobacco products.

Against this background the European Region calls on the Conference of the Parties to consider any appropriate way of securing the collective commitments of all Parties to finalize the work on the protocol in the near future. To this end the Conference might consider inviting Parties to examine whether a broad consensus can be found on the outstanding issues, with the understanding that issues that have already been considered and closed should not be re-opened.

Mr President, rest assured that the European Region remains fully committed to contributing to the finalization of this work as early as possible. The tobacco industry has started to challenge countries in court on their implementation of the provisions of the WHO FCTC. As Parties to the Convention we should pay attention to this development. In the interests of public health we must not allow the actions of the tobacco industry to reduce our commitment to continue to implement the provisions of the WHO FCTC.

Mr President, the Parties of the European Region look forward to a week of hard work, but with a great prospect of collectively advancing the tobacco-control agenda as laid down in the Convention. We look forward to working with other Regions and other Parties in order to achieve this and we are committed to contribute our best. Thank you for your attention.

The PRESIDENT:

Thank you very much to the representative of Norway on behalf of the Parties in the European Region. I now call upon the representative of the Parties in the African Region. Nigeria you have the floor.

Mr USMAN (Nigeria):

President, ministers, members of the Conference of the Parties, delegates, Nigeria takes the floor on behalf of the Parties in the African Region. Let me join others to express our appreciation to the Government of Uruguay for hosting and effective coordination of the fourth session of the Conference of the Parties. We commend the work of the Secretariat for its good reporting and effective presentation of the documentation. We also note the achievements recorded in the third session of the Conference of the Parties. In view of this we wish to use this opportunity also to thank all delegations for agreeing to include the three agenda items as proposed by the President. However the Parties in the African Region wish to inform participants that some of the roles of the tobacco industries hinder the implementation of the WHO FCTC. Also the Region observes that some of the Parties usually hide under their respective national laws and this act in essence subverts

implementation of the WHO FCTC globally. Also, we welcome the four countries in our Region that recently ratified the Convention.

Mr President, we wish to inform participants that tobacco use is one of the leading risk factors of noncommunicable diseases (NCDs) globally. Our realization is that there is now a strong global movement advocating for the introduction of NCD-related issues into the Millennium Development Goals (MDGs). It is pertinent to inform therefore that a special session of the United Nations General Assembly has been called to take place in September in 2011. There is a need for the Conference of the Parties to add its voice to this movement. The Parties in the African Region propose that the Conference of the Parties discuss and pass resolutions on the following: (a) recognition of the efforts of the United Nations and WHO in addressing NCDs, including a General Assembly resolution calling for a high-level meeting on prevention and control of NCDs in September 2011; (b) noting that NCDs are a leading threat to human health and development and pose a threat to all national economies in particular and the global economic system in general, the epidemic of NCDs demonstrably holds back the attainment of the MDGs in many developing countries where health systems are weak and poorly prepared to carry the double burden of infectious diseases and NCDs; (c) endorsing the recognition faced by developing countries in preventing and controlling those diseases; (d) re-emphasizing the impact of tobacco use on the poor and the importance of tobacco control in poverty alleviation as well as progress towards internationally agreed development targets, in particular the MDGs; (e) affirming the role of tobacco control as a leading prevention strategy in the fight against NCDs. Thank you all for listening.

The PRESIDENT:

I wish to call upon the delegate – if there is any – on behalf of the Parties in the Western Pacific Region. We have not had any indication on the paper here but I would like to give the opportunity if there is a regional statement, to prioritize it. Is there anybody from that Region who is speaking on behalf of the Region?

Mr COTTERELL (Australia):

Thank you Mr President, we do not have a regional statement. Thank you.

The PRESIDENT:

The other region that I do not have in front of me is the Eastern Mediterranean Region. Is there anybody speaking on behalf of the Eastern Mediterranean Region?

Ms NABLI (Tunisia):

يشرفني أن أعرض على حضراتكم بيان إقليم شرق المتوسط لهذه المناسبة،

سيدي الرئيس، سعادة الوزراء الكرام، أيها الحضور،

أود في البداية أن أتوجه بجزيل الشكر باسم كافة بلدان إقليم شرق المتوسط إلى جمهورية أوروغواي لاستضافتها هذا الاجتماع الهام والجهود التي بذلتها وتبذلها لتنظيم وإنجاح هذه التظاهرة. كما أتوجه بالشكر أمانة الاتفاقية الإطارية لمنظمة الصحة العالمية بشأن مكافحة التدخين والمكتب الإقليمي لشرق المتوسط على دعمه اللوجستي للمشاركين.

ويسرني أن أرحب بالخصوص بسعادة وزير السودان الذي شرف الإقليم بحضوره هذا اللقاء. ونشير بالمناسبة أن عدداً من ممثلي بلدان الإقليم لم يتمكنوا

The PRESIDENT:

Can I please interrupt you, I am very, very sorry to do that to you honourable representative of Tunisia, but we are missing the English interpretation at the moment so we will miss your input, just hold on until we can rectify that. Do we have the English interpretation? We are noting the minutes, and the point at which you ended. Can we check, do we have the English interpretation? We can hear now, thank you very much. Can you please continue and we will add one or two minutes for your input? Thank you very much.

Ms NABLI (Tunisia):

يشرفني أن أعرض على حضراتكم بيان إقليم شرق المتوسط بهذه المناسبة. سيدي الرئيس، معالي الوزراء، أيها الحضور الكريم،

أود في البداية أن أتوجه بجزيل الشكر باسم كافة بلدان إقليم شرق المتوسط إلى جمهورية أوروغواي لاستضافتها هذا الاجتماع الهام والجهود التي بذلتها وتبذلها لتنظيم وإنجاح هذه التظاهرة كما أتوجه بالشكر إلى أمانة الاتفاقية الإطارية لمنظمة الصحة العالمية بشأن مكافحة التبغ والمكتب الإقليمي لشرق المتوسط على دعمه اللوجستي للمشاركين.

ويسرني بالخصوص أن أرحب بمعالي وزير السودان الذي شرف الإقليم بحضوره هذا اللقاء ونشير بهذه المناسبة إلى أن عدداً من ممثلي بلدان الإقليم لم يتمكنوا من الحضور بسبب تزامن هذا الاجتماع الهام مع فترة عيد الأضحى لذا نرجو مراعاة المناسبات الدينية لجميع المعتقدات في الاجتماعات القادمة. ونغتتم هذه الفرصة للإشارة إلى الوضع الحالي والتقدم الذي حصل في مجال مكافحة التبغ في الإقليم. فقد انضم إلى الاتفاقية الإطارية كل من تونس وأفغانستان أملين أن تنضم أيضاً المغرب والسودان في أقرب وقت ممكن.

وبالنسبة للتشريعات فقد حددت الأطراف التالية تشريعاتها في العامين الماضيين وهي باكستان والبحرين ومصر والإمارات والمملكة العربية السعودية وسوريا وإيران وقطر وتونس. هذا وقد تم الإعداد لهذه الدورة من خلال حلقة عمل إقليمية عقدت لمدة يومين في القاهرة في 28 و29 أيلول/سبتمبر 2010 حيث نوقشت فيها بشكل مختصر كافة الوثائق الخاصة بالمؤتمر الرابع للأطراف وكذلك مختلف محاور استراتيجية مكافحة التبغ في بلدان شرق المتوسط. وبالنسبة لبروتوكول مكافحة الاتجار غير المشروع بمنتجات التبغ فإننا نأمل في عقد اجتماع خامس لهيئة التفاوض الحكومية الدولية المعنية بالموضوع للخروج بنسخة نهائية للبروتوكول.

ونود الإشارة إلى أن هناك أطرافاً في الاتفاقية في الإقليم لاحظت بكل اهتمام التطورات الخاصة بإدماج الاتفاقية تحت لواء الإطار الاستراتيجي للأمم المتحدة للتنمية ومساعدة الدول. ونظراً لانتشار استخدام الأرجيلة والتبغ العديم الدخان بالإقليم فإن هذا الموضوع يحتاج إلى إيلاء اهتمام أكبر مما أولاه هذا المؤتمر. وفيما يتعلق بمسودة المبادئ التوجيهية للمادتين 9 و10 من الاتفاقية فإننا نؤيد ما جاء فيها ونرى أنها تحتاج إلى مناقشات أدق وأوسع من قبيل اجتماعات الفريقين العاملين المعنيين بهاتين المادتين. وبالنسبة لاستعمال السجائر الإلكترونية فإن انتشارها يزداد في الإقليم، وقابل ذلك اهتمام كبير من الأطراف. كما نشير إلى ازدياد اهتمام الإقليم بموضوع الأمراض غير السارية من خلال مكافحة التدخين بصفة خاصة والذي يمثل أهم عوامل الخطورة لهذه الأمراض ونقترح في هذا المجال إعطاء هذه الأمراض الأولوية في البرامج الصحية الوطنية وإيجاد الدعم المادي والتقني لها. أما فيما يتعلق بزيادة الأسعار والضرائب على منتجات التبغ فإن هذا الموضوع سيحظى في الفترة المقبلة باهتمام أكبر من قبيل الأطراف في الإقليم. كما نلاحظ بكل سرور تفاني منظمات المجتمع المدني في مجال مكافحة التبغ في الإقليم ودعمها للحكومات في تطبيق بنود الاتفاقية بالإضافة إلى تزويدها للأطراف بالمعلومات التقنية بما يتناسب مع متطلبات الإقليم. ونود الإشارة أيضاً إلى أن موضوع التوقف عن التدخين أو الإقلاع بجميع مكوناته سيحظى هو الآخر باهتمام أكبر من قبيل الأطراف في الإقليم.

وفي الختام، نتمنى لهذه الدورة الرابعة التوفيق والنجاح مع الأمل في التوصل إلى قرارات تدعم تطبيق الاتفاقية على المستوى العالمي والإقليمي والوطني.

والسلام عليكم ورحمة الله.

The PRESIDENT:

Thank you very much to the representative of Tunisia. Thank you also for reminding us that we should at the beginning of this conference, as we intended, we should have wished all our Parties, including the delegates that come from those Parties that are celebrating the Al-Hijra at the moment, we should have wished them all the best in their celebration at this stage and therefore on behalf of the Conference of the Parties, we note that many delegates could not come particularly from the two regions that are largely affected by the celebrations and we appreciate that they are with us as we are with them in the celebrations of the heart. Thank you very much for that reminder.

I am told that we do not have a representative, a regional representative speaking on behalf of the South-East Asia Region.

I have come to the end of the list of the regional statements and I am now moving to the Parties. May I remind you of the Parties that are already noted on the table and then after that I would like to suggest that if you would like to be added to the list, there will be people that will move around while these other Parties are speaking, please just indicate to them and give them your name and the Party so that we can then add you to the list. The Parties that have already been listed, and they will speak in this order, are: Canada, Brazil, Republic of Korea, Norway, Russian Federation, Turkey, Honduras, Japan, Peru, Tunisia, Thailand, Ghana, Zambia, Jamaica, Australia, Seychelles, Belgium. I am aware that in the list that I have just outlined there are Parties that have already been speaking on behalf of the regions so we will skip those. However, that is the list that I have at the moment. If you are not on this list there will be people, as I say, who will be going round and just noting other names. Just please indicate your interest in speaking and then they will bring it up to us.

We have the representative of China that we skipped in the last group. China is on the list. Just before the representative of Canada takes the floor may I also remind the plenary that at about 16:00 we will pause the general debate in the format in which we are having it at this point in time and we will move to a special debate, a special session with invited speakers, to address a specific issue which we will outline at that stage, and then we will go back to the general debate again. It is just a special focus within the general debate. So between 16:00 and 18:00 we are going to have that session and if you have not spoken by then do not think that we have forgotten about you; we will come back to you at the plenary tomorrow morning.

Again, may I just appeal to the honourable delegates. I know all of us would like to participate and speak on this particular platform. We are hoping that tomorrow by lunch time we should have finished with the plenary and since we have added three critical items to the plenary agenda it means that our target to finish by lunch time may be jeopardized and we do not want to spend a lot of time in plenary just speaking to one another when we should be going to committees to really concretize some of the decisions. So I would like to make an appeal: if you do not have to speak at this plenary, do not necessarily speak because everybody else is speaking, just so that we can actually finish the programme. Secondly, can I just appeal to delegates: I am not going to tell you how to start your speeches but if you can just focus on some of the key points we want to make without necessarily giving us a long report of how you are performing in your country because that would be given in documentation normally. So can I call upon Canada to take the floor please, followed by Brazil.

Ms PAINE (Canada):

Honourable Chair, delegates and observers, I would first like to thank the Government of Uruguay for kindly hosting the fourth session of the Conference of the Parties. Canada would also like to take this opportunity to thank the Convention Secretariat for its report and work in advancing the implementation of the Convention.

Canada continues to be very committed to the implementation of the WHO FCTC both domestically and internationally. We would like to take this opportunity to highlight to Member States a recent initiative that Canada has undertaken with respect to its tobacco-control legislation. In Canada, evidence from recent years reveals that certain additives and particular flavours were being used to make tobacco products more appealing. Of concern, these additives are becoming increasingly popular among young people. To address this issue, Canada passed legislation in 2009 to further protect all Canadians, in particular children and youth, from inducements to smoke. Specifically the new law prohibits the use of certain additives and flavours in cigarettes and little cigars; these are sold in Canada. The fact that Canada was able to pass such a groundbreaking law in the face of strong opposition from the tobacco industry shows that Canada is actively protecting its tobacco-control policies from the influence of the tobacco industry. In this regard Canada is pleased to have facilitated the working group that drafted the guidelines for Articles 9 and 10 and which are now before the Conference of the Parties for adoption.

I would like to reaffirm Canada's support for these guidelines, particularly in light of the fact that they have recently been a subject of intensive misrepresentation. An objective of the guidelines is to provide Parties with guidance on ways to regulate the contents and emissions of tobacco products. Specifically, the guidelines propose the way to regulate additives. This will protect vulnerable groups from industry tactics to entice new smokers by making tobacco products more attractive.

The guidelines are not modelled after any one country's particular approach, but take into account the Parties' practices as well as the best available evidence and scientific and medical literature from around the world. Moreover, the draft guidelines will neither prevent the use of tobacco leaf such as Burley nor the manufacture of cigarettes known as "American blend" cigarettes. Finally the draft guidelines cannot have the disastrous consequences on Burley tobacco growers as they would claim. Tobacco reduction efforts are projected to take decades before any impact can be felt by growers at any international level. Canada strongly encourages Parties to the Convention to support the adoption of these partial guidelines. Vulnerable populations, such as children, need protection and tobacco products should not be made easier to try or made more appealing. Thank you.

The PRESIDENT:

Thank you Canada. I now call upon Brazil followed by the Russian Federation.

Mr DE SOUZA-GOMES (Brazil):

We are particularly honoured, having for the first time a head of state opening the Conference of the Parties, and in the present case President Mujica is an outstanding statesman and a very good friend of Brazil. We are also very pleased to have you Mr Mseleku from South Africa chairing this important meeting; we extend to you our support and we fully trust your guidance and leadership. We would also like to praise the wonderful job carried out by Dr Nikogosian for his rich and enlightening report.

Brazil warmly thanks Uruguay for hosting this Conference of the Parties and reckons as crucial the Uruguayan effort to implement the WHO FCTC. Regionally and globally, Uruguay plays a significant role with the purpose of reducing the levels of the epidemics of tobacco addiction. Brazil has been historically committed to the Convention. Years ago, Brazil was the recipient of the confidence of more than 190 countries in order to draft the Convention. Brazil had the honour to preside over the overall process of the negotiation which led to the existence of the Convention. Brazil was the second country in the world to sign the treaty. Later, ratification of the instrument by Brazil assured the will of the country to make the precepts of the Convention become a standing and legal

obligation of the State as a whole. Brazilian ratification has also contributed to strengthening relevant achievements. The country is proud to have registered a major decrease in the number of smokers. Brazil has now more former smokers, 26 million people, than smokers, 24 million people, within a population that exceeds 195 million people. In the past 20 years there has been a decrease by half in the number of people addicted to tobacco products. The implementation of the Convention is necessarily linked to sustainable development, and public health is a central issue in efforts in favour of sustainable development. In Brazil, despite all the progress that has been achieved, 200 000 people still die every year because of the consumption of cigarette-like products. Victims come overwhelmingly from the poor layers of the population. A serious concern is the fact that the low-income population concentrates the highest numbers of smokers in Brazil.

Addiction thus represents a burden for the improvements of the general living conditions of the population. As Brazil stated in Doha, a commercial interest cannot be used to prevent the realization of the human right that each individual has to the highest possible level of health. Mr Chairman, a strong Convention must be operative and operate in favour of the promotion of changes in patterns of behaviour as well as in historical trends. The connection between poverty and tobacco is one of the centennial trends. It has been widely accepted and reckoned that poverty and tobacco have intimate connections particularly in the midst of those low-income family farmers who depend largely on tobacco for their livelihoods. Coherent with the purpose of a Convention that provides the struggle against the epidemics of tobacco addiction with a legal diploma, Brazil reminds participants of the text of providing dependent farmers with concrete alternatives of diversification. It is thus of the utmost importance that the academic and governmental efforts converge to both the research and implementation of economically sustainable solutions that prove capable of respecting the rights to decent work and to fair livelihoods.

Mr President, Brazil is fully ready to contribute constructively to the debate of this Conference. I thank you very much Mr Chairman.

The PRESIDENT:

Thank you to the delegate of Brazil. May I now call upon the representative of the Russian Federation.

Ms NIKITINA (Russian Federation):

Г-жа НИКИТИНА (Российская Федерация):

Уважаемый Председатель, уважаемые участники Конференции Сторон,

От имени Министерства здравоохранения и социального развития Российской Федерации, его Министра Т. А. Голиковой разрешите приветствовать Вас на очередной сессии Конференции Сторон Рамочной конвенции Всемирной организации здравоохранения по борьбе против табака. Позвольте, в первую очередь, выразить глубочайшую благодарность Правительству восточной Республики Уругвай за инициативу проведения очередной сессии в этой столь гостеприимной стране, а также поблагодарить Президиум и Председателя и Секретариат Конвенции за неизменное и эффективное содействие конструктивному диалогу Сторон. Сегодня решение проблем, связанных с потреблением табака и воздействием табачного дыма на население, является крайне актуальным для нашей страны. К сожалению, в настоящее время Российская Федерация входит в число стран с наибольшим числом потребителей табака и тех людей, которые подвергаются пассивному курению. Поэтому Россия крайне заинтересована в формировании на международном уровне целенаправленной политики по борьбе против табака и готова принимать активное участие в этом процессе. Интегрируясь в систему глобального здравоохранения, наша страна намерена в полной мере использовать созданный в форме международного договора эффективный механизм защиты здоровья населения от пагубного воздействия табака. Для Российской Федерации присоединение к РКБТ явилось важным событием, позволившим заложить новые концептуальные направления в области борьбы с потреблением табака, а также определить новые параметры сотрудничества в этой сфере. С момента нашего присоединения к Рамочной конвенции прошло два года, и путь,

пройденный нами, был не прост. Во-первых, нашему Министерству переданы функции по координации проведения работ по обеспечению выполнения Российской Федерацией обязательств, вытекающих из Конвенции. Для их исполнения мы создали и у нас осуществляет свою деятельность Координационный совет по борьбе против табака, в состав которого входят представители всех заинтересованных органов исполнительной и законодательной власти, а также представители московского общества Всемирной организации здравоохранения и представители гражданского общества. В рамках указанного Совета был подготовлен и одобрен проект национальной стратегии по борьбе против табака, который в настоящее время утвержден распоряжением правительства Российской Федерации в форме концепции осуществления государственной политики противодействия потреблению табака на 2010-2015 годы. С этим же распоряжением был утвержден и план реализации данной концепции, который предусматривает внесение существенных изменений в действующее законодательство, а также подготовку новых нормативных правовых актов, которые будут направлены на выполнение обязательств, связанных с нашим присоединением к РКБТ. Следует отметить, что некоторые меры в рамках РКБТ были приняты еще до утверждения концепции, в частности были изменены требования к предупредительным надписям о вреде курения, маркировки табачных изделий, предусмотрена ежегодная индексация ставок акцизов на табачные изделия. Также стоит сказать о том, что с 2012 г. предусмотрены изменения структуры в производстве и потреблении табачных изделий в части сокращения доли и последующего вытеснения с рынка сигарет без фильтра. Все это будет сделано через установление единой ставки акцизы. Хочется сказать также о том, что Россия намерена активно участвовать в Глобальной системе эпидемиологического надзора за потреблением табака. На сегодняшний день мы являемся одной из 14 стран, в которых уже провели добровольные опросы взрослого населения об употреблении табака по методике, предложенной Всемирной организацией здравоохранения. При этом наше Министерство уже приступило к реализации отдельных мер, предусмотренных концепцией. Одной из них стало создание оснащенных центров здоровья, своего рода специализированных учреждений здравоохранения, деятельность которых направлена на оказание помощи по отказу от употребления табака, а также проведение коммуникационной программы, направленной на информирование населения о вреде употребления табака. В России уже создано свыше 500 таких центров, а в этом году планируется открыть 194 таких учреждения специально для детей и подростков. Начал работу Интернет-портал о здоровом образе жизни, идея которого состоит в том, чтобы создать в российском Интернете первый независимый источник проверенной и качественной информации о здоровом образе жизни. С осени прошлого года запущена горячая линия по здоровому образу жизни, в ходе которой специалисты оказывают консультации по способам отказа от табакокурения. В числе намеченных мер основными для нас являются принятие нормативных правовых актов, которые позволят нам поэтапно ввести целый ряд ограничительных мер, защищающих граждан Российской Федерации от воздействия вторичного табачного дыма, последовательно увеличить налог на табачные изделия, с доведением его до среднего уровня среди стран Европейского региона, ввести запрет для всех видов рекламы, спонсорства и стимулирования продаж табачных изделий. Особо хочу обратить ваше внимание на то, что сегодня в нашей стране приняты все необходимые политические решения в этой области, и лучшее подтверждение тому - слова Председателя Правительства Российской Федерации, сказанные им на заседании шестидесятой сессии Европейского регионального комитета Всемирной организации здравоохранения. Его слова были следующими: “Россия ратифицировала Рамочную конвенцию ВОЗ по борьбе против табака, и этом действительно большое знаковое событие. Мы полностью учтем нормы этого международного акта в нашем внутреннем законодательстве”.

В заключение хотелось бы отметить, что российская Сторона имеет ряд предложений, которые будут озвучены в ходе заседаний. Об одном из этих предложений я бы хотела сказать уже сейчас. В связи с непрерывным присоединением к РКБТ новых Сторон, активно выражающих свою позицию, полагаем целесообразным обсудить возможность включения их в состав рабочих групп, созданных еще до их присоединения к этой Конвенции. Данный вопрос является актуальным и для Российской Федерации.

Благодарю Вас за внимание и наилучшие пожелания всем нам в деле наиболее конструктивного и эффективно выстроенного диалога.

Спасибо.

The PRESIDENT:

Honduras, will you take the floor?

El Dr. EFRAIN PORTILLO (Honduras):

Muchas gracias, señor Presidente, en nombre de Honduras. Mi nombre es Rony Portillo. Sobre el informe de la Secretaría de sus actividades, es importante establecer que el tabaco es consumido por seres humanos, y ya se ha dicho aquí en varias ocasiones, que están sometidos al mayor índice de pobreza en el mundo, y principalmente en nuestros países. De tal forma que aquellos que están consumiendo el tabaco en su mayoría son personas que se dedican a la construcción, personas que no tienen la suficiente capacidad económica siquiera para llevar alimentos a sus estómagos, pero sí lo hacen con el tabaco, porque eso sacia su apetito, aparentemente. Y eso nos tiene que hacer entender, como conferencia, como personas en el mundo, que estamos comprometidos para salvaguardar la salud de nuestros conciudadanos, pues es importante tomarlo en cuenta.

Normalmente en este caso, Honduras le agradece muy efusivamente al querido hermano país de Uruguay, por permitirnos estar con ustedes y la hospitalidad que nos han brindado. Pero Honduras también cree que el no tomar en cuenta por parte de la Secretaría de esta Conferencia, que en mi país se aprobó la ley especial para el control del tabaco, casi en un 99,9 % comparado a lo que tenemos establecido en el Convenio. En este momento se está elaborando el reglamento a la ley especial para el control del tabaco, y creemos que el primer borrador de este reglamento lo tendremos la próxima semana, en el cual están incluidos muy claramente el artículo 12, donde incluye que nuestros niños y nuestros jóvenes deben tener en su formación curricular académica formal lo que es el conocimiento de la prevención del consumo del tabaco y otras drogas.

Honduras, desde este año, aumentó los impuestos al tabaco en más de un 30 % a inicios de año, por este Gobierno. En cuanto al artículo 6, estamos trabajando duro, pero muy duro. Lamentablemente, con el artículo 7, por ejemplo, que se está trabajando muy duro en él, sólo contamos con un presupuesto anual aproximado a no más de 100 dólares anuales. Hay muchos problemas para poder cumplir el artículo 9, en cuanto al contenido y las menciones del contenido del tabaco. ¿Qué podemos hacer realmente? Creemos como Honduras que para tener un mayor impacto en el éxito, en la disminución del consumo de tabaco, y como médicos también lo sabemos muy bien que debemos conocer estrictamente y en condiciones claras el contenido que tiene cada uno de los cigarrillos que se expenden o que se venden a la población.

Por último, señor Presidente, quisiera públicamente hacerle entrega de la publicación oficial de nuestro país donde se decreta que en Honduras ya tenemos ley para el control del consumo del tabaco. Muchas gracias, señor Presidente.

The PRESIDENT:

Thank you Honduras. The Secretariat will receive the documentation from you. Can I then call upon the representative of Turkey to take the floor and apologize to the representative of Japan because after the representative of Turkey we will have reached 16:00 and I would like to suspend discussion on this topic as part of the general debate. I will come back to it tomorrow morning. So Japan will be first tomorrow morning.

Ms EKEMAN (Turkey):

Mr President, honourable delegates, allow me to thank first of all our host the Government of Uruguay for their generous hospitality and the excellent organization of this Conference. We believe that our discussions this week will prove fruitful and will serve to resolve the outstanding issues related to the implementation of the WHO FCTC. As the number one oriental tobacco producer, one of the top 10 tobacco product manufacturers and tobacco product consumers, Turkey is one of the leading countries to have signed and ratified the WHO FCTC. Since our last meeting in Durban, two years ago, we have covered further ground in the field of tobacco control. Our strengthened national tobacco-control law, with the following action plan for the years 2008–2012, laid a solid and comprehensive legal framework for our ongoing efforts.

The aggressive media campaign that we carried out with the support and contribution of all Parties concerned has been a great success. Celebrities, politicians and role models from all socioeconomic groups have been outspoken advocates of this campaign. Some of our recent innovative steps in the field of tobacco control are a “quit line” and the free distribution, under medical control of course, of medicine and nicotine replacement therapies to quit smoking. Certain best practices have been acknowledged in the international arena, and our Minister of Health, Professor Dr Recep Akdag, has received an award from WHO for his strong leadership and active involvement in the strengthening of Turkey’s tobacco-control law and launching of the national tobacco-control programme.

The concrete results of our efforts are becoming more and more visible. According to recent figures, after the adoption of these measures 7% of smokers have quite smoking. We expect this trend to continue. There has also been a significant decrease in the sales of tobacco and tobacco products, that have reached the lowest levels of the last five years. Let me underline that it is the driving force of the WHO FCTC that led to this success story in Turkey.

Smoke-free places legislation, visual warnings over the tobacco product packages, advertisement, promotion, sponsorships bans, tax and price raising policies, combating the illicit tobacco products trade, education, training and awareness raising programmes, alternative crop and activities programmes are only some of the extremely important and valuable concepts that we derive from the WHO FCTC.

For the continuation of this success story however, we believe that as the contracting Parties we should vigorously tackle the remaining challenges; most notable among them is the protocol on illicit trade and tobacco products. It is absolutely essential that the work on the draft protocol be finalized as soon as possible, preserving the letter and spirit of its essential provisions. We call upon all contracting Parties to strengthen their efforts to this end. In this respect we welcome and support the proposal by the European Union to set up a working group to look into the main issues and to reach a broad consensus on the outstanding issues of the protocol.

Furthermore, in so far as we have made ample progress on implementation, more focus should now be given to cooperation and communication, under Part VII of the Convention. As a best practice country, Turkey would be ready to share its experience in this field.

Finally we would like to thank all the actors involved in the preparation of the present Conference. The Turkish delegation is looking forward to a week of hard yet prolific work to build upon the already groundbreaking achievements that we have made so far. Thank you very much Mr Chairman.

The PRESIDENT:

I now wish to suspend for the time being discussion on the general trend with regard to the report of the Secretariat, and move to a focused discussion as part of that report with reference to the multisectoral cooperation and associated challenges in view of the global tobacco epidemic. In regard to that discussion we have a number of invited speakers, guests to focus our attention on the various aspects of this topic, and I would like to call upon them to come to the front here, to come to the stage, so that they can occupy the seats on my right. While they are coming to the stage, just to give a little bit of background on this particular topic, the Secretary-General’s reports on the Ad Hoc Interagency

Task Force on Tobacco Control to the Economic and Social Council (ECOSOC), during a substantive session, have highlighted the multisectoral challenges and clearly establish a link between development objectives, including the MDGs, and the need for an effective response to the global tobacco epidemic. As we understand it as the Bureau and the Secretariat, we looked at this aspect and thought that it is high time that five years later we can begin to discuss the next phase of the development of the WHO FCTC, which will actually integrate within the context of the development agenda of the United Nations and relevant bodies. Therefore in relation to that particular focus we decided to invite very prominent people in these areas who would give some input in this regard. The speakers that we have in front of us will be presented to you one by one as they take turns to speak on the subject and I have requested them to address particular questions so that they can focus on those questions. After their input we will then call upon the Parties to provide their own input both in response to what has been said by the panellists but also your own understanding of the issues in relation to the subject; and therefore in that regard, as I said, the list which relates to the first part of the discussion is suspended and therefore I will not follow that list but open a different list just to focus on the discussion at hand and we will go back to the original list tomorrow in relation to the other discussion.

We are very pleased at this point in time to call upon His Excellency Ambassador Martabit, a distinguished diplomat from Chile who had the privilege to steer and provide leadership to the first and the second sessions of the Conference of the Parties in 2006 in Geneva and 2007 in Bangkok. We are also pleased to welcome the other past President of the Conference of the Parties who is also part of this Conference, welcome, we acknowledge your presence here. His Excellency Ambassador Martabit will help us, because of his experience of those two sessions, to understand how the Parties saw the treaty and its associated multisectoral challenges, so that we can focus our attention on the multisectoral nature of the treaty. Your Excellency I would like you to address in that regard what kind of objectives and challenges occupied, in your view, the attention of the treaty-makers given the multisectoral dimension along a strong focus of international cooperation through the treaty itself. Also perhaps you can help us understand how you then see that with regard to utilizing United Nations development structures, the existing structures, to achieve the same objectives.

I therefore call upon His Excellency Ambassador Martabit to address the Conference, and he has 10 minutes to do so without any vuvuzelas.

El Sr. MARTABIT (First President of the Conference of the Parties):

Muchas gracias, señor Presidente. Es para mí un gran honor estar hoy día en esta cuarta Conferencia de los Estados Partes, y déjeme decirle que en mi trayectoria diplomática, haber servido como Presidente de estas dos conferencias es quizás uno de los más altos honores que he tenido. Y digo esto porque, va al corazón del asunto. En nuestra vida diplomática, quizás tenemos pocas ocasiones de sentir que estamos tan directamente sirviendo a la humanidad. Esta convención es uno de los logros más importantes de los tiempos modernos en salud pública, y eso no lo podemos olvidar. De eso trata esta convención: de salud pública. Y haber contribuido a eso, creo que es uno de los logros más importantes de los últimos 20 años de todos los Estados Miembros que participaron de manera tan activa, constructiva y enérgica en la construcción de esta convención.

Esta trilogía de gobierno a través de sus diplomáticos, de expertos en salud a través de los ministerios de salud y todas aquellas personas que han trabajado y siguen trabajando en esta importante área, más la sociedad civil, que no debemos olvidarla, constituyen los tres pilares fundamentales de esta magnífica convención. Este es un instrumento privilegiado, al cual debemos proyectar hacia adelante. Y trataré en estos minutos de lanzar algunas ideas al respecto, reconociendo de que en estos cinco años que lleva la convención de vida, ha demostrado su necesidad y también su urgencia e importancia.

Pero, algo más debemos hacer. El Dr. Lee recuerdo que decía: el éxito del Convenio Marco de la Organización Mundial de la Salud para el Control del Tabaco, como instrumento de salud pública, dependerá de la energía y el compromiso político, repito, compromiso político con que lo apliquemos en los países en los próximos años. Y de eso se trata. Ahí está todo, el centro y el nudo del asunto. ¿Cuál es el tamaño del compromiso político que estamos dispuestos a emplear, a ejercer y a aplicar

para la plena ejecución del Convenio? Yo creo que, en la medida que vayamos adecuadamente respondiendo esa interrogante podremos ir abriéndole el horizonte hacia el futuro.

El área de cooperación fue en todo momento uno de los elementos centrales de esta larga negociación y compromiso final que significa el Convenio. Yo lo dividiría, especialmente para efectos de esta breve exposición, en dos sectores: la cooperación internacional entre los Estados, y la cooperación que yo llamaría de la comunidad internacional, como un todo para permitir la plena aplicación del Convenio. Y esta cooperación internacional yo la veo fundamentalmente a través de la institucionalidad internacional vigente, que es fundamentalmente aquella que rodea al sistema multilateral de las Naciones Unidas. Y también, por cierto, en lo que se refiere a la cooperación entre los Estados, yo creo que es muy importante, muy importante, tanto la cooperación intraregional o de grupos de países que configuran una determinada área geográfica. Este es un mal, esta es una epidemia que se transfiere, se propaga por todos los rincones de los países, de las regiones del mundo y en todo el mundo como un todo, luego es fundamental la cooperación en todas las áreas que ya conocemos, que están perfectamente diseñadas.

En la segunda Conferencia de los Estados Parte se definieron y se fijaron los instrumentos para cooperación, de manera que no voy a entrar en los detalles, pero no nos debemos olvidar tampoco que esta cooperación tiene un destinatario principal, y yo creo que ese destinatario principal para combatir justamente a los poderosos que están detrás de la promoción de esta epidemia, tiene que ver con los pequeños y medianos productores, tiene que ver con la salud de las personas que, con necesidad y muchas veces también sin conocimiento, muchos de ellos son mujeres y niños, manipulan la industria del tabaco a través del uso de químicos, de fertilizantes y de otros productos que va imponiendo la industria del tabaco para esos modestos campesinos que producen el tabaco. Yo creo que ahí debe intensificarse de una manera muy importante la cooperación internacional, para asistir a través de los instrumentos existentes a aquellas personas que se ven tan directamente afectadas de una manera primaria y, por qué no decirlo, brutal, por la manipulación de esta industria del tabaco.

En seguida, esa producción de los pequeños y medianos tiene que sufrir un proceso de reconversión. No es contra ellos que se refiere esta convención, al contrario. Hay que ayudarlos a salir de este problema. Y ¿cómo se les ayuda a salir de ese problema? Creando programas alternativos, educando mejor y poniendo recursos para que esas economías, que son fundamentalmente familiares y se radican en países con frágiles economías, reciban la asistencia internacional, a través, nuevamente, de los grandes órganos de promoción y de ayuda y cooperación internacional, para que esa reconversión de la producción pueda realizarse. Lo demás, simplemente, yo creo que es mucha lírica y mucha teoría, pero esto hay que llevarlo a la práctica de una manera eficiente y también rápida.

En seguida debemos ayudar a educar mejor, en el asunto del daño que produce el tabaco. Yo creo que allí, en esta área, en diferentes regiones del mundo se han producido progresos muy importantes, pero subsiste todavía un gran desconocimiento y en un área en que la industria tiene, obviamente, su mejor clientela, que son los países más pobres o, por llamarlos elegantemente, en vías de desarrollo, pero yo creo que son los más pobres, los que en definitiva más sufren con este tema. Y a ellos tenemos que dirigirnos de manera muy especial. Me alegra mucho ver también aquí, esta tarde, al United Nations Development Assistance Framework, yo creo que ellos nos van a dar una buena, una buena presentación de lo que hoy día la comunidad internacional, a través del ECOSOC, como conciencia del sistema de Naciones Unidas, está articulando y preparando para salir adelante en estos importantes temas. Yo hecho de menos, lo quiero decir con la mayor franqueza, una mayor cooperación, de las más importantes entidades del sistema internacional. El Banco Mundial debe comprometerse más, y debemos buscar que el Banco Mundial se comprometa más. Y también los grandes organismos de promoción regionales, de promoción y desarrollo regional, también ellos deben aportar más a esta sensible área. Me dirán: en tiempos de crisis económica, las prioridades van, en fin, por otro lado, etc. Eso es lo que la industria tiene mucho interés también en promover. Pero justamente, si no atacamos este problema ahí donde están los que más lo sufren, seguiremos teniendo enormes dificultades. Y yo creo que de estos temas se habló durante la preparación de la primera y la segunda Conferencia, y los comentamos entre nosotros, y formaba parte del espíritu central de este Convenio hablar y tratar de fortalecer esos mecanismos.

Tenemos un problema, yo creo, que es la proyección de este tema como alta prioridad política de los gobiernos. Y sobre esto a mi me gustaría avanzar una idea muy simple, para que entre todos

nosotros la pensemos y quizás la proyectemos en nuestras comunidades nacionales, entre nuestros gobiernos, aquí hay muchos delegados, en fin que provienen de los gobiernos centrales, no solamente sectoriales, sino que también del gobierno central, y es incluir este tema en las reuniones de nuestros jefes de Estado. Que al menos se haga en alguna de las cumbres que todos los años se desarrollan, tanto a nivel regional como a nivel mundial, en el segmento especial de las Naciones Unidas sobre el cumplimiento de los Objetivos del Milenio, se dediquen al menos algunos minutos a este tema.

Y eso tiene una importancia adicional, porque es una manera de mantenernos en alerta permanente, a todos los países y a todas las comunidades nacionales, sobre uno de los riesgos principales que tiene que enfrentar la humanidad en el futuro. Y esos riesgos principales de la humanidad tienen que ver con dos temas fundamentales, a mi manera de ver las cosas. Uno es la educación. ¿Quién puede discutir que la educación es uno de los problemas más graves que hay en el mundo? Si atacamos los problemas de educación de manera eficiente, quizá podemos pensar en 20 años más en un mundo mucho mejor. Y el segundo problema crucial que tenemos es aquellos referentes a salud. Y este es el único convenio global que existe en el mundo, el de la lucha contra el tabaquismo. Esto se puede multiplicar hacia otros sectores del desarrollo humano que se pueden en el día de mañana ver afectados por problemas globales también de salud. Y ya lo hemos visto, en el mundo están rondando pandemias. No es una cosa esotérica de la cual estoy hablando. Ese es el valor de este gran convenio que, de alguna manera, siendo el primero con estas características para combatir de manera global un problema universal, nos da también herramientas que debemos perfeccionar para que sirvan a otros para atacar problemas de salud mundial que pueden estar dando vueltas en todas las regiones del mundo.

Y para no alargarme más, señor Presidente, y confesándole un gran temor que le tengo a las vuvuzelas, déjeme decirle, para terminar, que creo que también es importante mejorar mucho la coordinación entre las distintas instancias que forman parte de la solución de este problema. Yo creo que dentro de la Organización Mundial de la Salud debemos hacer un esfuerzo de racionalización y de privilegiar los instrumentos acordados por los Estados Partes para atacar de manera eficiente, con los recursos existentes, este grave problema que todavía afecta y seguirá afectando a nuestra humanidad.

Y para terminar, voy a dejar algunos temas para adelante, pero en realidad tengo que ceñirme al tiempo, yo creo que es evidente, y como nos explicó esta mañana tanto el Presidente Mujica, como el ex Presidente Tabaré, que hicieron una fantástica presentación ambos dos, a la altura del país anfitrión, que nos recibe en este importante tema, ciertamente, yo creo que el ataque del cual es objeto hoy Uruguay es simplemente el anticipo de otros ataques que vendrán para muchos otros países si no reaccionamos en conjunto de manera coordinada y se ponen las cosas en el lugar que deben estar. El tabaquismo es una epidemia mundial de efectos catastróficos para la humanidad. Nos hemos comprometido a combatirlo y ustedes, queridos amigos y colegas, en esta cuarta COP, yo creo que tienen la oportunidad extraordinaria de reafirmar los objetivos del Convenio y aprobar nuevas medidas que permitan fortalecerlo en beneficio de los destinatarios de este Convenio, que son simplemente el género humano, nuestros conciudadanos, nuestros compatriotas. Muchas gracias.

*(Applause)*

The PRESIDENT :

Thank you very much Your Excellency for the explanation of the development agenda in the context of the WHO FCTC. May I now turn to Mr Nikhil Seth, the Director of the Office for Economic and Social Council Support and Coordination of the United Nations Department of Economic and Social Affairs in New York. Mr Seth is also a professional diplomat working with the United Nations Department of Economic and Social Affairs for several years now. His main responsibilities include overall policy dialogue and coordination of United Nations developmental activities. Policy and operational coherence and integration are his responsibilities, and he has also been requested to represent the developmental operations coordination office of the United Nations, also known as the United Nations Development Group, here.

Mr Seth, I would like you to elaborate on a few issues. What do you see of the role played by ECOSOC and the United Nations Secretary-General in highlighting the importance of multisectoral

mechanisms to effectively meet the development challenges presented by the global tobacco epidemic? In the light of the Secretary-General's statement on how the multilateral mechanisms should actually deal with this epidemic, what would you suggest that the Parties to this Convention could do to integrate implementation of the Convention under The United Nations Development Assistance Framework (UNDAF) and of course, given the concept of one United Nations at country level, how would you see the implementation of this first treaty in global health in strengthening the one United Nations approach? And any other matter that you would like to address. Mr Seth I want you to have a bit of time because you are talking about the United Nations agencies so I will give you a little bit more time than His Excellency who was afraid of my vuvuzela and therefore as a result used the rules of the game to his advantage because we are in Uruguay. Thank you very much.

Mr SETH (Director, Office for Economic and Social Council Support and Coordination of the United Nations Department of Economic and Social Affairs):

Thank you so much distinguished President of The Conference of the Parties. There is a pervasive fear of the vuvuzela on this podium and I will also try to abridge my comments because I have a more detailed statement which will be available outside after I have made these comments. I do want to address many of the questions that you raised and build upon what the last speaker had spoken about, the distinguished first President of the Conference of the Parties, Mr Martabit.

First I must start by saying that I am honoured to be on this panel and to bring to you the kinds of dimensions that I can bring to you, having been part of encouraging the development dialogue in the United Nations for almost 20 years. I think as we reflect on the goals and objectives of the Convention and how we struggle to make it a reality for the lives of the people whose lives we want to make a difference to, we should focus essentially on one basic issue: how do we move this issue to centre stage? Centre stage in politics, as the distinguished first speaker has mentioned, it has to be at the highest level that these concerns need to be articulated, a centre at the concerns in global policy-making and of course where the heart of this action is, which is making a difference at the national level.

On all these three levels I can bring some of my own experience to bear and speak on all these three levels where we can bring the objectives and the implementation of the Convention to centre stage; and I start with the qualifying comment that this is not going to be easy, the struggle the kind of opposition that we face in getting this to become a hard reality, it is quite great, the consumer behavioural shifts that we want to achieve are also very difficult shifts to make and so it is an uphill struggle but I think it has to be done in a way which keeps it high on the political profile which keeps it high on national actions and that is where the nub of how to make a successful Convention an operational reality for the people that we wish it to serve is to be achieved.

What are the effects of making this the centre of the development debate? First, putting the issue of tobacco control, you need to build and piggyback on other areas where this issue is being directly or indirectly being discussed. I helped support the MDG process which took place – the MDGs are shorthand for the aspirations of poor people; the United Nations had a big summit on this in September and I had the privilege of supporting that. And I think that over the next five years that will continue to be the overarching framework for the development work of the United Nations. The important point for us now to see is how do we bring the tobacco-control agenda into that follow-up, because it is going to remain a high profile framework. It is going to be something that we re-visit in 2013 in the General Assembly and once again in 2015 when we look at a new framework for the MDG follow-up. So the challenge is how do we bring the tobacco-control agenda and show the clear linkages it has with the attainment of the MDGs. In fact if you look at all the MDGs, they are in some way or another linked to the tobacco-control agenda.

Some of the follow-up work of the MDG summit will take place in ECOSOC that I support and we will find the space to be able to bring this interface between the work of your Convention and the other items on the agenda of ECOSOC including the follow-up of the MDGs.

This year for example ECOSOC adopted a resolution entitled “tobacco use and maternal and child health”; very significantly the resolution calls for a special meeting of member agencies of the United Nations Ad Hoc Interagency Taskforce on Tobacco Control in order to examine how this

platform could be used to support the implementation of the treaty through a multisectoral response at the global level. This is a landmark development and we in ECOSOC will work with WHO to convene this meeting in the near future.

In the context of the development debate if you look at say MDG1 on poverty and hunger, how can you look at it without looking at actions and commitments to implement the provisions of the Convention. MDG4 on infant mortality, child mortality, MDG5 on maternal health, MDG7 on environmental sustainability, find the deep imprint of tobacco use and an effective implementation of the Convention could contribute significantly towards these MDGs.

The treaty is a unique tool already available to Member States in relation to achieving the health and development goals related to the MDGs. Of course we all know why the Convention is important to developing countries in particular: more than 80% of smokers live in the developing world and tobacco use sits side-by-side with poverty and malnutrition. At the national level the cost of treatment of tobacco-related diseases is very high. The expenditure foregone could easily go towards improving access to basic education and health services both at the national and at the level of the household budget. Tobacco use by expectant mothers has been associated with a high risk of complications during pregnancy, in terms of the environmental impact, deforestation and soil degradation have been attributed to tobacco growing, while water supplies have been contaminated by hazardous waste from tobacco products, let alone the devastating impact on the health of workers engaged in tobacco farming.

Now the second point I want to make is that for real progress to be made towards implementing the provisions of the Convention, the political profile of the Convention must remain high and the policy basis of the Convention must be strengthened and the operational effectiveness of the Convention must be ensured.

Raising the political profile of the Convention is a challenge but it is doable. While the Convention enjoys support from most governments and progress has been noted in some areas, renewed commitments to ensure the implementation and application of the provisions of the Convention at the global and national level are a must. At the global level we need to ensure that the issues are discussed as I have mentioned earlier at the highest possible political level. WHO as you know with the help of a determined group of Member States was able to put the challenges of NCDs into the discussion of the ECOSOC ministerial level when the issue of health was discussed in ECOSOC. This led to further discussion and the General Assembly in 2011 will be looking at the issue of NCDs in a high-level plenary meeting. This is now an important point for the Convention to be able to use this as a platform to be able to advocate, because after all tobacco use is one of the major contributors to the epidemic-like proportions of noncommunicable diseases. The point I am trying to make is that the Convention should use the political-economic platforms that the United Nations offers and I am mapping what is going to happen to 2012 and indicating that let us use these opportunities until 2012; to start with first of all in the Fourth United Nations Conference on the Least Developed Countries, which is going to be held in Istanbul in May 2011. Secondly ECOSOC will be meeting in 2011: the focus is on education but here again, as many people have argued, there is a clear case for strong education dimension of the Convention. Then there is the issue of aid effectiveness, the conference on which will be held in Busan in the Republic of Korea in 2011. That is another opportunity where the issues relating to the type of assistance in the area of tobacco control and governing the effectiveness could be discussed. In November–December 2011 is the General Assembly High-Level Meeting on Noncommunicable Diseases – another great opportunity for the Convention to be able to interface. In Brazil in 2012 we will have the Rio Plus 20 Summit-level meeting where once again we can bring several aspects of the Convention. We must use the high-level participation, the attention of the media and the presence of multiple stakeholders to bring the WHO FCTC closer to political considerations at the global and regional level.

Thirdly, what are the challenges and gaps in the implementation of the Convention that we need to highlight. According to the 2010 summary report on global progress and implementation of the Convention, 114 Parties (84%) have provided information on more than 20 constraints or barriers they have encountered in implementing the Convention. The range in the reported implementation rates of the Convention highlights the need for countries to share their best practices, achievements and challenges on a global, regional, subregional and national basis. In addition, developing country

Parties and Parties with economies in transition cited the gap between needs and resources, including resources for capacity building and financial resources, as constraints for implementing the provisions of the Convention. This underlines the need for enhanced international collaboration in mobilizing financial resources and sharing of expertise on legislation, health policies, effectively working with industry and sustaining political will. The United Nations can serve as a forum for discussing these issues and lessons learnt.

At the same time, countries must enhance domestic efforts to implement the provisions of the Convention. In terms of overall coherence of initiatives to implement the provisions of the Convention, there is a clear need for countries to focus on measures that will impact tobacco-control policy and tobacco use such as protection of public health policies from interference from the tobacco industry, establishment of effective tobacco-control mechanisms, effective and treaty compliant national legislation and provisions for promotion of cessation, issues of which I think this audience is well aware.

I will now turn my attention to the United Nations country-level activities, from the global political profile to the actual assistance that the United Nations can give through what we call UNDAFs at the national level and how can the United Nations system be there at the country level to help countries who require help in making a change at the country level. I want to anchor my comments in this whole concept of the UNDAF, so when I talk about UNDAF it is one of those United Nations acronyms which basically refers to the country-level development framework.

As the common strategic framework for operational activities of the United Nations system, UNDAF provides a collective and integrated United Nations system response to national priorities. It is very much driven by countries and needs within the framework of the MDGs that I have mentioned and other commitments, goals and targets of the Millennium Declaration and the declaration programmes of action adopted at international conferences and summits and through major United Nations conventions. UNDAF starts by a process of a common country assessment and is the foundation for the United Nations system programming at the country level. Over the next two years there is going to be a very significant roll-out of UNDAFs at the country level – over 70 of these UNDAFs will be rolled out in developing countries. So this is a very important opportunity to weave the different aspects of the Convention both in the upstream advice to countries as well as practical help in promoting cessation and reduction of tobacco use. There is a strong precedent of initiatives for integrating United Nations norms and standards endorsed by United Nations Member States such as in this Convention through the General Assembly to be integrated in common country programming by the United Nations country teams.

The United Nations development group brings together the United Nations entities that are working together and at the country level under the overall guidance of the General Assembly and the Chief Executives Board, which has certain guidelines and operational activities on specific thematic areas to develop these guidelines. For example, the United Nations country teams apply five programming principles to the UNDAF, a human rights based approach, gender equality and environmental sustainability, a results based management approach and capacity development. Most of these programming principles are directly related to areas of concern for tobacco control. This can be a starting point and guide through the other steps of the UNDAF process. So I am just trying to elaborate on how these can be initiated and made operational at the country level through the work of the United Nations system, which we do through the United Nations country teams. Currently we prepare the roadmap, we do a country analysis, we do strategic planning and monitoring and evaluation and all these can be done for example in the area of tobacco control. So mainstreaming guidance has been developed for areas like conflict analysis for disaster-risk reduction for employment and decent work and there is no reason why it cannot be developed for the area of tobacco control.

I just want to conclude my comments by reiterating that it is encouraging that this Convention which is still in its infancy has done so much already. However, there is a long road ahead because of the intrinsic nature of the challenges that are mentioned in terms of the behavioural shifts and the changes in the production patterns and the lobbies that are working against a wider utilization of the Convention and implementation at the country level. The key to success is to ensure the political profile of the Convention, the policy base of the Convention is strengthened and the operational effectiveness of the Convention is assured. The United Nations is well positioned in all these areas

because of the kind of global, regional and national perspectives that are talked about and of course we will welcome the guidance we get from you as Member States, particularly with regard to what you think of the role of the United Nations in the kinds of issues that I have outlined going into the future.

Thank you so much, distinguished President.

The PRESIDENT:

Thank you so much Mr Seth for that very clear outline of the United Nations agenda and how we can see it in the context of the implementation of the WHO FCTC. May I now call upon His Excellency Mr Philippe Courard, the Secretary of State of Belgium for Social Integration and the Fight against Poverty. Excellency, of course you come from the European Union which is one of the largest development partners in terms of assisting developing countries and providing support to development efforts. And I would like you to address the topic, perhaps also wearing that hat to look at how the development agencies and therefore development partners could also play a role in the implementation of the WHO FCTC under the same thing that has been outlined by Mr Seth – UNDAF – and the one United Nations at country level.

M. COURARD (Secretary of State for Social Integration and the Fight against Poverty, Belgium):

Merci beaucoup Monsieur le Président. Je vais essayer de ne pas être trop long et respecter le temps de parole puisque j'en ai déjà profité ce matin.

Dans ma première intervention, je soulignais la dimension du développement dans la lutte antitabac au niveau global. Il faut rappeler que 80 % des décès qui sont liés au tabagisme sont enregistrés malheureusement dans les pays en développement ; je veux donc par là simplement signaler ce lien fort entre pauvreté et tabagisme qui concerne évidemment les pays en développement mais aussi les pays riches, puisque quand on fait une analyse de la pauvreté dans les pays les plus riches, on se rend compte que, là aussi, la population qui est touchée par la pauvreté, a tendance, bien plus que d'autres, à consommer beaucoup de tabac, ce qui présente évidemment des difficultés de gestion financière et entraîne des maladies, comme on le constate dans les pays en développement. Oui, effectivement dans les pays en développement aussi, on fait des choix, on est obligé parfois de faire des choix qui ne sont pas adéquats, on fume souvent avant de se nourrir, avant de se soigner, avant d'envoyer ses enfants à l'école, c'est évidemment regrettable.

Mais fumer, n'a pas toujours une connotation négative, faut-il le rappeler ? Monsieur le Président a évoqué ce matin les mérites du tabac vantés, notamment par les cow-boys, les cow-boys qui étaient évidemment de vrais hommes et qui donnaient cette image masculine dans de nombreux pays dans le monde ; on a encore l'impression avec cette image que le tabac est quelque chose d'important qui caractérise l'homme, qui caractérise la femme – et cela de plus en plus –, et donc on s'identifie finalement : on est quelqu'un parce que l'on fume. Il faut donc peut-être essayer de combattre cette image et cette idée-là. Il faut aussi combattre l'idée que dans certains endroits du monde le fait de refuser une cigarette est encore perçu comme un manque de courtoisie, une impolitesse.

Puis, il y a bien sûr le fatalisme, c'est important : autant mourir de quelque chose, autant mourir de ça plutôt que de faim, plutôt que d'être tué par une balle dans un conflit armé ; c'est aussi un discours que l'on entend évidemment beaucoup trop souvent. Alors nous, nous ne pouvons évidemment pas, en tant que représentant des États Parties à la Convention-cadre pour la lutte antitabac, rester sans voix, sombrer dans le fatalisme, nous ne pouvons évidemment pas l'accepter, nous devons le combattre. Il faut véritablement tâcher de mobiliser la communauté internationale pour endiguer le plus vite possible ce fléau, bien sûr, mais aussi les coûts socio-économiques qui lui sont associés.

Alors dans ce cadre là, les Nations-Unies ont un rôle important, capital, essentiel à jouer puisque c'est dans le cadre d'une action multisectorielle horizontale qu'il y a lieu d'intervenir. Toutes les composantes du système des Nations-Unies doivent donc être mobilisées : cela me paraît évidemment essentiel. En 2005, on a élaboré une réforme « One United Nations » « Unis

dans l'action » des Nations Unies : je pense que cette réforme va dans le bon sens, il faut poursuivre le travail. Il faut vraiment tâcher de rassembler les forces des différentes agences des Nations Unies pour mener une action qui doit être conjointe, qui doit être cohérente et surtout efficace ; on ne peut plus se payer le luxe en 2010 de ne pas être efficace par les temps qui courent face aux difficultés financières et autres que nous rencontrons. Avant, il faut bien le constater, on menait parfois des actions en ordre dispersé, il y avait parfois de la contradiction et il y avait même souvent de la compétition : c'est évidemment inacceptable. Alors que faut-il ? Il faut, me semble-t-il, un seul budget, il faut un seul plan-cadre, il faut un seul patron pour coordonner, pour apporter de la cohésion dans les actions sur le terrain. La lutte contre la pauvreté n'est pas uniquement une affaire de santé – j'aimerais également le rappeler –, c'est aussi une affaire d'éducation, de législation à adapter, d'agriculture de substitution bien entendu, parce certains en vivent, en ont besoin pour vivre, mais aussi de lutte contre le trafic – on l'a également évoqué –, et l'environnement ne doit certainement pas rester non plus au second plan.

Je pense qu'il faut intégrer la mise en œuvre de la Convention dans les plans-cadres des Nations Unies pour assurer, avec les gouvernements, une approche multisectorielle. Dans ce cadre là, il faudra bien entendu associer l'UNICEF car il n'est plus besoin de démontrer, comme vous le savez tous, le lien qui existe entre l'enfant et le tabagisme : il y a de plus en plus d'enfants qui fument et cela dès le plus jeune âge. Il faudrait aussi associer la nouvelle entité des Nations Unies pour les femmes, ONU-Femmes, puisqu'on reconnaît qu'il y a une féminisation accrue du tabagisme. Il conviendrait donc de mener une politique adéquate en la matière. Il faudrait aussi associer d'autres agences, bien sûr, comme la FAO, le FIDA, et aussi pouvoir compter sur le PNUD, le Programme des Nations-Unies pour le Développement, cela me paraît essentiel. Alors, ce que l'on souhaite, c'est que toutes ces agences mettent en œuvre les directives que nous adoptons, lors de ce genre de conférence ; il est évident que tout ce qui est décidé, tout ce qui fait partie des bonnes décisions que nous prenons et toutes les décisions qui ont été prises par le passé, doivent se concrétiser sur le terrain : je crois par conséquent que les agences ont un rôle essentiel à jouer en la matière.

Et l'argent, me direz-vous dans tout cela, avec quels moyens ? À mon avis, cela doit faire partie intégrante des activités qui sont financées par le budget ordinaire des agences, il faut que les donateurs n'imposent plus des choix politiques, il faut faire confiance aux agences, je crois que ce serait évidemment beaucoup plus sain, plus respectueux d'une politique plus adéquate à mener sur le terrain, et cela tendra vers plus d'efficacité. Les donateurs doivent donner davantage d'argent, me semble-t-il, au budget ordinaire des agences ; c'est en fait un peu ce que l'on essaye de faire modestement en Belgique : redonner confiance, donner les moyens pour pouvoir fonctionner le mieux possible.

Alors si je pouvais peut-être me résumer, je dirais qu'il faut que l'Europe reste évidemment un gros contributeur pour soutenir cette politique importante et de qualité des Nations Unies. Il faudrait que les Nations Unies restent la courroie de transmission, le lien entre tous et toutes ces politiques et l'ensemble des gouvernements, mais il faut aussi rappeler que les pays doivent déployer tous leurs efforts pour réussir les politiques qu'ils ont entreprises et pour mettre en application les décisions qui sont prises. Voilà, je ne serai pas plus long, Monsieur le Président, je vous remercie.

The PRESIDENT:

Thank you Minister. The last two speakers actually fit in very well with the last statement of the Minister because he just reminded us that all this should happen at country level and we have selected two countries from two regions to reflect on this question of implementation under the UNDAF agenda and the integration development agencies outside UNDAF and how it would work. We have the Minister of Health of Palau, and we also have the Deputy Minister of Health from Ghana; both of them would have to share their views on how they find this idea, this discussion, and what is the perspective from the country level with regard to the discussion that we have just heard. So I will leave it to them to say who is starting. Is the Honourable Minister of Palau coming first or Ghana? Palau, thank you very much.

Dr KUARTEI (Palau):

Thank you Mr President and colleagues for this opportunity for Palau to comment, share experiences or some thoughts on this issue of the United Nations framework.

Let me begin by saying that the burden of tobacco globally has been described as an “emerging global tobacco epidemic”. Mr President and colleagues it is no longer just an emerging epidemic, it is of global pandemic proportions. Perhaps the difference in translation between epidemic and pandemic may lead to the difference in how we respond to it.

Developing countries are facing multiple challenges in implementation of the Convention. The main challenges as usual revolve around availability of resources both technical and financial. The UNDAFs for developing countries are based on principles of country ownership of development priorities, programmes and processes. It is a very important aspect that must be emphasized because it allows for developing countries to align and coordinate national goals and activities to their priorities. It also provides a platform by which they internally manage regionalism and internationalism as tools for their own development. This is the first reason that I would say it would be worthwhile to bring the implementation of the Convention under the United Nations framework.

Secondly, by doing so we would be dealing with established institutional donors, for instance the European Union and other major bilateral and international donors coming from traditional settings, at least in terms of possibilities. These donors and the relevant partners follow a principled approach that is shared by the international community so that Parties would be comfortable with them.

Thirdly, the implementation of the Convention cannot be done independently of the philosophy of a multisectoral approach to self-determination in and health and in health-related decisions. Thus the United Nations framework is also important from the Article 5.3 perspective: Parties can completely avoid being trapped by an industry agenda in terms of donor support that would impede the right to self determination in health as individuals or as countries. It is not only worthwhile to bring the treaty implementation under the United Nations framework but it is entirely desirable and would strengthen developing country Parties to follow a sustainable and long-term implementation cycle with predictable resources, which is a challenge in itself. In this regard I would like to thank the EU Presidency for bringing this aspect into their intervention.

I fully understand the challenges in multisectoral planning and coordination associated with UNDAF, but while these are cumbersome processes, these cumbersome processes of a whole-society approach are requirements for effective implementation of the Convention. In this process we will end up with a policy and an action plan which is harmonized and aligned with our own priorities. The challenge rests with the other ministries and departments in the government and society at large, that needs a buy-in in the objective of achieving public health. The health sector must facilitate this cross-sectoral advocacy and be in a state of readiness. Where there is the language of the WHO FCTC there has to be an addictive demand for good public health. This is true in spite of the challenges related to multisectoral coordination. It is true particularly when the government realizes that it has an international obligation to do so. Thank you Mr President.

The PRESIDENT:

Thank you Honourable Minister. The Honourable Deputy Minister of Health of Ghana.

Mr METTLE-NUNOO (Ghana):

Thank you very much Mr President for the opportunity. My colleague has addressed a number of issues, and I would like to take a slightly different angle in order that we look at the challenges of tobacco control comprehensively. The first thing I would like to say is that the implementation of the Convention places tobacco control at the centre of public health. We have been using a number of words interchangeably in this forum, for example NCDs, and in many countries some of these diseases are not seen as a public health challenge, so we budget more for the curative side of health and we by and large do not provide enough resources for public health interventions as they relate to tobacco control. In this regard therefore we need to look at the capacity building of the various national

institutions that must work collectively to address the tobacco-control programme. Secondly, we must put in place effective tobacco-control mechanisms by empowering institutions, interagencies that have some related activity to the tobacco-control programme. Thirdly, we must assess the resources available to the various partners. And lastly we must look at the multisectoral stakeholders and the commitment of these agencies.

By and large the legislative framework is critical in many, many countries. In Ghana for example we have several agencies that indirectly relate to tobacco control. For example the Food and Drugs Board is legislated by law to deal with certain aspects of it. The Ministry of Health has a mandate for the curative and preventive side of it, the Ministry of Agriculture has a role to play in diversifying the activities and production of tobacco to other alternative food security production activities. We also have civil society, nongovernmental organizations and other voluntary organizations that could help in advocacy, education, public education and so on. We also have in the area of capacity of the national institutions to work as one focused body: that raises the question of whether at the political level the executive would champion tobacco control and give the right signals to both the parliamentary or legislative institutions, give the right signal to the ministry of health or the ministry of education, give the right signals to the Food and Drugs Board or the regulatory agencies to do what they have to do.

Now commitment to achieving these benchmarks as enshrined in the guidelines and the articles raises the question of whether we have developed the assessment at the national level, whether the challenges to each nation has input into a strategic framework of specific action, that must be benchmarked, that must be reviewed and must be used to inform national development strategies.

At the end of the day we will be looking at poverty reduction because it has been said in this forum that tobacco and alcohol abuse are all related to the things that bring about poverty in many developing countries. So as we look at the capacities of the various institutions we must pay attention to the need for technical competence in handling the responsibilities and the roles of the various stakeholders. We must also look at the possibility of regional support and collaboration. We are looking at capacities of various countries and where some countries need technical assistance from the region we should be able to create the necessary platform for regional cooperation, regional sharing of best practices.

Now commitment therefore at the national development level requires that there must be a plan. This programme of the Conference of the Parties has been going on for the last five years. Many countries are about to have the next annual budget. Is the tobacco-control programme adequately budgeted for in their respective country programmes? How do development partners buy into that programme if it is not reflected in the annual budget, the annual priorities of the respective countries? So poverty reduction, MDGs, are all the kind of buzz words that we keep on hearing from time to time but as we focus on tobacco control, previous speakers here have alluded to the fact that the MDGs can only be achieved if we see the direct relationship between the MDGs and tobacco control, that we will be able to reduce poverty if we see a direct relationship between poverty and tobacco use, tobacco abuse and the activities of advertising.

So that brings us to the public health education level of bringing awareness to the tobacco-control programme. Many public health programmes are totally underfunded and in most cases they do not target tobacco control. The awareness created by the MDGs has meant that we are looking at infant mortality now, we look at maternal deaths, we look at postnatal care, we look at aspects of the environment and so on. But if tobacco control should be the focal advocacy tool then we must look at the roles of the various agencies and we must recognize that part of the challenge for example in Ghana is that there are some local small-scale tobacco growers.

From the point of view of the Minister of Agriculture for example we must create alternative and cultural practices and land use so that we can move them systematically and slowly away from tobacco cultivation to other forms of food production and food security. We must also recognize that there are opportunities for South-South cooperation, particularly among developing countries. I can see a situation where if a country like Brazil has been able to help tobacco cultivators to move away from tobacco cultivation, from a South-South cooperation point of view we could collaborate with Brazil or any other South-South country, in order to achieve this objective.

Mr President, I see a three-pronged approach. The first relates to the tobacco-control programme where we have to operationalize the mechanisms for the programme, and it includes public education, coordination and cooperation among the key stakeholders and players. The second has to do with political will, clear political leadership, the building of national institutional capacity, of institutions, of civil society, the parliament, the nongovernmental organizations, members of the media and so on. And the third is the regulatory financing framework, where through the review of existing laws, regulations and policies we will be able to have one specific legal framework, one specific regulatory framework, that will allow us to attack illicit trade and tax regimes to discourage tobacco use; that there will be cross-border cooperation; that there will be some collaboration on laundering of money, and so on. Ultimately we will be able to help in tackling the tobacco-control challenges by banning adverts and the use of existing laws to ban smoking in workplaces, public places and other areas where this is promoted. In Africa particularly I want to make this point: when we look at advertising we sometimes forget the role of the film industry. I have observed with dismay that in Africa many film makers are glorifying tobacco smoking in their scripts and it is an indirect way of advertising, so we should at least also be able to impact positively by asking film producers in Africa to minimize the glamour that we used to see with western films, where we had key role models always using tobacco.

We also must see a situation where public officers and leaders and opinion leaders by their lifestyle must also stop smoking. I must say regrettably that when we went out during some break times, I saw some members of this very forum who still have to kick the smoking habit. So leadership must show that yes if we believe in really banning and controlling cigarette smoking, tobacco use, by our lifestyles by our own way of living, we must show that yes we will kick the habit. Mr Chairman I am therefore talking of champions and role models in the fight against tobacco abuse and its use.

Lastly I would like to say that in sharing knowledge and ensuring that the best practices are promoted we will be able to have the required advocates, the required political will, the required programming, the required strategies, the required cooperation and collaboration among stakeholders and multilateral donors and bilateral donors in order to address the problem that we have come here to address. I thank you for your attention.

The PRESIDENT:

Thank you, Honourable Deputy Minister. We have heard from the speakers starting from the former President of the Conference of the Parties, the Ambassador, to the United Nations perspective, to the European Union as a partner, and to the two countries that are representing the country perspective on the matter. The matter is now open for discussion. As I said before there is no list at the moment. The list that existed before will continue for the debate tomorrow, but there is no list at the moment and may I say that we have up to about the next 45 minutes to take inputs from the Parties themselves before I come back to the panel. Remember, this is not a panel simply for you to ask questions, we encourage you to make inputs so that we have a general sense of how the members of the Conference of the Parties think about this matter. I have got three hands now, Thailand, Benin and Australia. I would like after the Parties to encourage the nongovernmental organizations to say something: are there any members of the nongovernmental organization sector that would like to contribute? I have got one. I will close the list for now. I have got only five speakers so far. Thailand, Benin, then Australia and then we will have the nongovernmental organizations intervening. Let us make it in that order. Thailand.

Professor Dr PRAKIT VATHESATOGKIT (Thailand):

Thank you President, Thailand's question to the distinguished panellists is: how can the United Nations system take the initiative to exclude tobacco products from commercial products covered under free trade agreements in light of the fact that both WHO and the World Trade Organization are under the United Nations system.

Le Dr SEGNON AGUEH (Bénin):

Merci. La République du Bénin, que je représente ici, remercie sincèrement les personnalités éminentes qui nous ont instruits du problème de la lutte antitabac.

J'interviens pour appuyer le Ministre belge dans son idée de réduction de la pauvreté qui ne puisse pas passer par la lutte antitabac. Bref, la question de la lutte antitabac n'est pas seulement un problème de santé publique de nos jours, mais aussi un problème de développement, un problème politique. Donc je proposerais que nos pays puissent introduire la lutte antitabac dans les documents nationaux de réduction de la pauvreté. Si nous demandons de l'aide aux partenaires, il faudrait bien que la lutte antitabac puisse figurer dans nos documents nationaux de réduction de la pauvreté. Merci.

Mr COTTERELL (Australia):

Thank you Mr Chairman, and thank you to all the panellists for their presentations. We were particularly struck by the presentations from Palau and Ghana. We were struck by the remarks of the Honourable Deputy Minister from Ghana about the buzz words of the MDGs and wanted to add some of our own, which are "health system strengthening" and we would really see tobacco-control efforts and the capacity of health ministries and governments as a whole to implement tobacco-control efforts as a very important part of health systems strengthening; and health system strengthening has been a focus of our development assistance efforts and we are very keen to continue dialogue with our development partners on that front. Thank you.

The PRESIDENT:

Before I go to the delegate from the nongovernmental organization, I have two more hands: Peru and Jamaica.

La Dra. LEON CHEMPEN (Perú):

Buenas tardes. Gracias, señor Presidente. A nombre del Ministro de Salud, el Dr. Óscar Hugarte Ubillús, a nombre del mío propio, como Secretaria General del Ministerio de Salud de la República de Perú, quiero agradecerle a usted el estar acá presente, y sobre todo a los miembros que lo acompañan, miembros del panel, que nos han dado varias de sus experiencias y sus puntos de vista respecto a la reunión que nos convoca hoy.

Como Perú, hemos avanzado en estos últimos dos años desde la última vez que nos reunimos en la Conferencia de las Partes en Durban (Sudáfrica), y estamos en un proceso de implementación de las medidas que consideramos son las más importantes, quizás, a estas alturas, dentro de lo que es el Convenio Marco. Hemos logrado una legislación que nos permite caminar hacia los espacios 100 % libres de humo de tabaco. También hemos avanzado respecto a advertencias sanitarias. Tenemos aún mucho camino por recorrer, pero en esta experiencia ganada en estos últimos años, en la cual la lucha ha sido constante, en la que el Gobierno y la sociedad civil han trabajado articulados, queremos solicitar el continuar difundiendo las medidas para la aplicación del Convenio Marco.

Tenemos muchos problemas para implementar la reglamentación de las leyes nacionales. El Perú y el Ministerio de Salud, están convencidos que las medidas que defiende el Convenio Marco son justamente para promover el bien jurídico más importante de la sociedad: la salud. Y si protegemos la salud de los individuos, debemos tratar de cerrar filas en favor de reglamentaciones realmente efectivas.

A nivel de país, la influencia de la industria es muy fuerte para evitar concretar medidas efectivas. Desde ya, queremos lograr que en esta Conferencia de alguna forma se logren pronunciamientos respecto a la necesidad de que las directrices del Convenio Marco tengan mayor vigencia y, de alguna forma, logren tener la observancia que se requiere, a efecto de que nuestras legislaciones nacionales puedan observarlas.

Queremos agradecer a todos el trabajo, y sobre todo, el apoyo que hemos recibido, tanto de la Organización Panamericana de la Salud con su sede en Lima, como de la Organización Panamericana

de la Salud con su sede en Washington, quienes han colaborado decididamente con nuestro proceso de avance respecto a la implementación del Convenio Marco. Muchísimas gracias, señor Presidente.

The PRESIDENT:

Thank you very much Peru. It might help if at this stage we are able to list all the speakers. One of the reasons we do that is because we cannot allow the intergovernmental organizations and nongovernmental organizations to speak before the Parties. So I must be sure that I have given all Parties the opportunity to speak. I have New Zealand, I have Ecuador and then after that I can move to the intergovernmental organizations and the nongovernmental organizations. Thank you very much. Jamaica, New Zealand and Ecuador in that order. Thank you.

Dr LEWIS-FULLER (Jamaica):

The Jamaican delegation would like to thank the panel for a very informative and very inspiring set of presentations and would like to endorse the link being made between tobacco and NCDs and the MDGs, through direct or indirect linkages or influence of other diseases and conditions such as poverty. The countries of the Caribbean Community have been at the forefront of proposals to include chronic diseases on the platform of the MDGs, recognizing that this has been a gap creating a deficiency in our efforts to achieve the MDGs, and we intend to put this forward further at the upcoming United Nations summit. We would like our fellow delegates at this meeting, for those who would be represented at that summit, through their governments to support that resolution to have the MDGs integrate issues related to chronic noncommunicable diseases. In that way I think we would reduce the disparities in our achievement of these goals and it will also drive us to attain the goals much faster, perhaps by the year 2015 as many of them have that deadline. Thank you very much.

Mr ALLEN (New Zealand):

Thank you Mr Chair, I would like to add my thanks to the speakers: a very interesting round of presentations indeed. Also I would like to add a point that I do apologize for adding New Zealand to the list of speakers. However, as is often the case once people do start speaking, one decides that in fact maybe something could be also added and contribute to the discussion.

I think a few key points from the presentation perhaps, whether intended or not: firstly, it is quite clear that developing countries and countries with economies in transition do need to prioritize tobacco control as part of their country development agendas and formally I think is always best.

Secondly, developed countries and donors do need to be open to providing those funds for tobacco control and not be so restrictive in terms of their programmes, their development programme criteria. New Zealand has contributed in recent years to six countries in the Pacific, providing some quite comprehensive assistance around tobacco-control programmes in line with the WHO FCTC. I hasten to say that probably not many countries have and I think this is something that New Zealand has been saying at the last couple of Conferences of the Parties, at least, that really we would hope that we could continue to contribute as well as other countries perhaps more formally.

We would also like to add our view, that we do see value in having tobacco control more formally integrated into the development agenda through the United Nations system, including potentially any revision of the MDGs, and I think this is an issue that perhaps will be taken up later on by Committee B, I would hope so at least. New Zealand would like to have that debate more directly with countries as well as others that are interested. Thank you Mr Chair.

El Dr. JACOME (Ecuador):

Muchas gracias, señor Presidente, señores delegados. En primer lugar, quisiera felicitar cada una de las exposiciones realizadas, en donde claramente se logra identificar los distintos problemas que en el control del tabaco tienen los distintos países del mundo; en donde claramente se ve reflejada la diferencia en los países en vías de desarrollo y los países pobres.

Sabemos, y por todos es claro conocido, que los cambios de conducta y de comportamiento que nosotros queremos lograr, especialmente en los niños y en los jóvenes, no se logran conseguir de la noche a la mañana. De ahí que esté plenamente de acuerdo con lo manifestado por el Embajador Juan Martabit, en el sentido de que se hace necesario fortalecer los programas sistemáticos de educación, educación y educación, a más de la sensibilización y la información al público en general. Estos cambios de conducta y comportamiento dados a través de la educación requieren indudablemente de recursos económicos, y ese es uno de los serios problemas que tenemos los países denominados en vías de desarrollo. De allí que mi propuesta como país, como Ecuador, sería que los organismos internacionales efectivamente también posibiliten la distribución adecuada de los ingresos económicos que se tiene a nivel de los organismos internacionales, y que esta distribución económica efectivamente favorezca a aquellos países que más necesitamos.

Pues claro, también, no es cierto, la gran diferencia de luchar contra la industria del tabaco que diariamente bombardea con publicidad a los niños, a los jóvenes especialmente, en todos los países, y mucho más en los nuestros. Y si cada uno de nuestros países, en nuestros gobiernos, no disponemos de dineros y de fondos públicos para aquello, indudablemente, la lucha se hace mucho más difícil. De allí que mi planteamiento es ese: lograr conseguir que los organismos internacionales como la OMS, la misma Secretaría del Convenio Marco, contribuyan con la distribución adecuada de los presupuestos de organismos internacionales para los países que más necesitamos, a más de, indudablemente, el apoyo político que se necesita.

Ustedes ven que en nuestro país ha ocurrido; desde el año anterior, tenemos propuesta la nueva ley orgánica de control integral del tabaco. Sin embargo, no hemos podido dar avance, y en cambio sí la industria del tabaco ha hecho un gran lobby, efectivamente, en la asamblea y nos ha logrado parar, y no hemos podido, efectivamente, poner en vigencia esta nueva ley, que recoge los artículos básicos del Convenio Marco. Esto es, los espacios 100% libres de humo, la cero publicidad, las advertencias sanitarias que, efectivamente, deben ser rotativas y con pictogramas, a más, de hecho, las sanciones.

La industria del tabaco, en el año 2006, en el Ecuador, tuvo una altísima injerencia, y logró dejar blindado en la ley actual, en donde nosotros, si no se deroga esa ley, difícilmente podemos cumplir con esos preceptos que indica el Convenio Marco. De allí nuevamente, solicito que a nombre de todos los países en vías de desarrollo y que más necesitamos económicamente el apoyo político y la parte económica para desarrollar estos avances en nuestros países. Muchas gracias.

The PRESIDENT:

Thank you very much honourable delegate of Ecuador. I now call upon the representative of the International Labour Organization (ILO).

Mr ZEBALLOS (ILO):

Actually this is not a question to the panellists but a request to make a brief statement which is about the topic which has been discussed, the coordination with United Nations agencies. I am not sure if you will allow me to make a brief six minute statement.

The PRESIDENT:

As I said we are in debate here but we would not encourage the six minute part of it, but you can summarize the issues that you would like to raise. You are allowed to do so, not necessarily to question the panel. Except I would request you to make six minutes become three minutes.

Mr ZEBALLOS (ILO):

Distinguished delegates and participants it is an honour for the ILO to address the fourth session of the Conference of the Parties to the WHO FCTC. Director-General Somavia, who regrets that he is unable to address you personally, has asked that I convey his esteem for the Conference of the Parties,

his expectations for this important gathering and his gratitude to the Head of the Convention Secretariat for inviting the ILO to participate in this event.

Since adoption of the Convention, the ILO has joined the overall public health objectives of the treaty. Our support for this initiative has grown increasingly in the past years. For instance, the ILO has played an instrumental role in implementing the smoke-free measures of the United Nations premises, moreover the ILO as a member of the United Nations Ad Hoc Interagency Taskforce on Tobacco Control has been contributing to the enhancement of interagency collaboration for the implementation of the treaty, both at national and international levels. More recently the Convention Secretariat and the ILO have advanced on strengthening coordination efforts and expanded collaboration to all the relevant areas of mutual interest, such as Article 17 and 18, among others. As you can see this partnership is not new, rather it is continuously evolving.

Ladies and gentlemen the right of working women and men to be healthy is an important condition for them to enjoy another fundamental right: the right to have a decent job. Today it is more relevant than ever; we are in the midst of the worse job crisis since the great depression. More than 210 million people are looking for a job today and more than 440 million new jobs will be needed in the next 10 years to accommodate a growing workforce population. This is why the ILO is here today: because people's livelihoods are at the centre of our collective efforts. As you know, the ILO is the global United Nations agency responsible for promoting opportunities for women and men to obtain decent and productive working conditions of freedom, equity, security and human dignity. Working with its Member States, the ILO maintains a system of labour standards, which are an essential component in the international framework for ensuring decent work for all. Decent work reflects the concerns of governments, workers and employers who together provide the ILO with its unique tripartite structure. It is unique because employers and workers organizations have an equal voice with governments in all deliberations and through social dialogue they are able to establish sound labour relations, adopt policies to meet changing economic and social needs and improve working conditions across all sectors of human activity. This arrangement certainly gives the ILO an edge in incorporating real world knowledge about employment and work. In fact 162 Parties to the WHO FCTC are subscribers to the tripartite structure as ILO Member States.

The tobacco sector is one of the several economic activities in which the ILO has been exercising its mandate. In 2003 the ILO held a tripartite meeting to analyse the changes and prospects of employment in the tobacco sector. Indeed this sector, despite some employment declines over the past decade, remains one of those economic activities in which millions of women and men earn their living. The reality is that there are many tobacco-dependent communities and as the treaty continues to succeed in reducing tobacco demand, there will inevitably be long-term social and economic implications for them. It is also recognizing the guiding principles and general obligations of the Convention.

It is in this context where the cooperation of the ILO could play a relevant role. The experience of the ILO shows that addressing a major change such as labour displacement is exceedingly complex. There are no one-size-fits-all solutions and WHO FCTC policies need to have a holistic approach when considering employment alternatives for those to be affected. A narrow crop-substitution approach is likely to be an insufficient incentive when people make a decision which may affect their livelihoods. Having a deep understanding and conducting a thorough assessment of the labour dynamics across sectors of the economy, both at national and international levels, is fundamental when determining viable and decent employment options. The ILO has vast experience and a range of tools to offer to the WHO FCTC in this regard.

Our experience has also shown that achieving fair terms of employment, decent working conditions and development for all cannot be achieved without the active participation of social partners. Due to our nature, social dialogue is embedded in the ILO's DNA as a critical means of finding sustainable alternatives to a series of labour market issues. In this context the role of the States have proven to be fundamental in creating the stable climate required for stakeholders to operate and find consensus. This is another area where ILO expertise could be instrumental in advancing implementation of the treaty, by providing a neutral platform for dialogue at national, regional and/or international levels.

Distinguished delegates the objectives of the Convention are colossal and challenging and require the active support of international organizations to achieve them. The ILO is willing to continue coordinating and collaborating in this endeavour. Within the UNDAF, institutional and political coherence at national and multilateral levels are necessary conditions to guarantee some outcomes, hence the importance of existing United Nations mechanisms.

The ILO welcomes the initiative of the Head of the Convention Secretariat to establish a strategic framework for collaboration in the areas of common interest, where the mandate, experience and expertise of the ILO could be relevant to the treaty. We are ready to move from an ad hoc and activity driven collaboration to a more strategic, mutual long-term partnership.

In recent conversations between the ILO and the Convention Secretariat, several areas of work were already outlined and possible entry points for moving forward were identified. They include continuing our ongoing cooperation on alternative livelihoods to tobacco growing in line with Articles 17 and 18, renewing activities around Article 8 and its guidelines, and assisting in the assessment of the potential employment impact of Articles 9 and 10, and others. Likewise the ILO is keen to continue the ongoing exchange of information and assist with relevant data and research on employment trends and working conditions to facilitate evidence-based policy decision-making.

Last but not least the ILO is hoping to join the Convention Secretariat in the implementation of country needs assessments. Our participation in such exercises can help to expand policy discussions to other stakeholders, including relevant government authorities, particularly ministries of labour. Distinguished ministers, delegates and participants, we thank you again for the opportunity to address the fourth session of the Conference of the Parties and we reiterate our willingness to constructively contribute in our role as observers to the discussions in the different committees this week. Thank you very much for your attention.

The PRESIDENT:

Thank you very much to the distinguished delegate from the ILO. I have allowed him to continue speaking because he was addressing two sessions in one. In other words he is not going to come back for the other session. He was addressing this session of the panellists as well as the session which relates to the report of the Head of the Secretariat. So we take it that the ILO will not come back in that regard. Corporate Accountability International.

El Sr. DORADO MAZZORA (Corporate Accountability International):

Gracias, señor Presidente. Buenas tardes, señoras y señores delegados. Mi nombre es Yul Francisco Dorado y soy de Colombia. Gracias por la oportunidad de hablar a nombre de Corporate Accountability International y la Red de organizaciones para la Responsabilidad de las Transnacionales del Tabaco.

La tercera Conferencia de las Partes, de Durban, dio un paso significativo en favor de las políticas de control del tabaco, al aprobar las directrices del artículo 5.3. Felicitaciones a las Partes, a la OMS y a los Gobiernos, por adoptar leyes y medidas que excluyen a la industria de la formulación de las políticas de salud pública. Estas directrices proveen unas herramientas eficaces para salvaguardar el primer tratado mundial de salud pública. Así lo ha demostrado.

Desafortunadamente, la interferencia de las grandes corporaciones sigue siendo una gran amenaza para la implementación y ejecución del tratado. Todas usan su influencia política para debilitar, retardar y oponerse a la legislación del control del tabaco. La industria sigue usando métodos sofisticados para socavar la legislación. La integridad del tratado y la eficacia de las políticas nacionales de control del tabaco dependen de las medidas que las Partes tomen para satisfacer sus obligaciones bajo el artículo 5.3. Las organizaciones no gubernamentales tienen un papel clave en apoyo de los esfuerzos para monitorear las actividades de la industria, presentar reportes y denunciar las interferencias.

La industria del tabaco utilizó su poder político y económico para intentar intimidar a la comunidad internacional en la aprobación del Convenio Marco. Ahora intenta intimidar a los países para que no lo implementen o debilitar la legislación. El ejemplo más inmediato es la demanda de

Philip Morris contra nuestro país anfitrión, Uruguay, quien promulgó una legislación acorde con las obligaciones del Convenio Marco y la promoción de la salud. Al demandar a Uruguay ante un tribunal internacional, Philip Morris ha intentado, sin lograrlo, presionar un arreglo a cambio de que Uruguay flexibilice la legislación. La comunidad internacional ha brindado su apoyo solidario y felicitamos a este país por su inquebrantable compromiso con el control del tabaco. Así lo reiteró hoy el señor Presidente de Uruguay.

Como la Conferencia se ocupará de desarrollar diferentes instrumentos para apoyar la implementación en áreas que van desde asegurar la prioridad a la salud pública sobre los intereses del comercio, hasta adoptar directrices eficaces de información sobre productos del tabaco, educación y cesación, y en desarrollar medidas sobre precios e impuestos, se impone la inclusión en los textos de estos instrumentos de medidas específicas para proteger contra la interferencia, como son los principios y recomendaciones del artículo 5.3 y sus directrices. La Conferencia debe asegurar también una conveniente financiación del Convenio, reconocer que los recursos financieros son necesarios para superar la oposición de la industria tabacalera, y estimular en lo posible nuevas fuentes tributarias que comprometan el patrimonio y utilidades de las corporaciones del tabaco.

Finalmente, censuramos las acciones de intimidación y desinformación de la Asociación Internacional de Cultivadores de Tabaco, de comprobados vínculos con la industria tabacalera, quien ha desplegado toda una estrategia para oponerse a la aprobación de las directrices de los artículos 9 y 10. Aquí, como en otras situaciones, hay que aplicar el artículo 5.3 y sus directrices, rechazando los argumentos. Como a todas las Partes en el Convenio Marco las une el imperativo de la salud pública, tenemos la seguridad de concretar grandes logros en los resultados de esta cuarta Conferencia de las Partes. Muchas gracias.

The PRESIDENT:

Thank you very much. Before I point to any other delegate from the nongovernmental organization sector, before I find the same trend taking place now, which is moving away from the panel here, but taking the opportunity to speak on the subject we have suspended until tomorrow. I want to reiterate that I am asking for people to respond directly to this debate and not to speak on any other subject which is the response to the report of the Head of the Secretariat. We will do that tomorrow after finishing all the Parties. And I am just appealing to my colleagues from the nongovernmental organization sector, because I have suspended the Parties from actually doing a broader participation and if the nongovernmental organizations are going to be making broad political statements before Parties have done so, then I am in a difficulty and have to actually stop. Thank you very much.

Ms KITONYO (Union for International Cancer Control):

On behalf of the Framework Convention Alliance, the World Health Federation, the International Union Against Tuberculosis and Lung Disease, and the Union for International Cancer Control, we congratulate the governments present for their achievements in implementation of the WHO FCTC. We have also taken notice that many face challenges in implementation due to lack of resources. We therefore encourage Parties to bring the Convention to the highest political level and we encourage the Conference of the 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, to fully integrate implementation of the WHO FCTC within the UNDAF and to make it a clear objective of the upcoming summit on noncommunicable diseases that will be held in New York in 2011. We also support initiatives that call for inclusion of noncommunicable diseases and tobacco control in the successor goals of the MDGs and any subsequent global indicators of development. We also call upon developing country Parties and those with economies in transition and the development partners to prioritize implementation of the Convention within development programmes. Thank you.

The PRESIDENT:

I will now use this opportunity to go back to the panellists, one minute each, and I am going to have this gavel and to say “one minute is over”. Please just make final remarks in response to what has been said, pick up on any issue or add to whatever has been said, in a minute each. I will start with the last speaker, the Deputy Minister from Ghana.

Mr METTLE-NUNOO (Ghana):

Thank you very much Mr President. I just want to thank you for the opportunity of sharing my thoughts. I believe that we need strong political leadership, we need a legislative framework; where there are conflicting laws it is necessary to review those laws and make them relevant to the tobacco-control programme. I believe that there is a role for all stakeholders in that as much as possible the executive, parliament, nongovernmental organizations, civil society and various stakeholders must be involved in prioritizing and focusing on the strategy. I also believe that the institutions responsible for the legal and regulatory framework must be encouraged to pursue the agenda of illicit tobacco trafficking, laundering and also must enforce drug regulations in their respective countries. And lastly I think that we should look at public education as one of the key instruments in using tobacco control as a public health intervention. I thank you very much.

Dr KUARTEI (Palau):

Thank you for this opportunity to be part of the panel. I think the statement I heard from His Excellency Ambassador Martabit with regard to knowledge is probably the key. And I think it is not pursuit of education or information but the possession and application of knowledge in our attempts to implement the WHO FCTC. There are multisectoral approaches that may include NCDs and at some point we need to decide whether tobacco is separate or parcel to that but in the end I think that it is pursuit of knowledge and possession of it and the application of it that will make a difference in the implementation of WHO FCTC. Thank you.

M. COURARD (Secretary of State for Social Integration and the Fight against Poverty, Belgium):

Monsieur le Président, peut-être deux éléments importants à rappeler: d'une part, la nécessité de s'investir dans la problématique du tabagisme et des enfants ainsi que dans celle du tabagisme et des femmes – puisque l'on a quand même une augmentation qui suscite vraiment beaucoup d'interrogations –, et d'autre part la lutte à mener contre la pauvreté dans chaque pays, qui doit se décliner aussi en tenant compte de la problématique du tabac, comme l'a rappelé, notamment l'intervenant du Bénin. Merci beaucoup.

Mr SETH (Director, Office for Economic and Social Council Support and Coordination of the United Nations Department of Economic and Social Affairs):

Thank you Mr President. I will make three quick points. One is agreeing that the heart of actions is at the level of improving public health systems, but do not assume that these interventions are necessarily expensive, and I am quoting two examples, one from a Bangladeshi doctor and now social activist who worked a lot in the area of maternal health and who has said that in all his meetings with the people he was working with at the level of the community, not one doctor nor community health worker had told these families where there was a pregnant woman that the head of the household should stop smoking. Now is not that ridiculous, that the doctors themselves are not spreading this message? So the issue of health literacy and the issue of interventions to improve maternal health for example, they are not expensive propositions. China had a book of 66 articles on health literacy and they were very proud of the way in which it had been disseminated, which included articles on the cessation of smoking. These are simple interventions and they are not expensive.

The second is that the Convention must find ways of interfacing with other agendas and that is very important to highlight the profile and to make an impact on other agendas. In particular, I am just elaborating on this because the delegation of Thailand asked about the trade agenda and there of course there is a whole different body of activity taking place in Geneva but it will be important to see how the Convention can interface with that process and of course the Uruguay Round was launched in Punta des Este but now we are in the Doha Round, to see how that can interface and further the objectives of the Convention.

The third is that we must work for the post-2015 framework of the MDGs, which will bring out the lacunae and limitations of the current framework and as we work on that framework we must make a strong push to include elements which have been missed out and clearly high among those is the issue of tobacco control. Thank you Mr President.

El Sr. MARTABIT (First President of the Conference of the Parties):

Cinco puntos muy breves. Primero, aparece evidente la necesidad de una mayor colaboración por parte del Secretariado para la implementación de las legislaciones nacionales de los países que lo requieran.

Segundo, pobreza y tabaquismo, especialmente mujeres y niños; educación y tabaquismo parecen temas absolutamente relacionados y urgentes de atacar. Sugiero la implementación de programas pilotos con carácter de urgente en algunos países o sectores emblemáticos que podrían atacarse rápidamente.

Tercero, las agencias internacionales deben involucrarse de mejor manera y de forma coordinada con las propuestas que hace esta Conferencia. También pediría yo a las agencias internacionales que implementen, en coordinación con esta convención, urgentes medidas pilotos en algunos países. Unirlas no cuesta nada, pero desarrollar en conjunto programas específicos, reales, medibles, no crean ustedes que es tan fácil. Háganlo por favor, y con carácter de urgente.

Cuarto, aumentar el perfil de esta convención y de su Secretariado en la escena internacional; y quinto, abogamos todos para que este tema del tabaquismo y sus derivados sea incluido en las agendas de los jefes de Estado cuando estos se reúnen y especialmente en las cumbres que se desarrollan en el marco de las Naciones Unidas. Muchas gracias.

The PRESIDENT:

Thank you very much Your Excellency and I would like to on behalf of the Bureau and the Secretariat as well as on behalf of the Parties present here today to thank the panellists for the very thought-provoking and very open and clear sense of direction and input into the discussions around the development agenda. I want to thank them very much. Can we give them a big hand please.

*(Applause)*

## 2. ANNOUNCEMENTS

The PRESIDENT:

We have now come to the end of this part of the discussion of the report of the Secretariat. As I said earlier on we will come back to the list that I already have of Parties in relation to the general debate regarding the report tomorrow morning. The list that I have is long and we will check tomorrow and I will have other people who would like to speak on that list, before we go to the intergovernmental and nongovernmental organizations as we have done this afternoon on this subject.

There are two matters that we need to deal with before we adjourn, before I also make the announcements. The first matter relates to the appointment of officers for committees; since we established Committee A and Committee B you will recall that it is necessary for the Conference of the Parties to elect the officers for those committees. Regarding the officers of the two committees, I would like to recall Rule 28.1 of the Rules of Procedure of the Conference of the Parties, namely that

unless the Conference decides otherwise it is the committees themselves that elect their respective officers. So that matter is referred to the committees. However as it is general practice, we encourage the regions to consult and in the process I want to remind delegates that in order to ensure regional representation, usually the committees elect a chair and two vice-chairpersons, thereby bringing the total number of officers to six and ensuring regional representation in committee work. You will recall that previous sessions of the Conference of the Parties followed this practice ensuring the representation of all six regions. Now with regard to the actual election, the Bureau having not received any nominations at this stage yesterday, we have now received one. After consultations we have decided that we would convene a small meeting with the regional coordinators in the evening last night, in order to allow them to get to know one another and so that they could actually coordinate discussions once the regions have considered this matter of election of the committee officers. We are hoping that those discussions are ongoing and that the coordinators will come back to us, if there is any kind of consent that has been reached by that stage, so that we can put it on the table for all the delegates, the list of the people for proposal and they will then be appointed in the committees themselves. We are hoping that that process is actually taking place now and at some point we will have a report from the coordinators themselves to deal with this particular aspect of the appointment of the officers for the committees.

Another matter that is related to logistics is that usually the seating arrangements for this meeting are made according to a practice of picking a lot of the number we start with or the letter of the alphabet that we start with. For this session the letter "R" was drawn by lot, therefore the seating order started with the Republic of Korea. Now we have heard that there is a request from the regions that we rearrange the seating such that regions are sitting as regions. First of all we would like to put this proposal to the house to check if there is any objection to the arrangement that we rearrange this hall such that regions will sit as regions. Is there any objection to that proposal? Because the regional groups have proposed that there be a seating arrangement according to regional groups and we are saying that must be decided by the Conference of the Parties. Are you all agreed? There is no objection? No objection, and therefore the seating arrangement from tomorrow morning will be rearranged according to the regional groups. So when you come in tomorrow please do not think you will be sitting where you are sitting today because there will have been a rearrangement according to regional groups. Again we will draw lots in terms of groups to see which one will sit more in front and more at the back.

I have a few other announcements that I need to make which are related to other activities that are taking place here. First of all you are all invited to a reception, courtesy of the Ministry of Health of Uruguay, which will take place at 19:00 in the tent where you had your lunch. You are all invited to that reception, please attend in numbers in honour of the host country, that has honoured us with such generosity, for the reception at 19:00.

Secondly the Bureau members will meet at 18:30. We are requesting, just for a quick update, the regional coordinators also to join us for five minutes at that meeting at 18:30.

Thirdly, the Eastern Mediterranean Region would like to inform participants that prayers will be conducted tomorrow at 08:00 in the prayer room. So all those participants that would like to join the prayers in the context of the festivals that are being celebrated at the moment, can join the Parties of the Eastern Mediterranean Region at 08:00 in the prayer room.

Tomorrow we have four items to cover in the plenary by lunch time. Firstly we will continue with the debate on the report of the Secretariat, that is the first item, and I have about 12 to 14 speakers on my list already. Secondly we will have to discuss item 5.1, which will be constituted by a presentation from the Chairperson of the Intergovernmental Negotiating Body, as well as a discussion. Thirdly, after that we are going to consider the item that was proposed by Uruguay and supported and adopted by all of us, and that is the item on commercial interests. Finally we will consider the item that we also adopted which relates to the process regarding the method relating to the appointment and the extension of the contract of the Head of the Secretariat. So we have four items to cover between 10:00 and 13:00 tomorrow. We only have three hours. I will try in the morning to get a mandate from the Conference of the Parties to ensure that each one of those items fits in within a certain period of time, so that we are able to finish all four by lunchtime, and if I do not get that mandate then we will

just continue until we finish with all those items before we break into the committees. That might interfere with our work in relation to the end of the conference.

So I will beg your indulgence to bear with the Chair when I come with the proposal on how to manage our time, for those four items and then we will take it from there. We will start talking about it, with the five minutes that we talk about it with the regional coordinators. Just give me one second to check if I have covered all ground before I adjourn the meeting. It looks like I have actually fulfilled my duties for today. Thank you very much one and all and please enjoy the cocktail and please be seated here by 09:45 if you are able to, so that we continue the practice of starting earlier. Thank you very much.

*(Applause)*

**The meeting rose at 18:00**

**THIRD PLENARY MEETING****Tuesday, 16 November 2010, at 10:10****President:** Mr T.D. MSELEKU (South Africa)**1. REPORT OF THE CONVENTION SECRETARIAT, FOLLOWED BY A GENERAL DEBATE**

The PRESIDENT:

Thank you. Let me begin the day today by, on behalf of all of us, expressing our warm thanks to our host, the Minister of Health of Uruguay, for the nice reception yesterday evening. I know many of you enjoyed the dance and the music that took place there. So we want to thank Uruguay and the Minister in particular for that reception. A big hand for the Minister, thank you very much.

*(Applause)*

As we agreed in this plenary yesterday, we shall continue this morning with the debate on agenda item 4 and then we will consider agenda item 5.1, which relates to the protocol, and then we will move to agenda item 5.10, which is related to the request by Uruguay to discuss commercial interests influencing the WHO FCTC. And then we will take item 7.10, on issues related to the contract of the Head of the Secretariat. I would also like to propose that we take a preliminary report again on agenda item 1.2, which is the report on credentials; we will update them from time to time.

So our agenda between now and, hopefully, lunchtime is the list of speakers I have on the debate on agenda item 4; then I will move on to item 5.1; then the consideration of the proposal point that came from Uruguay; then the proposal point that came from the Bureau to discuss matters relating to the contract of the Head of the Secretariat; and then we take the credentials before we break into committees.

As you will recall, yesterday I already had a list of speakers. May I repeat the list I already have. If there is any other speaker that would like to get on to the list then they should so indicate. The Parties on my list of speakers are: Japan, Thailand, Ghana, Jamaica, Zambia, Seychelles, Belgium, China, Namibia, Mauritania, and the Republic of Moldova. And then I have speakers from the four countries that spoke on behalf of the regions, but would also like to speak on their own behalf. I am going to put them at the end: Norway, Peru, Tunisia and Nigeria. Those are the names I have on the list at the moment. If there are any additional people to speak, can we have an indication so that we can finalize the list before I go to the intergovernmental organizations and nongovernmental organizations? On this side I have Australia, South Africa, Madagascar, Chad, Kenya, Timor-Leste, the former Yugoslav Republic of Macedonia, Samoa – we have noted the African Region. Any others? I have got 22 speakers from 22 countries before I have the other, additional six countries which have spoken on behalf of their regions.

I am now going to call upon the intergovernmental sector to indicate whether they want to get on the list. On my list I have Brazil to speak on behalf of the Southern Common Market (MERCOSUR), and I have got the World Trade Organization (WTO); the International Labour Organization (ILO) has already spoken – is there any other intergovernmental organization that would like to speak? Going, going, gone. And now I am going to the nongovernmental sector: can I have an

indication of nongovernmental organizations that would like to speak so that I can close my list? Framework Convention Alliance. Any others? Thank you very much. Before I finalize the list, the indication is that Belgium has already spoken, so I am removing them from the list, and the indication is that Peru has already spoken, so I am removing them from the list. Is that correct? Thank you. Bhutan will make a regional statement on behalf of the Parties in the WHO South-East Asia Region.

My list is now closed, and you have mandated me not to take any other speakers until these are finished and then to check whether there are any other speakers. Agreed? Agreed. Thank you very much. May I therefore now call upon the delegate from Japan?

Mr HOSHINO (Japan):

Thank you, Mr President. Fellow delegates, ladies and gentlemen: first of all, the delegation of Japan would like to join other delegations who spoke in yesterday's session, expressing appreciation to the Convention Secretariat and all those who participated in the preparation of this fourth session of the Conference of the Parties, including various working group members, experts, nongovernmental organizations, as well as the authorities of Uruguay, which generously offered to host this important event for the public health of the people of the world. At the outset, the delegation of Japan would like to underline our continued commitment to the global fight against the health, social, economic and environmental consequences of tobacco products under the Convention, and to commend the significant achievements made so far in this domain after the entry into force of the Convention in 2005.

The unprecedented increase in tobacco prices in the domestic market in Japan, which is in the order of more than 30%, and which became effective on 1 October this year, is one of the examples demonstrating our commitment to the fight against tobacco products.

Mr President: the Japanese delegation finds the agenda of this fourth session of the Conference of the Parties to be very ambitious, and our delegation will do its utmost to make this Conference of the Parties a successful one. Having said that, we cannot help but consider that the treaty process is becoming more and more overloaded, with multiple working groups or expert groups which deal with different aspects under different articles of the WHO FCTC. Five years after the entry into force of the WHO FCTC, we believe it is time to concentrate our efforts on the steady implementation of the Convention and assessment of the impact.

Concerning the multiplying different working group processes which run simultaneously, our delegation finds it more prudent to redefine priorities among them, and we request that the workplan and budget for the next biennium, which we are going to adopt this week, be established in such a manner as to reflect such prioritization, taking also into account the current global economic downturn and budgetary constraints which every Party's government is facing.

Another point to which our delegation wishes to draw the attention of our fellow participants is the importance of taking into account the different legal systems and social and cultural backgrounds of the Parties. It is particularly true when we contemplate the different draft guidelines whose adoption is proposed at this fourth session of the Conference of the Parties. For the purpose of maximizing the effectiveness of tobacco control at the field level of each Party, the guidelines should be acceptable to as many Parties as possible. The situation concerning tobacco products and their control varies significantly from one Party to another. We are concerned that the imposition of specific measures in a uniform manner might diminish the room for flexibility for each Party to deal with issues in its own effective way. It goes without saying that the guidelines must be supported by extensive scientific studies and evidence.

To conclude, the Japanese delegation would like to reiterate once again its commitment to the global efforts for tobacco control and we assure all our colleagues of our active participation in this fourth session of the Conference of the Parties. Thank you for your attention.

The PRESIDENT:

Thank you to the representative of Japan. May I beg the indulgence of the meeting before I continue with the list? I really need your assistance from the Chair. We have a list of 30 speakers for

this session. If you calculate the speakers taking five minutes each, that already takes us to more or less three hours, because usually they will go to seven or eight minutes. This means that the three hours which you have allocated to this plenary to cover all those four items will not be enough. Bearing in mind that we are going to have a lot of discussion anyway on the other two or three items, I am trying to see how we can manage this. One way of doing so is for us to take speakers up to a certain point, say for example until 11:00, then to move to the other items and see if we finish them too and, if necessary, come back to this debate again, either at this plenary or at another plenary. That is one option we have. The other is to continue with the 30 speakers until we finish them and then go on to the other items and finish all the other items before we break into committees. Now I really need your guidance here. I am not opening a big debate. If it is not resolved within five minutes I shall continue with this programme because it is actually the standing programme at the moment. But I just wanted to check so that we will be able to manage together this conference. The proposal that I have is that I go at least for the next 30 minutes until 11 o'clock, suspend this item, move to the other items, and come back to this item at any other stage of this plenary or another plenary. There may be other options too. Otherwise we shall continue and see how the speakers speak and when we finish. Any suggestions? Brazil?

Mr DE SOUZA-GOMES (Brazil):

I think perhaps the alternative of going on with the speeches, and sticking to this item to try to finish it the sooner the better. I think it is a question of procedure. And then we will move to the other items. This is the proposal that we would support. Thank you Sir.

The PRESIDENT:

Thank you very much Brazil. Brazil is suggesting: let us go on with the item and finish it, procedurally. Are we agreed? It looks like there is no objection to that. Can we then ask the speakers to be sensitive to this fact? Can I appeal to the speakers? I know you have to make a presentation, but please be sensitive to the fact that we are also trying to ensure that we cover all the items because, as you have heard from speakers here, we have a very long agenda. May I then move on to the next speaker.

Dr SIRIWAT TIPTARADOL (Thailand):

Thank you Mr President, I will try to be brief. Mr President, distinguished Ministers, Excellencies, chief delegates, ladies and gentlemen: it is a great honour for me to address this important meeting, the fourth session of the Conference of the Parties. First of all, the Thai delegation wishes to thank the Government of Uruguay for the warm welcome that we have received. We are touched by the friendliness and generosity shown by the people. We also wish to congratulate the President and the Head of the Convention Secretariat and his staff for their accomplishments over the past two years.

Mr President: Thailand became a Party to the WHO FCTC in 2004. Since then, Thailand has made great strides in tobacco control. Thailand exemplifies a developing country that relies on the WHO FCTC as an instrument in moving forward in our tobacco-control efforts.

Mr President: Thailand pledges our support to forge ahead to achieve the goals of the WHO FCTC. In order to do so, we must work collectively towards stringent provisions, not only as prescribed in the WHO FCTC, but to go beyond the baseline obligations as highlighted yesterday morning by Dr Margaret Chan, the Director-General of WHO. Dr Chan succinctly described the tobacco industry as an "old dog with new tricks". These new tricks are nowhere more evident than in the area of trade liberalization, where the tobacco industry capitalizes on investment liberalization in expanding their operations. Although the provisions of the WHO FCTC do not address the issue of controlling tobacco industry foreign direct investments directly, it falls within the scope of tobacco control as defined in the WHO FCTC. Thailand wishes to encourage Parties to rise to the challenge of going beyond the baseline obligations as prescribed in the WHO FCTC, and to consider establishing

guidelines on tobacco industry direct foreign investment. We are confident that these guidelines would strengthen controls on tobacco supply and close any loopholes in the WHO FCTC. Thank you, Mr President.

Mr MUNTAKA MUBARAK (Ghana):

Thank you, Mr President. To say that the tobacco menace is achieving epidemic proportions and is foreseen to have its greatest toll on the African continent is fast becoming a cliché. This is why this assembly, the fourth session of the Conference of the Parties, is very important, as the decisions which are going to be taken could shape the future of our nations and remove the fixation from the problem to its resolution.

Ghana in the past and recently has made some notable interventions in tobacco control in accordance with its obligations as a Party to the WHO FCTC. Ghana has placed a lot of emphasis on education, training and public awareness of tobacco-control issues. As the saying goes, knowledge is key. A number of interventions have been made in implementing the provisions of Articles 6, 9, 10, 11 and 14 through supporting legislation. In furthering the tobacco-control agenda, our Government has continuously engaged with civil society in view of its immense role in and contribution to the fight against the tobacco epidemic. Ghana has been actively participating in Conferences of the Parties and in other international tobacco negotiations, as evidenced by the high-powered delegations, usually consisting of highly placed Government officials, parliamentarians and ministers and, more recently, hosted the second meeting of the working group on Articles 17 and 18 of the WHO FCTC. Ghana has expressed the political will to forge the tobacco-control agenda. Ghana wishes to reiterate its commitment to ensuring the highest standard of health of her citizens in their fight against the canker of tobacco and to resist every attempt to undermine the tobacco-control efforts being made at all levels.

Mr President: several achievements have been made under the WHO FCTC. The status of Ghana's tobacco-control bill is that currently our Cabinet has approved a draft bill as part of a comprehensive public health bill. The immediate follow-up action of the Minister of Health is to speed up the executive procedures from Cabinet to present the tobacco-control bill to Parliament for debate and approval.

Ghana has provided all relevant information in its two implementation reports. Ghana has therefore met its obligations under Article 6.3. Ghana has successfully banned tobacco advertisements in all media outlets. A draft manual on cessation was developed by the Ghana Health Service in 2007 but has not been officially published yet. Ghana served as a Key Facilitator on the working group on Article 14 and actively participated in the drafting of the guidelines on the implementation of that Article.

Even though tobacco products are not explicitly mentioned, the Customs, Excise and Preventive Service (CEPS) Management Law is the legal basis for combating illicit trade, including in tobacco products. The CEPS Management Law of 1993 prohibits all forms of smuggling. Penalties range from seizure, a fine of 300% of tax evaded and/or a maximum jail sentence of 10 years. In 2008, Ghana passed the Anti-Money Laundering Act, Act 749, according to which proceeds from unlawful activities, such as proceeds derived from illicit trade in tobacco products, are frozen on the orders of the court. CEPS has confiscated illicit tobacco products when Ghana has been used as a transit point for neighbouring countries. Ghana has provided that information through its two reports to the Conference of the Parties and has therefore met its obligations under Article 15.5.

Ghana is a member of the International Criminal Police Organization (Interpol) and the World Customs Organization. Ghana shares information with Interpol and the World Customs Organization and actively cooperates with them against smuggling. Ghana has signed memorandums of understanding with its immediate neighbours Togo, Burkina Faso and Côte d'Ivoire on customs cooperation, including combating smuggling.

In the meantime, Ghana has been actively engaged in the current process of elaborating a protocol on illicit trade in tobacco products under the umbrella of the WHO FCTC. Ghana has made great contributions to the treaty development process by serving as a group member of three sessions of the Intergovernmental Negotiating Body, representing the African Region. Ghana hosted the second meeting of the working group on Articles 17 and 18 of the WHO FCTC from 21 to 23 April 2010 in

Accra. The Food and Drugs Board has a unit dedicated to tobacco regulation, and it collects registration fees from tobacco importers for registered tobacco products.

Ghana has introduced textual health warnings that cover 50% of the front and back of the principal display surface and at points of sale of tobacco products. Plans are under way, in collaboration with a nongovernmental organization, to develop and introduce pictorial health warnings.

Following Parliamentary approval of the tobacco bill, the following actions in the proposed bill may require further international assistance: formally establishing a multisectoral national committee mechanism with membership as broad as possible to include all relevant Government agencies and other relevant stakeholders; advocacy for a specific budget line to be allocated to support the work of the national commission mechanism with dedicated staff in place; advocacy for an office to be established in the Ministry of Health to work full-time on the implementation of the Convention. This office would then be better able to coordinate all relevant units in the Ghana Health Service – such as NCDs, health promotion, research etc. – and the Food and Drugs Board, to integrate implementation of the WHO FCTC into all health-care programmes; advocacy for the Environmental Protection Agency, the Ministry of Health, and the Ministry of the Environment, Technology and Science to utilize the existing environmental law and regulations to ban smoking in workplaces, public places and other appropriate places in accordance with Article 8 of the Convention and its guidelines; advocacy for the Ministry of Food and Agriculture to take the lead in promoting economically viable alternatives to small-scale tobacco farmers and integrating its support into the government of our own food security and agriculture programme. The Ministry of Food and Agriculture, in collaboration with the Ministry of Health, will follow up with the World Food Programme and the Brazilian Government with regard to possible cooperation in helping to meet the obligations under this Article.

Mr President, ladies and gentlemen: let me re-emphasize that Ghana's commitment to the WHO FCTC is unflinching. We promise to do the best that we can to ensure that this Convention is adhered to fully in our country. Thank you very much, Mr Chairman.

Dr LEWIS-FULLER (Jamaica):

The Jamaican delegation takes great pleasure in joining with you, fellow delegates, in this fourth session of the Conference of the Parties to the WHO FCTC. In an environment of significant financial constraints, our presence here demonstrates our continued strong commitment to tobacco control.

Firstly, we would like to extend sincere gratitude to Uruguay for hosting this meeting, which has so far been demonstrated to be well organized and well coordinated logistically. We also appreciate the timely admonition of the Uruguayan President, our guest speaker yesterday, to keep up the fight against the negative influences that would thwart our efforts towards a tobacco-free world and a healthier society. We support Uruguay's proposal for a declaration as one of the outputs of this meeting.

Mr President: Uruguay deserves special recognition for its fearless fight among those in the forefront of the tobacco control initiative, and we commend it for being a role model in spite of the troubles that it faces. I wish to mention specially my friend Dr Eduardo Bianco, whom I have known since the beginning of this process. I think he is now retired from Government service, but continues to support the tobacco-control efforts in his country and in the world.

We would also like to congratulate the countries that have made strides in tobacco control since the last Conference of the Parties. More particularly, special mention must be made of our sister Caribbean countries – and Jamaica, of course. In Jamaica, legislation is now being drafted to address areas not covered by existing legislation, such as smoke-free environments, and the banning of advertising, sponsorship and promotion of tobacco products in the print media. This legislation will be enacted as a regulation of the existing Public Health Act. We have continued stepwise taxation on cigarettes, which is now at the level of approximately 60% of the retail price being attributable directly to tobacco taxation. Ongoing public education activities as part of the chronic disease and health promotion strategies are intensified at various times, such as World No Tobacco Day events. We should also congratulate some of our sister Caribbean States for achieving various milestones during this period. For example, Saint Vincent and the Grenadines, which has ratified the Convention in

recent times; Trinidad and Tobago for passage of a comprehensive tobacco law; Barbados for its enactment of smoke-free environment legislation, only a few months ago. Jamaica also completed draft standards for labelling of tobacco products, which include graphic health warnings on 50% of the cigarette packaging. And we have circulated these to fellow Caribbean neighbours for consideration for adoption. We would like to thank those countries and organizations that allowed us to use their graphics in this process; special mention must be made of Mauritius, Australia, Peru, the Pan American Health Organization (facilitated by Dr Adriana Blanco) – through their help we were able to reduce the cost of this process.

Mr President: let me express my thanks to WHO for keeping up the momentum, the Bureau and the Secretariat for the hard work they have put into managing the business of the Conference of the Parties. The agenda has been perused and we are satisfied with its content. We understand that some items, inevitably, must be included, having been brought forward from previous meetings, and we have to find a way of addressing them systematically, to the satisfaction of delegates, without deliberating on them meeting after meeting ad infinitum. The new items, such as item 5.8 on the agenda – control and prevention of smokeless tobacco products and electronic cigarettes – are also welcome.

There are many challenges looming before us, and I see some negative clouds gathering over our heads, encouraged by those who only see the potential for extraordinary profits to be made from tobacco and are blind to the devastating health effects. But let us not be daunted. Let us keep in mind the earlier enthusiasm and energy of delegates and the tremendous support given to this process by Dr Gro Harlem Brundtland and her successors as Director-General, including the current Director-General, Dr Margaret Chan. Always remember that we are here having these meetings, these sessions of the Conference of the Parties, for the common good of society as a whole. Thank you, Mr President.

Ms BHARATHI (Seychelles):

Mr President, Excellencies and delegates: it is my privilege on behalf of the Government of Seychelles to make a statement at this fourth session of the Conference of the Parties. Mr President: first of all, may I first congratulate you and the Convention Secretariat, as well as the members of the Bureau, for your accomplishments over the past two years. Let me also thank the Government of Uruguay and the Minister of Health for co-hosting this important conference.

Mr President: the Government of the Seychelles has taken several major steps towards tobacco control during the past 20 years. Tobacco advertisements have been banned in the Seychelles for several decades. As you know, the Seychelles has been very active throughout the intergovernmental negotiations related to the WHO FCTC, and was the first country in the WHO African Region to ratify the Convention in 2003. Consistent with our obligations under the treaty and in line with the longstanding commitment of the Government to take strong tobacco-control action, the Seychelles enacted the National Tobacco Control Act in August 2009. The legislation is comprehensive and includes several major provisions, such as a total ban on tobacco advertising, promotion and sponsorship and a total ban on smoking in enclosed public places and workplaces. The ban on smoking in public places extends to all outdoor premises of all health and education institutions, all sports stadiums and all public transport. It is noteworthy that the ban on tobacco advertising has been fully implemented and a recent survey showed that the ban on smoking in enclosed public places is largely supported by the public, as well as by the staff and managers of these places. Results also suggest that the health of workers in hospitality venues has improved since the ban was implemented. Also, the Seychelles has made great strides in establishing the Tobacco Control Act.

The Seychelles, a small-island State, is facing many challenges. One current challenge is the need for appropriate technical expertise in preparing the various regulations. Therefore the Seychelles is looking forward to the Conference of the Parties and related organizations providing appropriate guidelines, expert input and other tools to facilitate and speed up effective implementation of tobacco-control measures. Swift ratification of the WHO FCTC, rapid enactment of comprehensive tobacco legislation and effective implementation of several major regulatory provisions, together with continued and high-profile awareness programmes and campaigns, further demonstrate the high commitment of the Seychelles towards a strong and sound public health action for a tobacco-free

society. Therefore, Mr President, be assured that the Government of the Seychelles will keep providing strong support for initiatives to strengthen tobacco control. Thank you.

Mr MBEWE (Zambia):

Thank you Mr Chairman, Ministers. It is truly an honour to experience at first hand this beautiful country with its rich green environment, and hospitable and friendly people, in this great resort city of Punta del Este. Since my arrival together with my delegation, we have been overwhelmed by hospitality and friendship. May I say thank you once again to the Government and people of Uruguay, the United Nations system, the Convention Secretariat and the staff of this convention centre for having extended an invitation to us to come and participate in this very important conference. We bring greetings from our Republic and President, His Excellency Mr Rupiah Banda who wishes us fruitful discussions in the negotiations at this Conference of the Parties.

Mr Chairman: we fully agree with the report of the Secretariat regarding the various activities and achievements so far, including the special request that Parties and member countries honour their obligations under the WHO FCTC. Zambia, as a State Party, is fully committed to the ideals, aspirations, objectives, and noble and moral obligations of the WHO FCTC in endeavouring to protect public health, and as such we support a strong WHO FCTC. In line with the noble cause of having a strong WHO FCTC, we are already drafting a comprehensive tobacco-control bill, which will take into account all the respective articles of the WHO FCTC.

Mr President: preceding this development, and as part of our commitment to the protection of public health, we have enacted legislation banning smoking in public places in April 2008. We have gone further in implementing the smoke-free law by declaring our capital city, Lusaka, a smoke-free city.

Mr Chairman: we have further endeavoured to restrict and control advertising, promotion and sponsorship of tobacco products. However, along the way, we are facing challenges in addressing the current reality and the issue of finding viable alternatives to tobacco growing for the over 400 000 small-scale farmers who depend entirely on income from this sector.

Mr Chairman, distinguished delegates: we have taken cognizance of the proposed guidelines of the working group on Articles 9 and 10 and would be grateful to share our views on this subject. At the outset, it is imperative to mention that we fully agree with the proposals to reduce the harmful effects of consuming tobacco. The proposed guidelines on Articles 9 and 10 call for a ban on some ingredients and, as much as we understand the intention of the working group, we would like to attract the attention of the Conference of the Parties to the potential alarming and unintended consequences of such a measure. We are fully committed to the protection of the health and moral values of young people. We listened attentively in yesterday's plenary and support the views expressed by Canada. However, we envisage the need to do more work and hold more consultations on Articles 9 and 10. Mr Chairman, members of the Conference of the Parties: we again reiterate that we fully support the implementation of the measures that would reduce the harmful effects of tobacco. In this regard, we acknowledge the work that has gone into the preparation of the proposed guidelines on Articles 9 and 10 but, as a country, and from what I have just said, we still need further work on the matter. To this end, we propose that the guidelines on Articles 9 and 10 be accepted as a progress report only for submission to the fifth session of the Conference of the Parties. We are ready to fully engage and discuss these issues, and many issues likely to affect the political and social climate of our country, with the working group members as well as other Parties of the Conference in a spirit of consensus and unrestricted democracy.

In conclusion, Mr Chairman, we wish to support the views expressed by China to remove agenda item 5.2, which relates to Articles 9 and 10. Mr President and members of the Conference: I really want to thank you for your attention. Thank you very much.

Mr YI Xianliang (China):

主席先生。这是中国代表团第一次发言，我想还是要感谢乌拉圭政府和人民承办这次重要的会议。同时，我们也赞赏世界卫生组织及其区域办事处，特别是公秘办处，以及主席先生您本人对本次会议如期顺利地召开所作出的巨大努力。

主席先生 自从公约诞生以来 中国政府为谈判制定公约和履行公约作出了一系列的努力。这里要特别提到三个方面。第一个方面 中国政府专门成立了一个由八个政府部门组成的中央级的协调领导小组 专门协调和组织履行公约的一些事务;第二个方面 中国在2008年举办了无烟的奥运会,今年又举办了无烟的上海世博会,所以中国公共场所禁止吸烟和重大活动无烟已经成为一种规则。同时在2009年6月份 中国政府和世界卫生组织联合举办了烟草制品非去贸易议定书的区域研讨会,中国政府在尽最大努力来与世界卫生组织和相关缔约方合作,为实现本公约的目标作出努力。

同时,主席先生 我们也注意到 昨天巴西代表团团长提到的一个现象,在发展中国家普遍存在这么一种状况 在贫困地区和相对欠发达的地区,吸烟率明显要高于比较发达的地区。在中国存在同样的情况 吸烟率在经济欠发达的西部地区明显要高于东部沿海地区和城市。这就不得不让我们考虑一个问题 控烟是在可持续发展框架下必须要考虑的一个非常重要的问题。所以我们在考虑公约下一步措施的时候,也应当把经济社会发展和可持续发展这种概念更多地体现在我们所作出的决策中。

主席先生 还有一点需要强调的是 从我们过去五年履约的经验看,实现公约的目标必须在公约的原则规定基础上,由成员国根据各自的国情,也就是刚才日本代表团提到的各自的法律文化 来制定切实可行的措施。

主席先生 烟草控制框架公约现在已经有171个缔约方,这是一个大家庭,我们的目标是一致的,当然我们家庭成员之间的发展是有差异的。正是基于这一点,中国代表团愿与所有的其它170个缔约方共同努力,在本次会议上讨论并决定下一步为实现本公约目标的可能措施和行动。

最后,我预祝本次会议在主席先生强有力的领导下取得圆满成功。  
谢谢。

Mr MALOBOKA (Namibia):

Thank you, Mr President, for this opportunity, and greetings to all the members of the Conference of the Parties and Uruguay for their hospitality and may God bless them in their efforts to curb tobacco smoking in their country. Namibia has been actively participating in Intergovernmental Negotiating Body and Conference of the Parties activities because of our concern for public health and the risks posed by tobacco smoking. With these views, Namibia took serious decisions to position itself comfortably for the implementation of the WHO FCTC. In the process, the Namibian Cabinet approved the WHO FCTC in principle as early as 2003. Namibia also ratified the Convention immediately after its adoption.

Namibia has now also promulgated a Tobacco Products Control Act, Act No. 1 of 2010, as of April this year, 2010. Immediately after that, Namibia designed a road map for the effective implementation of this piece of law. Namibia is currently in the process of developing regulations, also for the effective implementation of the Act. Through its rehabilitation centre, Namibia is introducing tobacco cessation programmes that are still being considered. Namibia is also planning to have tobacco control resource centres and has set up an Interministerial Committee on Tobacco Control, which is in place currently; and by this act of law, Namibia has also set up a Tobacco Control Fund, which we hope will be supported by member countries. Namibia continues to commemorate World No Tobacco Day to raise public awareness of the dangers of smoking and the harmful effects of tobacco use. Namibia has experienced overwhelming public support for the introduction of the Tobacco Control Act No. 1 of 2010.

Nevertheless, there are challenges associated with this piece of law. One challenge is the introduction of electronic cigarettes on the Namibian market, targeting the youth. Another challenge is establishing a mechanism for the collection of funds for tobacco-control activities and the establishment of a track-and-trace centre, as well as the resource centre for tobacco control. These are challenges. Namibia still expects to benefit from existing financial and technical assistance from member countries in order to implement the Act fully. Namibia is fully committed to the implementation of the WHO FCTC and will do all in its power to ensure a healthy nation and a healthy world. The Constitution of the Republic of Namibia is pro-health and it is determined to protect the health of children, young people and women for a better Namibia and a better world. I thank you, Mr President.

M. BEZEID DEIDA (Mauritanie):

Merci Monsieur le Président. Au nom de la République islamique de Mauritanie, permettez-moi de remercier le peuple et le Gouvernement de l'Uruguay pour son accueil et la parfaite organisation de la Conférence. Trouvez également ici, Monsieur le Président, l'expression de nos félicitations, et vous Monsieur le chef du Secrétariat, nos encouragements pour l'excellent travail que vous faites, vous-même et votre équipe.

Cela dit, il est essentiel que nous finalisions le protocole pour éliminer le commerce illicite des produits du tabac, et que nous puissions l'adapter dans les plus brefs délais. Un travail immense a été fait en ce sens. Nos pays sont confrontés à un énorme trafic qui ruine non seulement leur santé mais aussi la sécurité ; et sans sécurité un pays ne peut se consacrer à sa santé. Aussi, nous appelons de tous nos vœux un consensus sur cette question, et formulons l'espoir qu'à l'issue de la présente session nous sortions avec une idée précise de ce nous voulons faire et allons faire de ce protocole.

En ce qui concerne les sous-points du point 5 de l'ordre du jour relatif aux instruments d'application du traité et aux questions techniques, il nous paraît essentiel de voir celles qui peuvent être adoptées par consensus et celles qui demandent à être réexaminées et précisées davantage. C'est vous dire le travail qui nous attend durant cette session dont les décisions qui seront prises marqueront un tournant définitif pour nos objectifs. Je vous remercie.

Dr SALARU (Republic of Moldova):

Thank you very much Mr President. Dear President, distinguished delegates: from the beginning I want to express many thanks for the opportunity to participate in this fourth session of the Conference of the Parties. It is the first time our country has been invited and has participated at this kind of conference. Also, I want to express many thanks to the Government of Uruguay for the hosting and very good organization of this Conference of the Parties. Using this occasion, I reiterate the support of my country for Uruguay in its efforts to combat the pro-tobacco and denigration campaign organized by the tobacco industry. Uruguay has become a target because of its sustainable efforts to implement the WHO FCTC. According to the international status reports provided by the Canadian Cancer Society on health warnings on cigarettes, it is ahead of all countries, it is in first place. We support the initiative of Uruguay to include the top challenges for tobacco control in the agenda of the summit on NCDs to be held in 2011. Also, I want to express thanks to the Convention Secretariat for its strong support for our country after we became a Party in 2009. A needs assessment mission provided by the Secretariat for our country in October 2010, in my opinion, was a big success: it was a mission of great visibility and created the premises for establishing an interministerial steering committee. Immediately after the mission, we created a working group and started to develop a national action plan on tobacco control. With United States Centers for Disease Control and Prevention and WHO support, we will carry out in 2011 a Global Youth Tobacco Survey and a Global Health Professions Students Survey, which will provide adequate information for an anti-tobacco communication campaign to be organized in 2012.

We are also interested in Canada's experience of banning flavoured cigarettes to protect young people but, to implement all activities and achieve our goal, we need trained staff. That is why, at our national centre of public health, we will establish a special division on tobacco control. Although we have transposed many provisions of the WHO FCTC and European Union directives on tobacco control – the international legislation – we cannot feel satisfied at the real situation concerning advertising and liability on tobacco products. Many children still suffer because of environmental tobacco smoke. For the moment, even after increasing tobacco taxes by 25%, Moldova has the lowest prices and taxes in the European Region. This creates favourable conditions for illicit trade. This is why we fully support the adoption and implementation of the WHO FCTC protocol on illicit trade. To make the world less dependent on tobacco is our mission and it is in our hands. Let us do it. Thank you.

Mr COTTERELL (Australia):

Thank you Mr Chair. Australia would like to thank the Government of Uruguay for hosting the fourth Conference of the Parties. Your welcome has been most warm. We also thank the Secretariat for its thorough preparations for the Conference including its conscientious responses to requests from Parties for technical information. We congratulate Uruguay on its recent tobacco-control initiatives, including the move to larger health warnings and restrictions on brand variants. Australia supports the right of the Government of Uruguay to introduce new tobacco-control measures to protect the health of its citizens.

Since the last Conference of the Parties, Australia has also made significant new commitments in tobacco control. We have set ambitious targets for reducing smoking prevalence, to reduce daily smoking prevalence among the adult population from over 18% in 1998 to 10% by 2018, and to halve smoking prevalence among indigenous Australians by 2018 from its level of 47% in 1998. We have started developing a major new universal anti-smoking social marketing campaign as part of a broader package on preventive health. We have also started implementing the largest ever health promotion initiative in our indigenous communities driven and delivered by those communities themselves, specifically to tackle smoking as part of a broader commitment to closing the gaps in life expectancy between indigenous and non-indigenous Australians within a generation.

In April 2010, the Australian Government announced a further tobacco-control package including a 25% increase in tobacco excise, additional anti-smoking social marketing to target high-risk and hard-to-reach groups, legislation to restrict Internet advertising in tobacco products, which is being introduced into our Parliament tomorrow. And finally, legislation to mandate plain packaging of tobacco products by 2012. The tobacco industry has announced that it will challenge our legislation on plain packaging. The Australian Government has announced that it will fight any challenge. We are looking forward to engaging fully with our colleagues and partners in this week's Conference of the Parties including the various discussions on the process to conclude the draft illicit trade protocol and the content of the various draft guidelines. We look forward to finalizing evidence-based and evidence-informed guidelines for implementation of the WHO FCTC articles, to ensure that the tools available to all of us to control the tobacco epidemic are sound tools that will add to our chances of success. Thank you.

Ms MATSAU (South Africa):

South Africa would also like to express its appreciation for the warm hospitality in Uruguay and all the amenities that have been made available to us. Chair, South Africa just takes the floor to make very short interventions around the WHO FCTC and the direction in which we are headed.

The first point Chair that we would like to put on the table or make a comment on, is about our future as the world and not as Parties to the WHO FCTC. There have been comments about the economic downturn and therefore that some lenience should be exercised in terms of tobacco smoking: I do not know the relationship between tobacco smoking and the economy, but I suppose that has to do with growing more and more tobacco and killing more and more people.

The second thing that I want to put on the table for consideration as part of our deliberations in this fourth session of the Conference of the Parties is that consistently between one Conference of the Parties to the next and in between the Conferences of the Parties there is always a plea for legal systems and cultural practices and whatnot to be taken into account. Those are generally meant to water down whatever the Conference of the Parties is try to achieve, and I would really like to plead that this is about tobacco, non-smoking and preservation of life, and therefore an improvement of health and preservation of life, and the fact that we should not hide behind cultural practices social norms and legal systems, because right at the beginning of the development of the articles of the WHO FCTC, there was an agreement then that laws would be domesticated to suit individual countries, but that is not meant to be used as an excuse not to do things. There has always been also the question of non-uniformity that is always put in terms that flexibility should be applied. I am yet to see a law that is applied flexibly. If the Conference of the Parties takes resolutions and there are articles, I think for

us to achieve anything if we are serious, is to actually apply it to the letter of the law. It cannot be made more comfortable for some and less comfortable for others.

Chair, the Conference of the Parties, and the WHO FCTC as a whole, is about non-tobacco, that is the bottom line. I think that it is getting very frustrating, and very uncomfortable for those countries that have suffered as a result of tobacco smoking, suffered economically in terms of poor health of the people, suffered in terms of medical costs, and the health expenditure that has got to go into the people who have the effects of tobacco to be hearing that there can be alternatives; there definitely have to be alternatives and we are here to make sure that they are good alternatives. And I would really like to appeal, Chair, that the Parties, all of us, must really commit to them; it is not impossible, it does take a bit of work, but to be told that we should dispense with Article 17 because there are no alternatives, and then there should not be a Conference of the Parties, we should not even be starting to talk. And Chair, also the removal of certain articles, I thought you had said that we cannot be pre-emptive about anything. It has to be on the table, it has to be discussed and then a conclusion reached. And therefore, I would appeal and appeal again, can we make this fourth session of the Conference of the Parties more productive than the other Conferences of the Parties that have come before it? Thank you very much.

*(Applause)*

Le Dr ANDRIANOMENJANAHARINIRINA (Madagascar):

Merci Monsieur le Président de m'avoir donné la parole. Monsieur le Président, Mesdames et Messieurs les membres du Bureau, honorable assistance, permettez-moi tout d'abord, au nom de la délégation de Madagascar, d'adresser mes plus vives félicitations à l'endroit du Président et des membres du Bureau de la quatrième session de la Conférence des Parties. Mes remerciements vont également à l'endroit du Gouvernement de l'Uruguay pour la bonne préparation de cette quatrième session de la Conférence des Parties et pour son accueil. Nous voudrions également féliciter tous les États qui ont ratifié récemment la Convention cadre de l'OMS pour la lutte antitabac. Leur engagement démontre ainsi une certaine volonté de donner la priorité à la protection de la santé publique.

Madagascar figure parmi les 40 premiers pays contractants tout en étant le vingt-deuxième pays dans le monde et le troisième pays de la Région africaine à avoir ratifié la Convention-cadre. Cette ratification reflète aussi notre engagement dans la mise en œuvre des dispositions stipulées dans ladite Convention. Actuellement cette Convention-cadre pour la lutte antitabac est déjà en vigueur à Madagascar depuis le mois de février 2005.

Le développement d'un pays tel que le nôtre, basé sur le développement rural, devrait passer par l'amélioration de l'état de santé de la population et de la protection de l'environnement. En effet, à Madagascar, le tabac à chiquer de fabrication traditionnelle ou industrielle, consommé par la majeure partie de la population rurale, est sources des trois quarts des cas de cancer vus en milieu hospitalier.

Nous estimons que la mise en œuvre des dispositions stipulées dans la Convention devrait viser en priorité l'amélioration de la santé, les droits de l'homme et la lutte contre la pauvreté. En ce qui concerne la réalisation des objectifs du Millénaire pour le développement, nous nous sommes aperçus que la lutte antitabac occupe une place prépondérante, notamment en ce qui concerne la réduction de la pauvreté, la réduction de la mortalité maternelle et infantile, la réduction de la cause des maladies, telles que la tuberculose, et enfin la déperdition des ressources environnementales. En effet, la malnutrition s'aggrave lorsque les faibles revenus dont disposent les ménages sont utilisés pour les dépenses liées au tabac, en particulier la prise en charge des maladies liées au tabagisme, dont la plupart sont de longue haleine, et qui se terminent hélas souvent par des décès.

Il n'est plus à démontrer que la consommation de tabac est plus élevée dans la population pauvre et qu'une grande partie des revenus familiaux sont destinés à l'achat de tabac, ce qui restreint le budget familial consacré à l'alimentation et aux soins. Nous réaffirmons ainsi que le fait de tenir compte de l'engagement en faveur de la lutte antitabac, dont la mise en œuvre de la Convention, constitue une des stratégies pertinentes pour atteindre les objectifs du Millénaire pour le développement.

À Madagascar, plusieurs mesures de la lutte antitabac sont appliquées. Toutes les formes de publicité, promotion, parrainage des produits du tabac sont interdites. Le fait de fumer et de chiquer

des produits du tabac dans des endroits publics tels les lieux de travail, les transports publics, les bureaux administratifs est également interdit. En ce qui concerne le sevrage tabagique, une collaboration technique et étroite avec les organisations non gouvernementales locales oeuvrant à la prise en charge de la dépendance au tabac est en bonne voie afin de libérer les fumeurs. L'interdiction de la vente des produits du tabac par les mineurs et aux mineurs par l'installation d'écriteaux à tous les points de vente des produits du tabac sont toutes respectées.

Nous avons également mis en place un dispositif national de coordination du programme de lutte antitabac et un comité consultatif de lutte antitabac regroupant différentes organisations non gouvernementales et tous les départements interministériels. Dans le cadre du renforcement de la sensibilisation de la communauté pour l'année 2011, une partie du budget de fonctionnement du Ministère de la Santé publique a été affectée à des campagnes médiatiques de sensibilisation aux méfaits du tabagisme sous toutes ses formes pendant toute l'année.

À Madagascar, les stratégies de lutte spécifiques concernant le tabac sont indispensables pour que les interventions soient complètes, efficaces et durables. Dans tous les cas, les interventions des différents secteurs du développement sont primordiales pour pouvoir mettre à la disposition de la lutte antitabac tous les moyens disponibles au niveau national. Faut-il également rappeler que l'instauration d'un partenariat technique stable sur le plan tant national et régional qu'international est nécessaire pour la pérennisation des acquis en matière de lutte antitabac. En effet, Madagascar, avec le concours de l'OMS, collabore actuellement avec l'Union internationale de lutte contre la tuberculose dans le cadre du projet Bloomberg Round 7. Les organisations non gouvernementales locales collaborent également avec les organisations non gouvernementales internationales telles que la Framework Convention Alliance on Tobacco Control pour le monitoring et la mise en œuvre de la Convention.

Enfin, Monsieur le Président, je réitère ici que la mise en œuvre de la Convention dépend de la volonté politique et de l'attachement soutenu à la cause de la santé publique. Je vous remercie.

M. ADAM (Tchad):

Nous nous excusons, Monsieur le Président. Le Ministre de la Santé est momentanément empêché ; le Tchad pourra présenter son intervention en dernier sur la liste ou bien au titre de la prochaine section.

The PRESIDENT:

Thank you very much, we shall note that. Can I move then, to Kenya, followed by Timor-Leste?

Dr MAINA (Kenya):

The Kenyan delegation would like to congratulate the Bureau and the Convention Secretariat for the tremendous job you have done to put this meeting together and make this happen. We also congratulate the various working groups that have done the work that was assigned to them by the Convention Secretariat. We fully support various delegates from the African Region that have made various statements, but we need to highlight some of the issues that we need to talk about.

The first is that Kenya has domesticated the WHO FCTC through comprehensive tobacco legislation which has been in force for the last two years. This law bans all forms of advertisement, promotion and sponsorship by the tobacco industry. It bans smoking in all public places and prohibits sale of tobacco to and by children. Today in our country, all packaging of tobacco for sale carries health warnings on the harmful effects of tobacco.

In regard to the control of illicit trade, Kenya has made significant progress through the deployment of controls along the supply chain. Most notable is the track and trace system for tobacco production and delivery control. And plans are under way today to put in place new technology in this system.

Mr Chairman, up to today there are several guidelines for the implementation of the articles of the Convention that have been formulated. Some have been adopted and others are under way. It is

worth noting that these guidelines are products of consensus and as such are often not strong enough. Parties and non-Parties should be encouraged to institute measures beyond these proposed guidelines by the WHO FCTC and recommended by such guidelines. We do support the speedy adoption of three sets of guidelines for Articles 9 and 10, 12, and 14 and ask Parties present here to adopt national legislation and measures which go beyond the recommendations of these guidelines with the objective of fulfilling that which is in the WHO FCTC. We support the draft protocol to eliminate illicit trade in tobacco products and we are keen to see the Intergovernmental Negotiating Body process concluded as soon as possible. We are however concerned that the capacity of the Convention Secretariat for successful implementation of this protocol, in terms of resources, is lacking and this is a major threat to the achievement of the intentions of the protocol as well as the WHO FCTC in general. So this issue needs to be addressed during this Conference.

We want to see the Conference of the Parties looking at mechanisms of technical and financial assistance to Parties, not only to implement the protocol, but also to look at other issues of the WHO FCTC. We also want to see the Conference of the Parties facilitate the work of the Intergovernmental Negotiating Body to come up with an acceptable document.

We want to recognize the good work being done by the working group on alternative livelihoods to tobacco. As such we support the working group on this particular issue. It is our hope that their work will produce policy options that can result in urgent support to struggling farmers in Africa and the world. So we urge Parties to support the extension of the mandate of the working group and provide them with full support to complete this work. In this regard one should recognize that some countries in the African Region are heavily dependent on tobacco farming. This has led to continued devastating health economic and social effects of tobacco on the citizens of these nations. We therefore request the Conference of the Parties at this fourth session to ensure that desirable policy options to address these subjects are arrived at as soon as possible. This will help to rid these nations of tobacco slavery.

Kenya is concerned about the organization and operations of various structures that deliver the WHO FCTC within WHO. We need to see a more effective delivery system of services to Parties and good interrelations between the various organs involved in Convention matters. In this regard, Kenya seeks the development of clarity in some of the processes adopted by the WHO FCTC. Key areas of concern regards the functions of the Bureau and its interrelationship with the Convention Secretariat and the relation between WHO's TFI and the Convention Secretariat. For Parties from low- or middle-income countries, availability of adequate resources for the implementation of the WHO FCTC is a major issue. Considering the great need to support the global implementation of the Convention, the Conference of the Parties needs to unlock more resources and direct them towards the successful implementation of the WHO FCTC, particularly in developing countries.

Mr Chairman, Kenya, like many other countries, has faced tremendous interference by the tobacco industry in the development and implementation of tobacco-control policies. Some of this interference includes litigation in courts and also political interference. We call upon all of us to work even harder to support the Convention to come up with even stronger measures to confront the industry. We would like to take this opportunity to encourage the people of Uruguay not to give in to the pressures that they are currently undergoing. We will stand by them and shall continue to stand against any process set out to undermine the implementation of the WHO FCTC.

Finally, we wish to call upon this Conference of the Parties to come up with a strong resolution supporting the global movement advocating for the inclusion of tobacco control and WHO FCTC into all strategies of NCD prevention and the realization of the Millennium Development Goals and other poverty reduction initiatives in the world. We wish to remind all Parties gathered here of the initial objective of the WHO FCTC and the request that all of us renew our commitment. The road has been long and seen challenges many, but the successes we have recorded over the years give us motivation to move on. We appeal to Parties not to relent to pressures from the tobacco industry and their inducements that can kill this important movement. I thank you Mr Chair.

*(Applause)*

Mr BONITO (Timor-Leste):

First of all thank you all on behalf of the Timor-Leste Government. I would like to express sincere thanks to the Minister of Foreign Affairs, to the Oriental Republic of Uruguay, to the direction of consular affairs that has granted to the citizens of Timor-Leste the special authorization to enter Uruguay without visas. My sincere thanks also to the President who invited Timor-Leste to participate in this Conference of the Parties. As you all know, Timor-Leste is a post-crisis country and a new country in Asia and the world, with limited resources in every sector including health. Timor-Leste is now nine years old, after achieving independence in May 2001.

Our interventions on tobacco control in Timor-Leste: the Parliament of Timor-Leste ratified the WHO FCTC in 2004 but in implementation there is still a question mark. Also in Timor-Leste a decree law on tobacco control and manufacturing was passed in 2006. The Government of Timor-Leste has circulated, especially for the Ministry of Health, a requirement that all health staff should be banned from smoking in hospitals and health facilities and also in training and workshops. The Timor-Leste Government has also increased tobacco tax to US\$ 19 per kg, but it will be increased more. In Timor-Leste there is only one television channel, and there is no tobacco advertising on television in Timor-Leste, only promotion and advertising through media for tobacco control by health workers or health staff. I think this is all the interventions in regard of tobacco control in Timor-Leste, but we are looking to support from the other Parties the South-East Asia Region for technical support in regard of the tobacco control in Timor-Leste. Thank you.

*(Applause)*

Mr JORGAKJESKI (The former Yugoslav Republic of Macedonia):

It is my special honour and pleasure to address you today on behalf of my Government at this very important meeting of the Parties to the WHO FCTC. We are a small country in Europe famous for being great in nursing its tradition. Today the eyes of the public in my country have been turned towards Punta del Este in Uruguay. They are waiting impatiently to hear the outcome of this meeting. Partly, the reason for this impatience is that the former Republic of Macedonia is a traditional producer of oriental aromatic tobaccos although broadleaf Virginia Burley varieties of tobacco were also produced in the past.

Today over 99% of total tobacco production is oriented towards the requirements of the multinational companies that purchase the raw leaf oriental tobacco from the registered companies in the former Yugoslav Republic of Macedonia. The conditions for production of raw leaf tobaccos in the former Yugoslav Republic of Macedonia are favourable. However, production is mainly oriented to the requirements of the multinational companies that produce cigarettes. The primary production of oriental small leaf aromatic tobaccos has great commercial and social importance in the former Republic of Macedonia. The production and trade in tobacco and tobacco products contributes 3.2% of the gross domestic product of the former Yugoslav Republic of Macedonia. The tobacco industry contributes 3.9% of total industrial production and 4.1% of total industry employment. At the same time, 78% of the total arable land planted with industrial products, or an average area of 19 400 hectares, has been planted with tobacco. The average production of raw leaf tobacco is approximately 23 000 tonnes. The total number of agricultural households that grow tobacco is about 37 000 and having in mind the low social and educational status of the active workforce in rural areas of specific regions, tobacco production is their main source of existence. Due to its very high quality, oriental tobacco from the former Yugoslav Republic of Macedonia is highly appreciated on international markets, and together with tobacco products it represents an important export product for the country.

The participation of tobacco and cigarettes in the most exported agricultural products of the former Yugoslav Republic of Macedonia is about 22%. The export of cigarettes is about 4000 tonnes for an annual average of about US\$ 30 million. Due to the fact that tobacco belongs to the group of export-oriented and traditional products with a comparative advantage in demand on foreign markets, and that at the same time it engages about 22% of the total number of agricultural households in the poorest rural areas, the support for increase of the revenue of these producers has an enormous

commercial benefit. According to the analysis performed by domestic experts in January 2007, it may be concluded that alternative agricultural crops which would provide approximately the same commercial benefit for the population that lives in rural areas cannot be introduced in tobacco production areas.

According to the above-stated circumstances in production and marketing of tobacco and tobacco products as well as the estimated revenue per citizen of US\$ 185, it may be concluded that the decreased demand for tobacco and tobacco products will have negative long-term impact on our economy. Actually, it has been estimated that about 37 000 households in rural areas will remain without jobs or will have to reorient their activities towards other alternative commercial activities, that is, about 20% of the total agricultural households, a 4% decrease of employment in the total industry and an increase of the trade deficit of about US\$ 100 million.

We are aware of the global responses to the hazardous effects from smoking, that is why the Assembly of the former Yugoslav Republic of Macedonia ratified the WHO FCTC in 2006. In that manner our country committed itself to obeying the leading principles arising out of Article 4 of the Convention. The Government of the former Yugoslav Republic of Macedonia also adopted a national strategy on tobacco control in 2006 and this strategy levelled the organized social efforts introducing a normative climate for prevention against the hazardous effects of smoking. The legislation of the former Yugoslav Republic of Macedonia in this domain is completely in compliance with the policies of WHO as well as with the legislation of the European Union.

We also held a national conference on strengthening the intersectoral cooperation in control of tobacco use in the former Yugoslav Republic of Macedonia. Representatives from superior higher education and scientific institutions were invited to this conference with the aim of presenting their almost century-old knowledge and experience in growing this important crop. The concerns of the social and economic difficulties that may occur in the medium and long term as a result of programmes for tobacco control were emphasized at this conference. Speaking about the medium term, the challenges that stand in front of us should be focused towards the research of possibilities to replace the growing of tobacco with another crop that will give approximately the same commercial benefit for the production area as well as for the population whose existence depends on the growing of tobacco.

Speaking about the long term, for the purpose of research of the possibilities for reorienting production, which is in a large scope soil quality dependent, funds are required for improvement of the soil content in tobacco-growing areas due to the fact that from the pedology aspect, tobacco is grown on the lowest quality grade soils.

The former Yugoslav Republic of Macedonia remains determined in its pledge to prevent and decrease the hazardous effects of smoking. On the other hand, as a responsible Government we stand concerned about the enormous commercial and social consequences that will result from the eventual prohibition of the use of oriental tobacco as an addition to blend cigarettes.

Therefore, we call for an analysis of such proposals on time and in an adequate manner in the context of those Parties to the WHO FCTC that will suffer significant negative impacts in agriculture and economy of the country as a result of certain measures. Impoverished and unemployed populations are the most significant social and economic determinants of health. Our efforts on a national level to fight against these phenomena will be returned back decades by adopting policies which will not contribute specifically to health protection. Moreover, such policies have devastating effects on state agriculture and economy and therefore on the social and economic determinants of health. Thank you for your attention.

Ms BREBNER (Samoa):

Thank you Mr Chairman. Samoa would also like to thank the Government and people of Uruguay for their warm hospitality. We would also like to thank the Secretariat for the excellent arrangements made for this meeting. Mr President, Samoa passed its Tobacco Control Act in 2008. We are now finalizing our regulations. Samoa has recently established the Parliamentary Advocacy Group advocating for healthy lifestyles. A national multisectoral health-care programme which includes community-based NCD screening and programmes to inform communities of the negative

health impacts of tobacco and alcohol and the benefits of physical activity and healthy nutrition is currently under way. Mr President, Samoa remains committed to the WHO FCTC and we recognize the need to stand together against the current challenges presented by the tobacco companies. Thank you, Mr President.

Mr MOHAMED (Maldives):

Mr President, distinguished delegates, excellencies, ladies and gentlemen. We wish to join others in congratulating you Mr President and the Head of the Convention Secretariat and his staff for their accomplishments of the past two years. Mr President, the Parties in the WHO South-East Asia Region confirm our commitment to supporting the adoption of stringent provisions of the WHO FCTC. The South-East Asia Region, although small in numbers in terms of countries, represents one fourth of humanity. We face immense problems ranging from epidemiology of tobacco use to adverse health outcomes from tobacco use and more importantly from the subversive movements by the tobacco industry that undermine our tobacco-control efforts. We urge all Parties to set aside country and regional differences and work collectively in placing health as the primary objective in developing the various guidelines and protocols of the WHO FCTC. The Parties in the South-East Asia Region unanimously support the declaration on commercial interest related to the implementation of the WHO FCTC as proposed by the delegation of Uruguay. We also wish to broaden it to include an additional clause that formalizes the primacy of public health. Therefore, we wish to put forth the following clause: "Measures to protect public health including measures implementing the WHO FCTC and its guidelines fall within the power of sovereign States to regulate in the public interest, which also includes public health."

We strongly support the continuation of the negotiations for the protocol to eliminate illicit trade in tobacco products and urge all Parties to work cohesively for a speedy conclusion of that protocol.

Overwhelming evidence has proved that taxation is the single most effective tobacco-control measure. In this regard we wish to propose the development of guidelines for Article 6 relating to price and tax policies. We strongly urge party members to go beyond the baseline obligations as prescribed in the WHO FCTC. In this context, we must recognize that smokeless tobacco has become a major public health risk in many countries and in particular our region, thus we encourage member countries in their specific situation to take steps to control and ultimately eliminate the consumption of smokeless forms of tobacco. In the same light we also strongly believe that any measures, provisions or guidelines relating to e-cigarettes should be expanded to cover all different forms of consumer products or gadgets containing nicotine.

Mr President, before concluding, we also wish to note, with appreciation and encouragement, the renewed interagency collaboration within the United Nations agencies as we have seen from the deliberations of the plenary yesterday. Indeed, the objectives of the WHO FCTC would not be achieved without the commitment and concerted efforts by all relevant Parties. We are hopeful that this new development will have meaningful positive outcomes in the near future.

Finally, Mr President, colleagues, ladies and gentlemen, the Parties in the South-East Asia Region wish to reaffirm our continued commitment in acting in the objectives of the WHO FCTC. We look forward to working with other delegations and regions over the next few days and to bring the fourth session of the Conference of the Parties to a successful completion. I thank you, Mr President.

El Dr. URQUIJO VELASQUEZ (Colombia):

Muchas gracias, señor Presidente. Es un honor para Colombia dirigirse por primera vez a esta Conferencia.

Colombia fue uno de los países de la Región que tardó en adherir al CMCT, lo hizo en 2008. No obstante, Colombia tiene la firme intención de avanzar rápidamente en la implementación de sus directrices, y ello se refleja en una legislación integral, que desde 2008 garantiza espacios cerrados 100 % libres de humo en la totalidad del territorio nacional, medida que goza de gran popularidad entre los connacionales, incluso entre aquellos que son fumadores. Desde julio de 2010 tenemos

etiquetas con pictogramas de advertencias sanitarias y hemos utilizado los pictogramas que gentilmente nos han cedido la hermana República de Venezuela, y Brasil y el banco de imágenes de Mercosur.

A partir de julio de 2011 entra en vigor una prohibición total de la publicidad de tabaco en todos los medios de comunicación y la prohibición de comercialización de cigarrillos al menudeo y en cajetillas menores de diez unidades lo que, sumado a la prohibición de venta a menores, esperamos impacte favorablemente en la reducción del consumo experimental en adolescentes.

No obstante, Colombia considera un gran reto avanzar en la implementación de las otras medidas, como el incremento de precios, de impuestos, la búsqueda de alternativas sustentables de sustitución de cultivos, la reducción de la demanda y control de la interferencia de la industria tabacalera.

De manera directa o por interpuesta persona, la industria tabacalera había demandado la inconstitucionalidad de las medidas adoptadas en nuestra legislación, de prohibición de publicidad y venta al menudeo, con argumentos relacionados con la libertad de empresa, el libre desarrollo de la personalidad, y la libertad al trabajo, los cuales fueron desestimados por la Corte Constitucional. En tal virtud, Colombia reclama a la Secretaría del CMCT, una mayor asesoría y acompañamiento a las Partes, para la aplicación de esta medida.

Finalmente, Colombia apoya la negociación del protocolo sobre comercio ilícito del tabaco, y apoya la propuesta de México de prorrogar el mandato del grupo de trabajo sobre alternativas económicamente viables al cultivo de tabaco, para someter a consideración de la quinta Conferencia, un conjunto final de recomendaciones, más elaborado. Muchísimas gracias.

Dr AKE (Tonga):

Thank you Mr President and I promise not to be long winded. The tobacco-control programme in the Kingdom of Tonga has been based on demand reduction and supply reduction, using measures under the WHO FCTC and reported at past Conferences of the Parties. The only new thing that I wish to say Mr Chairman, is that last month, substantial financial assistance from the Australian Agency for International Development was received by the Kingdom to combat NCDs and we will use this fund to strengthen our comprehensive tobacco-control activities, hoping to give the tobacco industry a proper struggle in the Pacific, and we will report back to you at the next Conference of the Parties. I thank you Mr Chairman.

Dr WATHNE (Norway):

Thank you, Mr Chairman. Let me start by extending our gratitude to the Government of Uruguay for hosting this important Conference of the Parties. We will also take the opportunity to thank Uruguay for proposing a declaration on commercial interest related to the implementation of the WHO FCTC. The reason for this is the tendency we now see of international tobacco companies taking Parties to court for alleged violation of domestic law or trade-related agreements when implementing WHO FCTC provisions. We have first-hand experience of this right now as Philip Morris has taken Norway to court for our tobacco display ban at points of sale. This development, Mr President, should be a great concern for all of us. One, because it hampers the implementation work in countries subject to the lawsuits; two because victories in court for tobacco companies in one Party's jurisdiction are likely to send negative signals to other Parties considering implementation provisions of the same nature; and three, because Parties have unequal levels of resources when it comes to fighting powerful international tobacco companies in court. We jointly need to follow this development closely. We should not allow powerful multinationals to take well-coordinated untimely action against single Parties without us considering how we could counteract this.

Norway would like to stress the importance of adopting the draft guidelines on Articles 9 and 10 as we believe they will be useful tools in implementing the Convention.

Mr President, tobacco control continues to be a public health priority in Norway. Even though we have a longstanding record of implementing tobacco control measures there is still work to be done when it comes to bringing smoking prevalence figures further down. The challenges ahead for our

national tobacco-control programme became very clear during the WHO Tobacco Free Initiative capacity assessment that was undertaken in Norway in April this year. We are now in the process of finalizing the work on a revised five-year national strategy, where we will aim to take new and substantial steps in implementing the provisions of the WHO FCTC. The capacity assessment proved to be a very helpful tool in guiding the work on the revised strategy.

As of January 2010, the Government Global Pension Fund has withdrawn all its previous investments in international tobacco companies. Furthermore, it is official Norwegian policy not to invest in such companies in the future. Negative screening with regard to possible fund investment is a strong tool that is applied to a limited number of cases where a clear set of shared values exist in the Norwegian population. The line of reasoning behind this policy change is to stop supporting companies that actually counteract the fundamental principles and policies behind the Convention both at home and abroad.

Finally, Mr President, smokeless tobacco in the form of moist snuff makes up a substantial and growing part of tobacco consumption in Norway, in particular among young people. It has been suggested by some that “snus” could be used as a smoking cessation tool because it is less harmful than smoking tobacco. However, this approach is not in accordance with official Norwegian tobacco policy. It has never been scientifically proven that this is an effective and safe cessation method. “Snus” causes cancer in several organ systems and also increases the risk of vascular disease. Norway bases its efforts to prevent disease on the precautionary principle, and this also applies to the use of smokeless tobacco. Efforts are made to halt and in the longer term reverse the increasing tendency to use smokeless tobacco, especially among young people. I thank you, Mr President.

Mme NABLI (Tunisie):

Merci, Monsieur le Président. Je vous promets d'être très brève : c'est juste pour vous dire que je suis très honorée et contente d'assister pour la première fois en tant que Partie à la Convention et non en tant qu'observateur.

En Tunisie des progrès très importants ont été accomplis dans la promotion de la lutte antitabac dans toutes ses composantes, éducation, sensibilisation, législation, promotion du sevrage, société civile

Nous avons un engagement politique de très haut niveau. Le Président lui-même a décrété les années 2009 et 2010, années nationales de lutte contre le tabac et contre le cancer. Nous continuerons ces efforts et je vous promets de nous engager encore plus pour l'application et la mise en œuvre au mieux de cette Convention. Merci, Monsieur le Président.

The PRESIDENT:

Thank you Tunisia, we welcome you. Before I move from Parties, may I make absolutely sure that there is no Party that has been left out. Not that I am encouraging new hands, because we closed the list before. I have hands already, which I was not encouraging: Mali, Democratic Republic of the Congo, United Republic of Tanzania. That will be all. I will not be coming back to ask if there are any more Parties. So let me repeat, are there any other Parties that would like to take the floor, other than the three that I have just pointed out? Mali, Democratic Republic of the Congo and then United Republic of Tanzania, in that order please.

M. Ag MOUHAMEDOUN (Mali):

Merci, Monsieur le Président. Le Mali prend donc la parole pour la première fois et félicite le Président et remercie les autorités de l'Uruguay pour la bonne organisation de la Conférence.

Notre pays a fait quelques progrès dans la lutte antitabac ; nous avons récemment adopté une loi antitabac plus exigeante qui interdit la publicité, le parrainage et le sponsoring, qui interdit de fumer dans la plupart des lieux publics et qui a introduit la notion de l'interdiction de l'exposition à la fumée. Je pense que c'est un progrès ; nous avons également en chantier l'élaboration d'un projet de décret qui

va mettre en place un comité de lutte contre le tabac. Le Mali appuie l'idée d'une déclaration qu'on se propose de divulguer et de soumettre à la Conférence. Merci, Monsieur le Président.

M. MBUYU MUTEBA YAMBELE (République démocratique du Congo):

Je remercie l'OMS et les États Membres d'avoir abouti à l'adoption, à la signature et à la ratification de la Convention cadre de l'OMS pour la lutte antitabac dans le but de protéger la santé des populations d'aujourd'hui et de demain, et spécialement les groupes vulnérables, dont les femmes et les jeunes. La délégation de mon pays remercie le Secrétariat pour la préparation de cette quatrième session, en partenariat avec l'Uruguay, pays d'accueil de la présente session.

La République démocratique du Congo s'est employée à mettre en œuvre la Convention et, à cet effet, un projet de loi antitabac a été préparé et négocié en session multidisciplinaire et multisectorielle avec l'appui de la Framework Convention Alliance on Tobacco Control. Suite aux menaces de l'industrie selon lesquelles cette loi ne passera pas, nous avons mis en place un comité de suivi qui prévoit une disposition excluant du Gouvernement ou du Parlement toutes les personnes qui sont en relations d'affaires avec l'industrie et lors des séances de discussion et d'adoption de ce projet au niveau du pays.

Ensuite la République démocratique du Congo a mis en place une procédure, appelée Directive N°6, qui définit la procédure à suivre pour l'identification des exploitants du tabac, l'enregistrement des marques, la mise sur le marché, l'agrément et la validation de la présentation de tout paquet de cigarettes, selon les normes du Ministère de la Santé. Ainsi, la protection de la marque par le Ministère de l'Industrie, l'importation et la fabrication au niveau du Ministère des Finances à travers des séries de zones, ne seront autorisées que sur la base d'une liste des fournisseurs et des fabricants enregistrés auprès du Ministère de la Santé. Cette procédure est justifiée par le fait que le tabac est le vecteur de l'épidémie de tabagisme ; le résultat attendu de cette procédure est la réduction de la contrebande et de ses effets financés ainsi que la réduction des méfaits du tabagisme sur la santé.

A cet effet, une réunion interministérielle pour l'harmonisation de la mise en œuvre de la Convention avec le Ministère de la Santé et les autres ministères permet de contrôler une meilleure application de la Convention. Afin de mieux sensibiliser les personnes à l'intérêt de la loi et de freiner les tentatives malsaines de l'industrie du tabac, un atelier a été organisé avec l'appui du Centre multimédia pour tous (MCA) pour former les journalistes et les corriger en coalition afin de pouvoir lutter contre toute tentative. A l'heure actuelle, la République démocratique du Congo est un pays sans publicité sur le tabac, pratiquement à 100%. Pour finir, nous avons été peinés d'écouter la déclaration de la Norvège, dont les responsables ont été traduits en justice, et nous voudrions demander à la Convention, à la CDP de pouvoir prendre des dispositions pour appuyer ce pays et arriver à décourager ainsi ces tentatives. Je vous remercie.

Professor MWAKYUSA (United Republic of Tanzania):

Thank you Mr President. On behalf of the Government of Tanzania, I would like to take the floor, first of all to congratulate the Government of Uruguay and the Convention Secretariat for organizing this conference. I also wish to congratulate those Parties for focusing on various methods and activities that they have taken on tobacco control in their respective countries. Tanzania like most of the other Parties is committed to the objectives of the WHO FCTC. As a country we enacted a law on tobacco control in 2003 but we ratified the WHO FCTC in 2007. Currently my country is engaged in the process of harmonizing the two key documents. As regards Articles 9 and 10, Tanzania being a tobacco growing country, we are currently working together with the other ministries to work out our position as regards these Articles. We all know that as a developing country Tanzania is currently facing a double burden of diseases – that is, NCDs that are emerging while we are still grappling with communicable diseases. So it is very important that we critically look into how best we can handle and address Articles 9 and 10 as a great measure to control tobacco use among young people. But also let me echo the importance of environmental control and the essence of Articles 17 and 18 of the WHO FCTC. As I said, Tanzania is a tobacco growing country. There is evidence that tobacco growing contributes to a lot of felling of trees and creating environmental concerns. So we would also wish to

reiterate our position and commitment to seeing developments made in addressing Articles 17 and 18. Mr Chairman, I thank you so much.

Dr LABEED (Egypt):

سيدي الرئيس،

أود أن أشكر لسيادتكم إتاحة الفرصة لي للتحدث أولاً وأشكر دولة أوروغواي لاستضافتنا جميعاً كما أشكر أمانة الاتفاقية على الدعم الدائم وأنتهز الفرصة وأهنئ الأمة الإسلامية بمناسبة عيد

The PRESIDENT:

Can you hold on please honourable representative of Egypt? I think there is a bit of a problem in the interpretation box.

Dr LABEED (Egypt):

سيدي الرئيس،

أود أن أشكر لسيادتكم إتاحة الفرصة لي للتحدث وأشكر دولة أوروغواي لاستضافتنا جميعاً كما أشكر أمانة الاتفاقية على الدعم الدائم وأنتهز الفرصة وأهنئ الأمة الإسلامية بمناسبة عيد الأضحى المبارك أعاده الله علينا

The PRESIDENT:

They are not ready, sorry Egypt. It is a technical difficulty. Is it working now? Yes, let us hope you will not be disturbed again, my apologies.

Dr LABEED (Egypt):

سيدي الرئيس،

أود أن أشكر لسيادتكم إتاحة الفرصة لي للتحدث وأشكر دولة أوروغواي لاستضافتنا جميعاً كما أشكر أمانة الاتفاقية على الدعم الدائم

The PRESIDENT:

Can I, if you allow me, may I come back to you? I would like to go to the Brazilian delegation on behalf of MERCOSUR. I know I am breaking protocol by going to the intergovernmental organizations but while they are looking at the technical problem, can I come back to you after this, if you allow me? Thank you very much.

You might have heard in the interventions of some delegations that are coming here for the first time as Parties and we want to welcome them as Parties. In particular, we also want to announce that after the third date of the notification of those that had ratified the WHO FCTC, Saint Vincent and the Grenadines also ratified, so there are now 172 Parties that have ratified, instead of the 171 that we gave you formerly, because we took that ratification only two days ago, which was after the said date. So we want to congratulate Saint Vincent and the Grenadines, in their absence, for ratifying and making the number of Parties 172. We must celebrate this with a big hand.

*(Applause)*

Thank you very much. I was playing for time to check if the Egyptian intervention can now be interpreted. Interpretation is not yet ready. Can I move then to Brazil representing MERCOSUR? Brazil please take the floor.

Mr DE SOUZA-GOMES (Brazil):

Brazil as temporary President of MERCOSUR would like to make the following statement.

Within MERCOSUR tobacco control has a formal status in the agenda of the region since 2003. Ministers of health of MERCOSUR have agreed to create an intergovernmental commission for tobacco control which is now part of the permanent structure of MERCOSUR. The main purpose of this commission is to improve cooperation in order to strengthen joint measures for tobacco control. The commission meets twice a year. It provides recommendations to be implemented by the ministers of health of MERCOSUR. Member States of MERCOSUR have been able to implement a series of coordinated measures. Most Member States have already adopted regulations prohibiting smoking in closed places. Furthermore, an important achievement reached was the inclusion of medicines for smoking cessation in the medicine prices database of MERCOSUR. Under the management of Argentina, MERCOSUR developed the health warning virtual database. Its objective includes not only collecting already existing health warning data but also producing new warnings and elaborating assessments. MERCOSUR, Mr Chairman, is thus in the position of making available this important tool to the international community. The rates of tobacco addiction and consumption are decreasing in MERCOSUR. Such a drop in smoking has contributed to reducing death by lung cancer and cardiovascular diseases in our region. Such achievements, Mr Chairman, must be recognized and praised.

We must, however, be aware that the tobacco industry is putting pressure on governments using well-known arguments and even raising commercial and trade regulations to prevail in their positions and interests. This attitude was adopted against Uruguay. Therefore MERCOSUR expresses its full and strong support to the Government of Uruguay regarding this dispute. We congratulate its efforts to implement Article 11 of the Convention. Moreover, let me remind you that ministers of health of the Americas, gathered last September in Washington, also expressed clearly their full solidarity to our host country. In this connection, MERCOSUR would like to ask the Secretariat of the Convention to present a programme to propose clear measures to support other countries that might be facing similar threats. MERCOSUR fully endorses the declaration on commercial interests related to the implementation of the Convention just presented by Uruguay. Considering the complexities of the relationship between trade and health, MERCOSUR considers that this issue should also be addressed to the United Nations Ad Hoc Interagency Taskforce on Tobacco Control. It also should be adopted as an agenda item in the next session of the WHO Executive Board to be held in January and in the next World Health Assembly.

It is, Sir, more than ever imperative to strengthen the role of the Convention as an essential multilateral legal instrument to achieve health and sustainable development. Mr Chairman, MERCOSUR also supports the extension of the mandate of the working group for Articles 17 and 18. Its main task is to define methodologies on diversification of economic activities to encourage new practices and to evaluate its results. This exercise is crucial in traditional areas of tobacco growing. The social dimension of this issue should always be taken into consideration.

MERCOSUR considers the illicit trade highly dangerous and harmful, particularly considering that it favours the initiation of youngsters into the habit of smoking. All measures should be deployed in order to control this threat. Therefore, we fully support the extension of the mandate of the Intergovernmental Negotiating Body in order to conclude the negotiation of the protocol on illicit trade in tobacco, not later than the end of next year. I thank you very much Mr President.

The PRESIDENT:

Thank you very much Brazil, on behalf of MERCOSUR. I now call upon the representative of the WTO.

Mr RATA (WTO):

I convey the best wishes of the WTO senior management for a successful and fruitful session of the Conference of the Parties, and in the context of this agenda item on the report of the Convention

Secretariat, and in the context of the references in the report to international cooperation, I would like to register three brief points.

First, the WTO Secretariat agrees with you, the Convention Secretariat, on the importance of international organization cooperation of international organizations and strengthened cooperation in this regard. Director-General Lamy has consistently emphasized this aspect and it has also been expressed through our attendance and our engagement at meetings such as this.

Second, the WTO toolbox of rules serves to support health-related goals and objectives of WTO members. An example in the context of this Conference would be the WTO Agreement on Technical Barriers to Trade (TBT) which addresses the preparation of options and application of technical regulations standards and conformity assessment procedures. This agreement confirms explicitly and unequivocally the right of WTO members to take measures to protect human health and safety. Indeed, 46% of ratifications of draft regulatory measures notified to our TBT Committee and almost 40% of all trade concerns discussed, are related to measures that have the objective of protecting human health or safety. The objective itself is not put into question. The TBT is not prescriptive as to the types of regulatory measures the members may take. It requires that regulatory measures shall be non-discriminatory and shall not create unnecessary obstacles to international trade and for this purpose shall be no more trade restrictive than necessary to fulfil a legitimate objective. Mr President, the Agreement seeks to achieve a balance between allowing members to take regulatory measures to protect legitimate interests, such as protection of human health and safety, and ensuring such measures do not discriminate among trading partners and do not become unnecessary obstacles to trade.

Third, the WTO toolbox also includes forums for the discussion of related topics. The TBT Committee is used as a forum to address the specific trade concerns. In discussions, the right of members to protect human health and safety and to put in place measures towards this objective is not put into question.

Mr President, the WTO Secretariat commends the progress achieved to date in the crucial challenge of tobacco control through the Convention and through the work of the Convention Secretariat and Parties and we reiterate our shared commitment to cooperation with international organizations. Thank you very much.

The PRESIDENT:

Thanks to the representative of WTO. May I check with the interpretation services whether we are now ready? Egypt, you have the floor once again, apologies for the mishap.

Dr LABEED (Egypt):

سيدي الرئيس،

أود أن أشكر لسيادتكم إتاحة الفرصة لي للتحدث وأشكر دولة أوروغواي لاستضافتنا جميعاً كما أشكر أمانة الاتفاقية على الدعم الدائم وأنتهز الفرصة وأهنئ الأمة الإسلامية بمناسبة عيد الأضحى المبارك أعاده الله علينا جميعاً بخير.

ونحن في مصر الآن نشهد تقدماً ملحوظاً في تطبيق مبادئ الاتفاقية الإطارية ونسعى بكل جهد للاستمرار في هذا التقدم، وشاهدنا في الفترة القصيرة الماضية رفع الضرائب على منتجات التبغ بنسبة تتراوح بين 40% على السجائر و100% على سائر منتجات التبغ وتغيير الصور التحذيرية دورياً كل ستة أشهر منذ عام 2008 وظهور هذه الصورة بصورة صادمة لتغطي مساحة 50% من واجهتي العلبة ونشرها أيضاً على جميع منتجات التبغ الأخرى واعتماد قانون منع التدخين في الأماكن العامة المغلقة ووسائل النقل العامة وتطبيقه لحماية المواطنين الغير مدخنين. كما نأمل في إحراز بعض النجاحات في مجال الإقلاع عن التدخين خلال الفترة القادمة. لذا أريد أن أضيف أنه حرصاً على صحة المواطن التي هي الاعتبار الأول فإن مصر تؤيد المبادئ التوجيهية الخاصة بتنفيذ المادتين 9 و10 من الاتفاقية الإطارية وهي تنظيم محتويات منتجات التبغ وتنظيم الكشف عن منتجات التبغ للحد من سمية وجاذبية جميع هذه المنتجات، ولما لذلك من أهمية بالغة في مجال مكافحة التبغ.

وشكراً

The PRESIDENT:

Thank you very much representative of Egypt. Once again apologies for the technical problems. We now call upon the representative of the Framework Convention Alliance on Tobacco Control to be the last speaker for the day and for this debate.

El Dr. BIANCO (Framework Convention Alliance on Tobacco Control):

Muchas gracias, señor Presidente. Hablo en representación de la Alianza para el Convenio Marco. Como soy uruguayo, me gustaría dar en primer lugar la bienvenida a mi país a los distinguidos delegados que concurren a esta Conferencia y a la Conferencia de las Partes en sí.

Nos gustaría aprovechar esta oportunidad para decir que la FCA, que representa más de 350 organizaciones de la sociedad civil vinculadas a la salud y al control del tabaco de todas partes del mundo, aprecia y recibe con satisfacción los esfuerzos del Gobierno de Uruguay en la aplicación de disposiciones claves de este esencial tratado de salud pública. En particular, queremos ofrecer nuestra solidaridad y apoyo al Gobierno de Uruguay en la resistencia ante los vergonzosos esfuerzos de Philips Morris International y de la industria tabacalera para tratar de derrotar una excelente política sobre las advertencias sanitarias en los paquetes de cigarrillos que Uruguay ha adoptado. Usar el Centro Internacional de Arreglo de Diferencias Relativas a Inversiones, del Banco Mundial, para este propósito nos parece un ultraje. Todos tenemos un interés vital en asegurar que el Convenio Marco no sea atacado de esta manera. Sabemos que las Partes aquí reunidas también quieren respaldar a Uruguay en rechazar el intento de la industria del tabaco de intimidarlo y amedrentarlo y hacerlo retroceder en la aplicación de esta política.

Asimismo, esta COP enfrenta un momento crítico para el control del tabaco a nivel mundial, porque la industria tabacalera está haciendo esfuerzos sin precedente para minarlo, porque la mejor respuesta que la COP pueda dar es tomar decisiones valientes, que están en la agenda de esta semana. La COP puede acordar un proyecto de directrices sobre políticas fiscales conforme al artículo 6; adoptar el proyecto de directrices sobre el contenido de los productos de tabaco relacionados con los artículos 9 y 10; adoptar los proyectos de directrices de los artículos 12 y 14 relacionados a la educación en la cesación del tabaquismo; acordar continuar con las negociaciones sobre el protocolo de comercio ilícito, y puede también acordar una acción común en virtud del artículo 19 para apoyar a aquellos países en trabajar sobre cuestiones de la responsabilidad.

Nuestra respuesta a la industria tabacalera y al desastre para la salud pública que sus productos y sus acciones representan debe ser simple y clara. No se debe retroceder un ápice en las políticas que ya se están implementando. En su lugar, exhortamos a los participantes a esta Conferencia de las Partes a seguir adelante todos juntos para el mejor éxito. En nombre de la FCA les deseo una feliz estadía en mi país y una exitosa Conferencia de las Partes. Muchas gracias.

The PRESIDENT:

In my language unfortunately again we are not able to count, when we say last we also add finally after last. So finally, I call upon the representative of Chad, the deputy minister. He is back. Honourable Minister.

M. ADDY (Tchad):

Monsieur le Président, permettez-moi au nom de la délégation tchadienne d'adresser nos vives félicitations au pays hôte, l'Uruguay, pour avoir hébergé cette quatrième session et pour son accueil chaleureux. Nos félicitations vont également à l'endroit du Secrétariat de la Conférence des Parties qui n'a ménagé aucun effort pour son engagement et son dynamisme dans l'organisation des travaux qui nous ont permis d'être parmi vous. Que tous les représentants et délégués, ici présents, reçoivent nos sincères salutations.

Mon pays, le Tchad, souscrit entièrement à la Convention cadre de l'OMS pour la lutte antitabac, car le tabagisme demeure une question majeure de santé publique et contribue à la paupérisation de nos populations au détriment des besoins essentiels comme l'alimentation, l'éducation et les soins. En effet, la consommation de tabac est une pratique courante au Tchad, et elle est en progression surtout dans le milieu des jeunes. Aujourd'hui une forme nouvelle de consommation de tabac appelée la chicha attire grandement et dangereusement les jeunes à cause des arômes contenus dans ce produit. Face à ce tableau sombre, le Gouvernement tchadien a manifesté une volonté politique réelle, inscrite dans le cadre de la santé publique, et s'est engagé à respecter les objectifs et les principes directeurs édictés par la Convention-cadre de l'OMS pour la lutte contre le tabac.

C'est pourquoi, des efforts considérables sont enregistrés, renforçant ainsi la solidarité internationale en matière de lutte contre le tabagisme. Il s'agit de la signature de la Convention-cadre de l'OMS pour la lutte antitabac, puis de la ratification de ladite Convention par la loi No 20/PR/2005 du 30 décembre 2005 par le Président de la République, et de la création d'un comité national interministériel de lutte contre le tabagisme par un arrêté ministériel. Aujourd'hui, le Tchad dispose d'une loi nationale de lutte antitabac adoptée unanimement par les élus du peuple à la veille de la Journée mondiale sans tabac, le 27 mai 2010, et aussitôt promulguée par le Président de la République le 10 juin de la même année. L'adoption de cette loi est le fruit des efforts conjugués du Gouvernement, des parlementaires et de la société civile. La preuve en est qu'un représentant de la société civile fait partie de la délégation tchadienne.

Le combat contre l'industrie du tabac est avant tout un combat politique et doit être fondé sur la législation et sa mise en application réelle. Au regard de la dynamique de ce processus de lutte contre le tabagisme, le Tchad sollicite le soutien de la communauté internationale pour l'aider à mettre en œuvre efficacement sa loi antitabac et les décisions de la Conférence.

Pour terminer mon propos, je réitère l'engagement politique du Tchad pour les décisions en matière de lutte contre le tabagisme. Je vous remercie

The PRESIDENT:

I think that the delegates in this Conference deserve more applause than that which I have heard because we have just finished the debate and the response to the report of the Head of the Secretariat. Let us give ourselves a big hand for a wonderful debate.

*(Applause)*

Thank you very much for the quality of debate and the inputs. One thing it has done is that it has sensitized all the regions and all representatives of what positions on many issues various delegates would take and so before you go to the committees, you are very clear what type of discussions you are going to have.

## **2. TREATY INSTRUMENTS AND TECHNICAL MATTERS**

### **Protocol to eliminate illicit trade in tobacco products**

The PRESIDENT:

I now move to the next item on the agenda, which is item 5.1 on the protocol to eliminate illicit trade in tobacco products. For the consideration of this item, we have in front of us document FCTC/COP/4/4, the report of the Chairperson of the Intergovernmental Negotiating Body, FCTC/COP/4/5, which is the draft protocol that is proposed by the Intergovernmental Negotiating Body for consideration by this session. We also have two information documents, FCTC/COP/4/INF.DOC./1 providing information on the financial implications of the measures contained in the draft protocol, in line with the Rules of Procedure which call on the Secretariat to do so, and FCTC/COP/4/INF.DOC./3 containing options for concluding the negotiations and outlining

the legal and cost implications. I would now like to invite Mr Ian Walton-George, the Chairperson of the Intergovernmental Negotiating Body to present his report to the Conference of the Parties in line with the Rules of Procedure.

Mr WALTON-GEORGE (European Union):

Thank you President, thank you very much indeed. I think I see the cows coming home over the hills so I will try to be brief to finish this item. Ladies and gentlemen, thank you very much for the opportunity to present a brief report today. I would also like to add my thanks to the Government of Uruguay for their very gracious hospitality.

I was elected the Chairperson of the Intergovernmental Negotiating Body in 2008 and I had the privilege to chair all four sessions of the Intergovernmental Negotiating Body which have taken place since then. The Intergovernmental Negotiating Body was mandated to draft and to negotiate a protocol to eliminate illicit trade in tobacco products, and in my role as Chairperson I reported to the third session of the Conference of the Parties two years ago about the progress that we had made in the first session of the Intergovernmental Negotiating Body and in the second session of the Intergovernmental Negotiating Body, and the Conference of the Parties at its third session decided that the work of the Intergovernmental Negotiating Body should continue, we should continue our negotiations and submit a draft protocol to this fourth session of the Conference of the Parties. So I am here today to inform you about the work that the Intergovernmental Negotiating Body has undertaken. The President has drawn your attention to the two documents which contain the draft of the protocol as well as my report to you about the protocol. My report contains an annex which has a very detailed description of all the articles which are in the draft protocol and it informs you whether consensus has been reached on each article or not. In my role as Chairperson I would like to make the following comments.

First of all, to stress that the Intergovernmental Negotiating Body has completed a very considerable amount of work, and I believe that we have achieved a lot. As requested by the Conference of the Parties, we do have a draft protocol in front of us today. However, you will have seen that there are several articles in which there are still square brackets and on which we have not reached agreement, and some articles which we were not able to discuss in order to complete our sessions. In simple numbers this means that we have reached consensus on 26 articles but there are 23 articles on which further discussions are still required in order to reach consensus on them. I should also draw to your attention that there was an approach which we had adopted in the Intergovernmental Negotiating Body which we called “nothing is agreed until everything is agreed”. We have to have sort of a holistic approach to the negotiations and we cannot exclude that some of the items on which reached agreement will have to be looked at again in the light of discussions on subsequent articles because we simply have to make sure that there is consistency between all the articles when we have a finished product of a complete protocol.

However, having said that, I would like strongly to discourage Parties from trying to reopen text which has already being agreed. Some of the provisions that you see in the draft protocol took a very long time indeed to reach an agreement on. And I think we should exercise the most self restraint that we can before reopening those articles. In addition, we did discuss many concepts in the context of the protocol and if we had a full discussion of those concepts and decided at the end of the day that we should not include them in the protocol, once again I would strongly urge you not to try to reintroduce those concepts. We do not have a lot of time left in order to complete negotiations, and I think we should build on the positive aspects which we have achieved during the Intergovernmental Negotiating Body discussions.

Perhaps I can just point out a few of the particular items on which we reached agreement and then flag up a few on which we did not reach agreement. I am particularly pleased that we reached agreement on Article 7 which is the tracking and tracing provisions of the protocol, to allow us to track and trace illicit trade once we have had seizures of cigarettes. I am also pleased that we reached agreement on most of Article 5, which is the licensing provisions, and I would call those two articles really the heart of the protocol. So I think that that is a major step forward.

We also reached consensus on most of the provisions in Part VI which are the reporting requirements, Part VII – the institutional arrangements, Part VIII – the settlement of disputes, Part IX

– the development of the protocol and Part X – the final provisions. And I believe that the progress achieved demonstrates the strong commitment of all Parties to complete the work of the protocol and the current momentum which we have should not be allowed to slip away. Some of the issues which remain outstanding include the following.

We still have some technical aspects of the supply chain provisions and these include customer identification and verification, record keeping still needs to be looked at, and there are some sensitive provisions including a possible ban on Internet sales, as well as a possible ban on duty-free sales. The outstanding points include the criminal justice provisions: these are the mutual legal assistance provisions and extradition. And for lack of time these provisions could not be looked at during the fourth session of the Intergovernmental Negotiating Body. The draft protocol as a whole and of course the unresolved issues are in the hands of the Conference of the Parties and remain in the hands of the Conference of the Parties, but nevertheless, the Intergovernmental Negotiating Body has identified several specific issues on which we would like to have guidance from the Conference of the Parties and these are the following.

The first one is that the Intergovernmental Negotiating Body did not agree on the financing of the protocol once it enters into force. Different views were expressed on whether the Parties to the WHO FCTC should all contribute to the financing of the protocol or only those Parties that sign up to the protocol itself, and the Secretariat has produced a document which sets out the implications and includes a legal opinion.

The second question that we wanted to put to the Conference of the Parties is whether we really need all the provisions which currently figure in the draft protocol. For example, do we need the mutual assistance and extradition provisions? Could existing international agreements be used instead rather than having a detailed set of provisions on these two elements.

The third point on which the Intergovernmental Negotiating Body would like guidance from the Conference of the Parties is whether the protection of personal data is sufficiently covered in the protocol. The Intergovernmental Negotiating Body had serious concerns about that and felt that improvement was required.

And the fourth but not the least important question on which the Intergovernmental Negotiating Body would like guidance from the Conference of the Parties is the way forward. How can we finalize the negotiations on the protocol in the best and most efficient way? What options should we look at and which of those options would be the most effective. The Secretariat has produced a document giving some outline options for finalizing the negotiations and I understand that the Secretariat is ready to present these at a particular point, as required. And in relation to this latter point I would like to support the idea which came from the region of the Americas and from the European Region that we should use the fact that we are all here this week to try and make further progress on the draft protocol, and that we should have a working group working in parallel with the Conference of the Parties to try and make this progress. The working group could look at how we make progress, how we can secure that progress and discuss some of the concepts which are still in the draft protocol, including whether we should include all of those concepts –I have mentioned extradition and mutual legal assistance. We could use the debate in the working group, which would take place just this week, to make suggestions to the Conference of the Parties and to enable the Conference of the Parties to give us guidance about how we finalize negotiations in the most speedy and most effective manner. We would also need the guidance of the Conference of the Parties on the financing of these further negotiations because that is a crucial issue as well. The working group could therefore make a very valuable contribution and take matters forward so that we can all achieve our shared aim of having a strong, practical and effective protocol, which will eliminate the illicit trade in tobacco products.

On this note I would like to bring my short conclusion to an end, but I would like to beg the indulgence of the President and of yourselves just to use the opportunity to thank everybody who has been involved in the work of the Intergovernmental Negotiating Body, because the Intergovernmental Negotiating Body has worked for two and half years in four separate sessions and an enormous amount of work has been done. I'd specially like to thank my colleagues in the Intergovernmental Negotiating Body Bureau for the support that they have given, the Chairs of the working groups and the committees and also to Dr Nikogosian and his full team who gave magnificent support to us during our discussions, but particularly to the delegations and to you. There are many of you here today who

took part in all four of those negotiations and lived to tell the tale. I would like to thank you for your professionalism for your tenacity, for the good humour which prevailed during the four sessions, and for your stamina. You are probably aware that during the fourth session of the Intergovernmental Negotiating Body we had several midnight sessions to try and make the maximum progress that was possible. Everyone participated fully in all of those sessions, and if any of the delegates were asleep they managed to conceal it very well. Mr President we did not have a vuvuzela but maybe that would have been useful, but just to test whether everybody was really awake or not.

It has been an honour and a pleasure to be the Chair of the Intergovernmental Negotiating Body, and it is an experience that I will certainly never forget, and I would like to thank you once again and to say that I am happy to provide any further information that you may need, any clarification and to answer any questions that you may have. Thank you very much, Mr President.

The PRESIDENT:

Thank you very much, Chairperson of the Intergovernmental Negotiating Body. I want on behalf of the Conference to thank you for your excellent leadership in this regard. We are very much indebted to your able leadership that we have been able to cover that much ground in relation to the Intergovernmental Negotiating Body. Thank you very much.

Just as an addendum, or as additional information, to the report of the Chairperson of the Intergovernmental Negotiating Body, may I emphasize that the resolution that requested the Intergovernmental Negotiating Body to continue its negotiations in a fourth session and to report on the text of the draft protocol to this session does not talk about any further process after that, and therefore the report that we have today is a report and then we will decide on what to do next with the process. In terms of this decision, as the Bureau facilitating the decisions of the Conference of the Parties, we are aware that there is a proposal from the Intergovernmental Negotiating Body itself which has been expressed by the Chairperson of the Intergovernmental Negotiating Body, which is to establish a working group, and referred even to the possibility of the working group meeting this week. That is a matter that is being put on the table as one of the ways to go forward. I am saying that to avoid having a question from the floor asking whether there is such a working group meeting this week. There is no working group. The proposal that is put on the table is for us to consider the Intergovernmental Negotiating Body report and for us to consider the options on the way forward. One of them is a working group that may be established to meet as soon as possible. Second, related to that, which is why I referred to the other document that came from the Secretariat on the options to take the negotiations forward, which are just suggestions and proposals. I want to underline this point so that we do not debate whether the Secretariat or the Intergovernmental Negotiating Body had any authority in that regard. The resolution is very clear: the Intergovernmental Negotiating Body has been given the task to put a draft text in front of you, that is all, and it has provided a draft text, with the explanation that these matters have been finished and these matters have not been finished. It is now for Conference of the Parties to decide on the way forward.

Now, given the fact that it is 13:05 and we have just got the report that we have accepted, we have to break for lunch and then come back to plenary at 15:00 to begin the discussion on the report of the fourth session of the Intergovernmental Negotiating Body, including the draft text that is in front of us and the documentation that is relevant in that regard.

### **3. ANNOUNCEMENTS**

The PRESIDENT:

I have one or two announcements before the delegations rise. The first one relates to the fact that we are pleased, just to facilitate our work, that there has been an initial list of officers proposed for the committees, and we want to alert you to that list so that you can discuss it, just by way of facilitation. The proposal is that for Committee A the Chairperson would be Thailand, and the two Vice-Chairpersons for Committee A would be Benin and the Russian Federation. For Committee B

the proposal is it stands at the moment is that Committee B would be chaired by China, and that Sudan and Brazil would be the Vice-Chairpersons. We are suggesting that, as you heard earlier on, those officers have to be confirmed in the committees themselves. So at the moment we are just alerting you to what is on the table so that as delegates you can continue the conversation. We will come back to that so that we can easily facilitate the start of the committees. So that is the first announcement.

The second announcement is that we have a lunchtime seminar that we would like you to support. It is organized by MERCOSUR and it is on the topic of tobacco industry strategies to use international trade agreements against WHO FCTC implementation. That is actually taking place in a room called Rio de Janeiro – not in Rio itself but in a room called Rio de Janeiro here. The fact that it is led by Brazil does not mean that it is in Brazil, because in any case we would like to go to Rio for lunch and come back. So that is the second announcement, otherwise can we all be seated at 15:00 and can continue with the discussion and the debate on item 5.1. I thank you very much.

**The meeting rose at 13.05**

**FOURTH PLENARY MEETING****Tuesday, 16 November 2010, at 15:00****President:** Mr T.D. MSELEKU (South Africa)**1. TREATY INSTRUMENTS AND TECHNICAL MATTERS (continued)****Protocol to eliminate illicit trade in tobacco products (continued)**

The PRESIDENT:

You will recall honourable delegates that in the process of asking for speakers we have given preference to ministers and deputy ministers by way of acknowledging that they were able to come and participate. We also have the Minister of Health from Sudan and I would like to acknowledge his presence because he has not been able to come on time for the debate in which he would have been able to take the floor. We hope that he will be able to take the floor on other issues. I would also like to acknowledge his presence and appreciate the presence of ministers at this conference.

We have heard the report from the Chairperson of the Intergovernmental Negotiating Body. I would now like to open the debate on this item and to invite delegates wishing to speak to raise their name plates. One of the ways of facilitating this discussion, which is similar to the earlier one is that if there are regional speakers that are speaking first on behalf of the regions, can we have them raising their hands so that we know we have covered the regional speakers. I see that Peru will speak on behalf of the Parties in the Region of the Americas. Kenya is speaking on behalf of the Parties in the African Region. Saudi Arabia on behalf of the Parties in the Eastern Mediterranean Region. India on behalf of the South-East Asia Region. We will prioritize those regional positions and then can we have all the others raise their plates so that we can note them while we start with those regions.

Can we start with the representative of Peru speaking on behalf of the Parties in the Region of the Americas. Peru you have the floor.

El Sr. CHOCANO BURGA (Perú):

Muchas gracias, señor Presidente. Hablo en nombre del Grupo de las Américas.

En primer lugar, deseo agradecer la presentación del informe. Creo que el informe pone de manifiesto los importantes avances que se han logrado en la negociación. Pone de manifiesto también, como lo ha dicho el Presidente, la voluntad política de los Estados de avanzar y de lograr un protocolo. Pero también pone de manifiesto que existen todavía muchos temas por negociar y, sobre todo, que es necesario establecer una serie de orientaciones. Es necesario que esta COP dé una serie de orientaciones con relación a cómo vamos a enfrentar las negociaciones futuras. En ese sentido, el presidente del INB ha establecido cuatro puntos sobre los que considera que esta COP debe dar una guía.

Ayer, el Grupo de las Américas adelantó su voluntad de hacer una propuesta con relación al establecimiento de un grupo de trabajo, y en esta ocasión deseo reiterar esa propuesta para que se

establezca un grupo de trabajo, que, fundamentalmente, tenga el objetivo de considerar los cuatro elementos que se han planteado en el informe, para que la COP pueda dar orientaciones, pueda dar una guía al respecto. Este grupo de trabajo, desde el punto de vista del Grupo de las Américas, no sería un grupo de trabajo para negociar los temas de fondo. Creo que muchas delegaciones, la mayoría de las delegaciones, no han venido preparadas para hacer negociaciones de fondo, pero sí creemos que este grupo de trabajo podría dar directrices, podría dar una guía clara de cómo avanzar, fundamentalmente con relación al tema del procedimiento.

Este grupo de trabajo, por cuestiones prácticas sobre todo, podría estar representado, o en él podrían participar, un número definido de delegaciones por Región, precisamente para evitar que las delegaciones pequeñas tengan que inscribirse. En este grupo de trabajo también, obviamente, podría participar el Presidente del INB, y la idea sería, pues, trabajar en estos cuatro elementos que ha planteado el Presidente para que después la persona que presida este grupo de trabajo pueda informar a la COP sobre los acuerdos que se hayan adoptado.

En ese sentido, señor Presidente, ha habido algunas coordinaciones con algunos grupos regionales sobre este tema. Sin embargo, no hemos llegado a ningún acuerdo concreto. Lo que sí existe, creo yo, de parte de todos es la voluntad de continuar avanzando en este tema y, por lo menos desde el punto de vista del Grupo de las Américas, sería muy importante el establecimiento de este grupo de trabajo para poder definir cuál va a ser el procedimiento, cómo se van a llevar a cabo las negociaciones.

Reitero: no debe ser un grupo de trabajo para negociar, porque las delegaciones, creo, por lo menos en mi Región, no han venido preparadas, no tienen a todos los funcionarios de los diferentes sectores como para negociar, así que sería fundamentalmente para ver el tema de los cuatro puntos que ha planteado el Presidente en su informe. Muchas gracias.

The PRESIDENT:

Thank you very much to the representative of Peru on behalf of the Parties in the Region of the Americas. I now recognize the representative of Kenya to speak on this matter on behalf of the Parties in the African Region.

Dr MAINA (Kenya):

Thank you Mr President. Kenya is speaking on behalf of the Parties in the African Region. First I take this opportunity to thank the Intergovernmental Negotiating Body for the good work they have done so far in the last four sessions in trying to come up with a protocol to eliminate illicit trade in tobacco products. The African Region is very supportive of this intervention and through the last four sessions of the Intergovernmental Negotiating Body significant progress has been made, particularly in areas touching on the most critical parts of the draft protocol. Similarly, substantial consensus has been reached on these pertinent issues. However there is a huge and probably very important segment of this debate that has not been agreed upon. In view of the wide range of issues still pending consensus, ample time is required for an amicable position to be reached on these outstanding issues in the draft protocol. We propose that the mandate of the Intergovernmental Negotiating Body on Protocol on Illicit Trade in Tobacco Products be extended to allow for a fifth session to be held in the coming year to finalize the draft and thereafter presented for discussion and adoption at the fifth session of the Conference of the Parties. The next session of the Intergovernmental Negotiating Body needs to be well prepared as a final solution has to be reached. We need to consult widely, particularly among Parties and other bodies. This will help in linking the protocol on illicit trade to other issues that are pertinent to other trade agreements. The Region does not find it necessary to set up a working group. I repeat it does not find it necessary to set up a working group to do what the Intergovernmental Negotiating Body is ably doing, during the Conference of the Parties. Many Parties in the Region have a small number of delegates and hence have to choose whether to be in Committee A, Committee B or a working group. As such we find that the Region would not be well covered if such a working group were to be set up. At the same time, the delegates attending this conference might not have the right expertise to be able to address all the issues that can be deliberated in a working group. To deal with

this process and issues raised by the Chairperson of the Intergovernmental Negotiating Body, should there be a working group, such a working group should restrict its work to the processes of what needs to happen before the next Intergovernmental Negotiating Body, such as timing and preparatory work, and leave all other substantive negotiations to the Intergovernmental Negotiating Body. The rules of this group should include when to hold the next session of the Intergovernmental Negotiating Body, where would money for the next session come from and discussions on what preliminary work needs to be done between now and another Intergovernmental Negotiating Body.

Chair, the Parties in the African Region wish to see a speedy end to the negotiations and we are ready to facilitate consensus in the period before the next Conference of the Parties and the final decision of the Intergovernmental Negotiating Body but we are concerned about the persistent involvement and interference of the tobacco industry through regional trade and economic blocs, even in the African Region. We agree that all Parties are committed to the objectives and the spirit of the WHO FCTC and to the principles and guidelines to implement Article 5.3, which we all adopted during the third session of the Conference of the Parties. Such interactions do not only slow the process of the conclusion of the protocol under review but also compromise the quality of the document this conference is eagerly looking for. Thank you Mr President.

The PRESIDENT:

Thank you Kenya on behalf of the Parties in the African Region and. I now recognize the delegate of Saudi Arabia on behalf of the Parties in the Eastern Mediterranean Region.

Mr AL JEHANI (Saudi Arabia):

نشكر رئيس هيئة التفاوض على التقرير الشامل الذي قدمه عن الدورات الأربع والذي اتضح منه أن هناك عملاً جيداً تم إنجازه من أجل الوصول إلى الشكل النهائي للبروتوكول.

ومجموعة شرق المتوسط تؤيد فكرة عقد فريق عمل يفضل أن يكون فريقاً تفاوضياً.

ونحن في مجموعة شرق المتوسط نؤيد عقد دورة خامسة حتى يتسنى الانتهاء من وضع البروتوكول.

وشكراً.

The PRESIDENT:

Thank you very much to the representative of Saudi Arabia. I now call upon India on behalf of the Parties in the South-East Asia Region.

Mr DESIRAJU (India):

Speaking on behalf of the Parties in the South-East Asia Region I wish to convey our compliments to the Chair of the Intergovernmental Negotiating Body both for the excellent work done in the intersessional period and for the presentation this morning. The earlier speakers, the distinguished delegates from Peru, Kenya and Saudi Arabia, have all urged that if a working group has to be set up it must necessarily confine itself to issues of procedure and not enter the field of negotiation. That is a position that we also wish to support. We do not have the technical expertise present at this Conference of the Parties. It is a very serious technical business which needs to be done through the proper way, through the forum of the negotiating body itself. So if we could suggest that there is a working group with a very specific and limited task of addressing the issues raised in document FCTC/COP/4/INF.DOC./3, the note prepared by the Secretariat regarding possible ways ahead. This could be an open-ended working group, again for the reasons mentioned by the

distinguished representative of Kenya, many of our delegations are very small, and much as we would wish to do so, we may not be able to participate. So if it is an open-ended working group we can be sure that the regions are represented. A clear view, possibly with a draft resolution for the Conference of the Parties to adopt as to the way ahead, keeping in mind the suggestions in document FCTC/COP/4/INF.DOC./3, without going into the substantive issues which were also mentioned in the Chairman's presentation this morning. That would be the way we would recommend. Thank you.

The PRESIDENT:

Thank you India for representing the Parties in the South-East Asia Region. Before I pass on to the individual delegations that have indicated that they want to speak on this matter, can I please once again check with the two regions that have not yet decided whether to speak, whether there is any speaker from those two regions. If there is none then I will move to the individual Parties. There is no speaker on behalf of the Western Pacific Region. There is no speaker on behalf of the European Region.

I have the representatives of Japan, the European Union, Australia and Niue; in that order, and then I am noting China, New Zealand and the Russian Federation. Shall we take those and then we can test before we open further?

Mr HOSHINO (Japan):

Thank you Chairman. At the outset I would like to commend the excellent leadership of the Chairperson of the Intergovernmental Negotiating Body and also all the work done by the participating countries of the Intergovernmental Negotiating Body.

Having said that, Japan supports the extension of the mandate of the Intergovernmental Negotiating Body given the substantive progress that the fourth session of the Intergovernmental Negotiating Body has achieved. So we completely support the idea of extension if needed. We should finalize the protocol as soon as possible before the momentum is lost. At the same time, as one of the participants at the fourth session of the Intergovernmental Negotiating Body myself, as I recall the consensus at the end of the fourth session of the Intergovernmental Negotiating Body was that we will not negotiate or we will not enter discussion on the substance of the protocol at this Conference of the Parties, because the expertise is different. If we were to discuss the substance of the protocol we should have brought our colleagues from the justice ministry, who have expertise in international criminal justice, and so forth. So we are not ready, we do not have the expertise necessary to discuss in depth the matter. We agreed that we can talk about the financing of the protocol because it is important for all the Parties the question of financing the protocol but the substance in each of the provisions should not be treated during this Conference of the Parties. Thank you, that is the point I wanted to raise.

Mr ROWAN (European Union):

Thank you Chair. The European Union reiterates its commitment to the adoption as soon as possible of a strong, well-balanced protocol. In line with what several Parties have already suggested we are looking to the Conference of the Parties to give guidance as to how we should proceed with the negotiations to a successful conclusion for the protocol. The report of the Chairperson of the fourth session of the Intergovernmental Negotiating Body alerts us that there are some outstanding issues that need to be resolved if we are to complete the negotiations for a protocol. In this context we would respectfully suggest that Parties take the opportunity of this meeting in order to look at these outstanding issues. It should be emphasized that we are not seeking negotiations on the text of the protocol to be undertaken at this meeting. On the other hand, we feel that coordinated interregional exchanges of views on concepts could assist the Conference of the Parties in providing the guidance that we seek. Therefore, we propose that a working group should be established in order to facilitate these exchanges of views. In our opinion such a working group would be open-ended and could address the following issues: the four questions contained in the Chairman's report, which are the

financing of the protocol, whether certain provisions could be withdrawn, how the protection of personal data can be guaranteed, and how to best take forward the negotiations to achieve an agreed protocol in an efficient and cost-effective manner. In addition, the working group could identify or help identify the main concepts and conditions for the future work on the protocol and exchange views on specific items where consensus could not be achieved. However, we must ensure that we do not reopen topics where agreement has already been achieved. In conclusion, the European Union is ready, available and willing to assist in any deliberations decided by the Conference of the Parties. Thank you Chair.

Mr COTTERELL (Australia):

Thank you Chair. Australia welcomes the progress that has been made in the sessions of the Intergovernmental Negotiating Body to date and the tireless work of the Chairperson. We would support holding a fifth and final session of the Intergovernmental Negotiating Body to finalize the protocol. We would like to associate ourselves with the comments made by the Parties in the African Region, in relation to their proposal for a working group at this session of the Conference of the Parties. We are concerned about the large number of small delegations who will not be able to attend such a working group. We are concerned about the expertise needed to engage in discussion on the subject matter of the protocol and we would prefer any working group to confine itself to process. That said, we note that paragraph 37 of the Chair's report outlines four issues on which the Intergovernmental Negotiating Body sought guidance from the Conference of the Parties on and we would be prepared to engage in discussion on those four issues. We also associate ourselves with the remarks made on behalf of the Parties in the South-East Asia Region in relation to a need for any working group to be open-ended. We would also suggest that it not be held in parallel with Committee A and Committee B if that were possible. For example an evening session, which small delegations could attend.

We would also prefer that before the next Intergovernmental Negotiating Body there be some intersessional work to make sure that the issues of substance are agreed as far as possible and that intersessional work ought to include discussions between the Convention Secretariat and other relevant international organizations, such as the United Nations Office on Drugs and Crime and the World Customs Organization. As has been pointed out in the Chair's report, there continues to be duplication with other international instruments. We are also concerned that in the very good information that is being provided by the Secretariat in response to requests for technical information there is a continuing assumption that a track-and-trace system is best run from the Secretariat and we think other options need to be explored in consultation with those other international organizations. We are concerned about criticism of WHO for engaging in law enforcement-type activity and we would like to see that concern addressed. Thank you very much.

Mr NOSA (Niue):

Thank you Mr President. If you will allow me, I am from Niue and I will speak on behalf on the following islands in the Pacific: Tuvalu, Federated States of Micronesia, Palau, Samoa and Vanuatu. Our delegations consist of one or two members each and it would be hard for us to attend any working group which would discuss any substantial issue. Our delegations do not have the experts needed for negotiating the substance. We therefore support the suggestion made by Kenya on behalf of the Parties in the African Region, India for the Parties in the South-East Asia Region and Peru for the Parties in the Region of the Americas. Thank you Mr President.

Mr YI Xianliang (China):

主席先生，我们大家都知道，在今年政府间谈判第四次会议上，我们就相当一部分的议定条款达成了一致，同时，也还有大量的条款基本达成了一致，还没有完全达成一致。所以在这一轮谈判的会议期间，如果要进行谈判来解决议定书中所剩的问题，可能是比较困难的。因为我们现在谈判的议程已经非常重，我们不可能通过一个边会（side event）来解决我们公约发展进程中这么重大的一个问题。基于这方面考虑，中国代表团支持肯尼亚、印度、沙特、澳大

利亚、日本和其它代表团关于把这个问题移交到下一次政府间谈判机构专门开会来讨论议定书的问题，并且我们也希望能够尽快地完成议定书的谈判。

正是基于这一点，因为我们下一次的缔约方会议是在两年以后，那么我们应该防止下一次会议出现仍然没有完全达成一致的可能情况。我们必须要有这方面的考虑。在今天召开第四次缔约方会议的时候，实际上如果我们再有两天或者一天时间的話，是有可能完成谈判的。但可惜我们没有按照原来乐观的估计，在第四次会议前顺利完成谈判。也有代表团曾建议在这次缔约方会议之前增加两天会，专门就议定书进行谈判，完成谈判以后再交到缔约方会议上通过，但是这个建议也没有被秘书处所接受。在这种情况下，我想在缔约方会议期间做一些非正式的意见交换是可以的，但是正式就议定书进行谈判可能是不现实的。

谢谢。

Ms EVISON (New Zealand):

Thank you Chair. New Zealand is very supportive of the objectives of this protocol. It has been a slow and difficult process but a very important issue for tobacco control. New Zealand does support the need for very clear guidelines to enable the negotiations going forward to progress to a conclusion in a timely manner. We are concerned about the working group proposal, because like Parties in the African Region, we are a very small delegation. New Zealand does not support negotiations of substantive issues at the Conference of the Parties as the delegations present at the Conference of the Parties do not reflect the technical skill-sets that would be necessary at the Intergovernmental Negotiating Body. Based on the discussions we have had this afternoon so far there appears to be a majority view to have a working group. We would like to suggest that this is held in the evening so as to enable smaller Parties to participate without going over the top of the work of Committee A and Committee B and that there would be no limit on Parties participating in this working group process. Thank you.

Ms NIKITINA (Russian Federation):

Г-жа НИКИТИНА (Российская Федерация):

Уважаемый господин Председатель,

Спасибо за предоставленную возможность. Хотелось бы сказать, что российская Сторона, безусловно, заинтересована в завершении переговоров о принятии эффективного Протокола о незаконной торговле табачными изделиями. В этой связи мы бы хотели поблагодарить Председателя соответствующего органа за ту работу, которая уже была проделана. Мы поддерживаем предложение о создании рабочей группы, в ходе которой будут определены возможные пути работы над Протоколом, но в нем не будет рассматриваться сам текст Протокола. При этом хотелось бы сказать, что вопросы планирования работы по доработке Протокола, наверное, целесообразно рассматривать совместно с вопросами финансирования данной работы. Поэтому рассмотрение возможных вариантов работы по доработке Протокола следует увязать именно с вопросами финансирования. Спасибо.

The PRESIDENT:

Thank you Russian Federation. I now call upon the representative of Nigeria to take the floor.

Dr ANIBUEZE (Nigeria):

Thank you Mr Chair. I would like to join my colleagues in thanking the Chairperson of the Intergovernmental Negotiating Body for the wonderful job that he has done. I also seize the opportunity to thank all those that worked with him, in that team, to produce the results we have today. I take the floor on behalf of the Nigerian delegation to support the statement made by Kenya on behalf of the Parties in the African Region. Let us astound and inform the Conference of the Parties of the tremendous work that has been put into the Intergovernmental Negotiating Body. Like we always say, I think that the work we have pending is less than what we have succeeded in doing and therefore we should look forward to completing this job. We recommend that if a working group is to be set up its

function should be clearly defined so that we do not set up working groups like those that have been set up before, that when they finished their work, came to the Intergovernmental Negotiating Body and the issues were all reopened and taken up again, which was a waste of time and resources. Therefore if we are setting up a working group now, the terms of reference of that working group should be clearly defined and not deal with substantive issues which are in the protocol, particularly those areas in which there was not agreement or consensus. Those areas where we have had consensus, we must ensure and guide that we do not reopen them. A situation whereby a working group finishes its work, presents it to the Intergovernmental Negotiating Body or to the Conference of the Parties that will resume discussion and negotiation again is not in the interest of the WHO FCTC. We need therefore to move from this point to the next level and that is when we shall all adopt the protocol for implementation. I am thinking that that is what we owe our numerous citizens in our countries, to present to them a protocol that is workable, acceptable and technically sound.

The PRESIDENT:

Thank you Nigeria. I would now like to call upon the representative of Bhutan to take the floor.

Mr DUKPA (Bhutan):

Thank you Mr President. Given the complexity and intricacy of the nature of the work, I would also like to join the former speakers in congratulating the Chairperson for making so much progress thus far. Now, I would also support the proposition made on behalf of the Parties in our region, that is the South-East Asia Region, but nonetheless I would also like to support the delegate from Nigeria. Number one, now that so much has been done but much more is required to be done, so I think, as it has been said, there are differences, there are different views, there are bottlenecks and given your experience in the last two or three years, you would know that around the negotiating table, that certain issues are not negotiable at all and you find it very difficult to negotiate, so I think such issues should have been highlighted in your report, so that we know what the issues are that are difficult to negotiate among Parties. Number two, much has been done, but now, what do we do? The way forward, the clear definition of the terms of reference as put forward by the Nigerian delegate, and also the timeframe. Given your experience you will know the time that is required by the working group. And number three, as in a democracy, if there are certain issues that cannot be negotiated they should be put to the vote of the Conference of the Parties. We should be guided by the rule of the majority and we cannot drag on and on because of a few Parties. This is what I would like to submit in addition to what others have submitted. Thank you for giving me this opportunity to raise my views.

The PRESIDENT:

Thank you Bhutan. Allow me to allow a non-Party to speak and then to try to see if I can put something on the table from what has been said already. India has already spoken, at least for the region, so I want to come back to them after trying the non-Party. I have got the non-Party and then I am going to try out something and then I will allow India to be the first to speak on that one. Can I allow the non-Party, the United States of America, please say something? Then I will try to see if we can put some kind of an idea that is emerging and then debate that as an idea.

Mr LOM (United States of America):<sup>1</sup>

Thank you Mr President. First of all I want to thank the Government of Uruguay for hosting this meeting and, in particular, to thank the people of Uruguay. They have been very gracious and kind and welcoming, particularly when I get lost walking through the streets of Punta del Este. They have been very kind and set me on the right way, so I really appreciate that, they are great people.

---

<sup>1</sup> Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

With regard to this particular issue, I would like on behalf of our Government to support a fifth session of the Intergovernmental Negotiating Body. I would also like to support the intervention by the European Union on all its points. In particular, I would emphasize, focusing on whether we really need to include in the protocol articles that are already being addressed in other international instruments. I think that we would have a more polished document if we only focus on those provisions that are unique to the issue of illicit tobacco trade and not necessarily worrying about extradition and other topics that are already covered in other international instruments. I would also like to focus on the issue of personal data protection which is something that I think is vital to a successful protocol. Finally on the issue of a working group I realize that many delegations are small and that maybe there is not the appropriate expertise to participate in such a group. Nevertheless I do not think that having a working group would be a waste of time as some have suggested. I know that in the Intergovernmental Negotiating Body, when we have had working groups very often, if not all the time, none of their recommendations were accepted, but that does not mean that that process was not worthy of itself. I think that there is still enough expertise in this room that would provide a benefit to the process related to the fifth session of the Intergovernmental Negotiating Body and I think it would also take advantage of momentum that we have. Here is an opportunity, yes it is not the best opportunity, but it is an opportunity to get people together and talk about these issues and even if the Intergovernmental Negotiating Body at its fifth session decides not to accept any of these issues, at least we have had another opportunity to discuss them and meet among ourselves and I think that would add a lot to the process. Thank you very much and thank you again for the opportunity to speak.

The PRESIDENT:

Thank you very much. Before I go back to India and then to other delegations, there seem to be three trends in the discussions round the table. For us to be able to go forward at least we need to get a round of views and see how these are going. The first one relates to the establishment of a working group. That is a trend, a very clear trend, however there are different emphases among delegates about what kind of working group we are talking about.

One view suggests that it should actually confine itself to the process from now and make a firm recommendation on the process and the details of that process going forward.

The other view, while not excluding the issue of the process, suggests that there should be some explorative discussions in broad terms about some of the aspects that are causing problems, without necessarily subjecting that to negotiation of language, dots and full-stops, but just exploring views. So that idea relates to the establishment of the working group. It looks like generally there is a view that we can, and should, treat this matter through a working group of this Conference of the Parties but what seems to be the difference is the emphasis in terms of the terms of reference of that working group, which would report to this Conference for us to consider its views. The one view, as I say, is that it should discuss process only and the other view says that it should discuss process but also hold some kind of discussion/exploration about views and ideas.

The third issue that is emerging is that there is a need for a fifth session of the Intergovernmental Negotiating Body. Now, one way of reading this is to say that there is a need for a fifth session of the Intergovernmental Negotiating Body and therefore let us resolve that there will be a fifth session. The other is to say that in itself is part of the discussion about the process and the working group. So from the perspective of the Chair, this table and myself, I would like to confine us to the response to this issue, first of all that there should be a working group on process only; or that there should be a working group on process and some explorative discussions without negotiation because everybody agrees that there cannot be negotiations.

Can we ask delegations to respond to that issue in particular? Because we seem to have a little bit of consensus on the need for some kind of working group to come up with a clear proposal including a resolution, either on process only or on process and some exploratory issues. Now we will start with the delegation of India. Before they speak, can I start another list and may I request that we try to confine ourselves to that question and not the other issues for now. Just the question as to the fact that we agree that there seems to be an agreement on the establishment of some working group

which is open-ended. Either to discuss process or to discuss process and some exploratory discussions, without negotiation.

India, Syrian Arab Republic, Kenya, Nigeria, Turkey, the European Union, Israel, Peru, Honduras, Democratic Republic of the Congo, Norway, Swaziland, Philippines, New Zealand, Saudi Arabia. I am hoping that colleagues will assist us in making a distinction and coming to some kind of consensus as to the type of working group we are talking about. India.

Mr SATPATHY (India):

Thank you Mr President. Had I been given the opportunity to express the Indian position before the President gave a few of the conclusions, perhaps the President would have added one more thing on the table, but since he chose to relegate the country position to a later time I am taking the opportunity to express it now. Mr President, one of the first things I remember when I was learning the English language was what my teacher told me, and he said, "it is a funny language", and that becomes apparent when we look at the use of the term "outstanding". The Chairperson of the Intergovernmental Negotiating Body did mention that 22 items are outstanding and he also said that these 22 outstanding items are really outstanding, meaning that they are extremely important, they are extremely critical and therefore they need in-depth discussion, which brings me to the issue of where should this be tackled? Is the Conference of the Parties equipped and the issues that have been referred to it, especially the technical and legal issues, and by this I refer to the need for legal assistance, extradition protocols and as well as those on privacy. So therefore I then come down to the other two reference points, whether it would be financed and by whom and how to carry the process forward. Now the Conference of the Parties, as a body, hosting the WHO FCTC has spawned the Intergovernmental Negotiating Body, so at this point in time our humble recommendation would be that the Conference of the Parties takes a view as to how to continue spawning this particular body. Therefore, what we would like to consider is the plenary session itself take a view as to whether the Intergovernmental Negotiating Body should be allowed to continue to negotiate. If we solve that issue, the other corresponding issues, including the issues that have been referred to, would have a forum for its resolution and therefore could also be aided by inputs by the Secretariat in terms of technical and legal papers on the various technical issues that have been highlighted. Therefore I would like to add a fourth recommendation to what the President mentioned – that we take up this issue right here in the plenary as to whether we should extend the Intergovernmental Negotiating Body or not. That decision has to be taken in the plenary, the working group cannot take a decision on that, neither can Committee A or Committee B take a decision on that, which is precisely the reason why we brought this particular item into the plenary for discussion. So if the plenary can now take a decision as to whether the Intergovernmental Negotiating Body should be extended, then it would be easier for us to go forward without having to break our heads. Of course I would also like to point out that we have no tea or coffee provisions here because the authorities think it is too powerful a stimulant to keep us awake. So we should try to solve this at this plenary session and see if we can extend the Intergovernmental Negotiating Body. Thank you very much for your indulgence.

The PRESIDENT:

Thank you delegate from India and my apologies if I seemed to be relegating the position of the country. I am trying to manage a process here but you have had the chance to do that. I now call upon the Syrian Arab Republic.

Dr ABOU ALZAHAB (Syrian Arab Republic):

السيد الرئيس،

إن عقد دورة خامسة يتطلب عقد دورة استثنائية إضافية لمؤتمر الأطراف لاعتماد البروتوكول أو تأجيل اعتماده إلى الدورة الخامسة لمؤتمر الأطراف التي ستعقد بعد سنتين. ومن الأفضل هنا تعليق الدورة الرابعة الحالية لمؤتمر الأطراف

واستئنافها بعد عدة أشهر أملين أن يتم ذلك في فترة زمنية كافية فإن الأمور المتعلقة ببعض البنود التي تم تأجيلها أو التي لم تتفق عليها الآراء هي مواضيع معقدة نسبياً وتحتاج إلى فترة زمنية طويلة نسبياً لعلاجها، فالمؤتمر الذي سيستأنف في حال تم هذا الاختيار يحتاج فترة أسبوعين على الأقل يمكن خلالها مناقشة مشروع البروتوكول والوصول إلى صيغة نهائية واعتماده بشكل نهائي استكمالاً للدورة الرابعة الحالية لمؤتمر الأطراف. وهذه العملية فيها وفر حوالي سنة ونصف تقريباً من الزمان. وإذا شتمت تشكيل فريق عامل فستكون مهمته فقط الاختيار بين دورة خامسة وبين تعليق هذا المؤتمر. وطبعاً هناك في الموضوع المالي أيضاً مسائل يمكن أن تدرس. أما الوثيقة المالية المتعلقة بالجوانب المالية للبروتوكول فيمكن تأجيلها أيضاً لفترة لاحقة لأن هذه الأمور تحتاج أيضاً إلى وقت وإلى خبرات وقد نضيع وقتاً ثميناً الآن في الدورة الرابعة لمؤتمر الأطراف في بحث الأمور التقنية والمالية، والأفضل أن تبحث كل الأمور لاحقاً في دورة خامسة، وهذا احتمال ضعيف في الحقيقة، أو أن يتم تعليق هذا المؤتمر واستئنافه لاحقاً وشكراً.

Dr MAINA (Kenya):

Thank you Mr President. We feel that there are two issues here. The first is to agree on whether we continue with a fifth session of the Intergovernmental Negotiating Body or not. If we have to proceed onto a fifth session, the so called working group now needs to be given the task of coming up with the decision on when do we have the fifth session, and if it is going to happen who funds it or how do we get funds to fund that session and of course the other preliminary work on what needs to be done between now and the next session. I feel that is the way we need to pull off this issue otherwise we will keep on discussing until the cows come back, and I do not know whether there are any cows here. The other issue is that we need to have the same committee consider the other issues to be looked at when the fifth session of the Intergovernmental Negotiating Body comes to sit, and of course look at the issue of discussions on whether we should involve civil society, nongovernmental organizations and the like in matters of the Intergovernmental Negotiating Body. Thank you.

Dr ANIBUEZE (Nigeria):

In support of Kenya on behalf of the Parties in the African Region, we want to say that the views expressed by Kenya are supported by our delegation. The issue is: are we having a fifth Intergovernmental Negotiating Body? If we are going to have it, what would the process be like, vis-à-vis a working group? If we accept there would be a fifth session of the Intergovernmental Negotiating Body, to plan for that session, a clear mandate to be given to that group on what they should be reporting on when they do so. Not referring this Conference of the Parties to the experiences of the Intergovernmental Negotiating Body it would be necessary to define very clearly what we expect of any working group. I emphasize this because we have had working groups in the past surrounding the Intergovernmental Negotiating Body. Of what help were those groups? So we should be clear about what we are about to do. Are we having a fifth Intergovernmental Negotiating Body or not? Thank you.

Ms EKEMAN (Turkey):

Thank you very much Mr President. In our statement yesterday we had expressed our support for the setting up of a working group. We do maintain the same position but looking at the views expressed in today's meeting we do believe that small delegations would have a problem in having in-depth discussions within the group, so I think it would make more sense to have a group that could concentrate more on the procedural matters and would work more as a brain-storming group, as a brain-storming session, because in the past as several other delegates expressed that we did have working groups like that within the framework of the Intergovernmental Negotiating Body and we do think that the work they did was important and proved fruitful and if we can have some sort of a group like that then we think it would be beneficial. Thank you.

Mr ROWAN (European Union):

We would support one of the points you mentioned where the working group would discuss the process and the exploratory issues, but of course the working group could start with the process matter first and then see how we progress. If we have time and interest and energy then maybe we could move on to the exploratory issues. Thank you.

Ms MAYSHAR (Israel):

I am confining myself to the options that the Chair has proposed and for the reasons expressed by a number of small delegations I would like to support the confining of the work of the working group to the issues of process and not issues of substance; but if not, as suggested by New Zealand and Australia, we would like the meetings to be held in the evening so that the small delegations can also participate. Thank you.

El Sr. CHOCANO BURGA (Perú):

Muchas gracias, señor Presidente. Señor Presidente, el Grupo de las Américas también comparte la preocupación que han manifestado muchas delegaciones con relación a las reuniones paralelas, con relación al tamaño de sus delegaciones. Muchas delegaciones de nuestro grupo regional son pequeñas. Mi delegación está conformada por dos personas, y por eso creemos que un grupo de trabajo, que puede ser abierto, tenemos total flexibilidad en eso, puede precisamente contribuir a que estas delegaciones pequeñas participen en mayor medida en este proceso, porque lo que se discute en el grupo de trabajo también se va a traer al plenario. Entonces, van a haber dos instancias de debate, dos instancias en las cuales van a poder trabajar este tema.

Reitero: tenemos plena flexibilidad en que el grupo de trabajo sea abierto, no sea cerrado, en eso no tenemos ningún problema. Consideramos que el tema de cómo proceder, cómo llevar a cabo esta negociación tiene que ser enfrentado de manera integral. Es muy difícil decir vamos a tener un ONI5, sin haber resuelto los temas que están pendientes en el informe que nos ha presentado el Presidente, es decir, métodos de financiamiento, cómo encarar el tema de la protección. Entonces, son temas que están integralmente vinculados y que hay que tratarlos de manera integral. Por eso, consideramos que un grupo de trabajo podría tratar estos cuatro temas.

No estamos preparados para desarrollar una negociación en estos momentos. No hemos traído a nuestros expertos. En la mayoría de los casos es así, por eso es que insistimos en que este grupo de trabajo debe ser un grupo de trabajo para intercambiar ideas sobre los cuatro puntos que el Presidente ha planteado. Reitero: no estamos en capacidad de iniciar un proceso de negociación sobre asuntos de fondo.

Entonces, la propuesta del Grupo de las Américas es que establezcamos un grupo de trabajo abierto, que se reúna a la hora que las delegaciones lo decidan, para ver los cuatro puntos que tienen que ser tratados de manera integral, y que se refieren fundamentalmente a cómo se van a desarrollar las negociaciones. Muchas gracias.

El Dr. EFRAIN PORTILLO (Honduras):

Muy buenas tardes, señor Presidente. Muchas gracias por la oportunidad. Rony Portillo, representante del Gobierno de Honduras.

Honduras, ubicada en el centro de América. Nosotros creemos que en relación al artículo 15 del Convenio Marco para el Control del Tabaco, sobre el comercio ilícito, está plasmado en nuestra ley, en el artículo 58. Pero a nosotros nos preocupa más, realmente, como miembros de la COP, es que no hay realmente el apoyo que algunos Estados y pueblos necesitamos en el aspecto económico para poder cumplir realmente con lo que es algunos artículos, que creemos de suma importancia.

Hablando de los artículos del Convenio Marco, por ejemplo, el 7, el 8, el 9, el 10, 12, 14, y 20, que son artículos de suma importancia para que nosotros podamos definitivamente disminuir el consumo de tabaco en nuestros países, de tal forma que queremos, y con todo el respeto que se

merecen, solicitarles una mayor cooperación para los Estados Miembros con mayores dificultades, porque, por ejemplo en Honduras, hemos estado trabajando arduamente, y directamente en todos y cada uno de estos artículos, ejecutando ya acciones conjuntamente con las población, de tal forma que tenemos un grupo de más de 200 personas voluntarias para poder trabajar en esto.

Pero no es lo suficiente, así que, en ese sentido, y con todo el respeto que se merecen, queremos decirles también que aunque los países en vías de desarrollo venimos con delegaciones pequeñas, como se ha estado mencionando, no creemos justo que también se diga que no tenemos capacidades para poder incorporarnos al trabajo que la COP, y que de una u otra forma los Estados Miembros, tienen la oportunidad de poner a conocimiento.

Cada una de las personas, y cada uno de los Estados, tienen su importancia, y por eso es que Honduras menciona esto en este momento, para que no se considere que aún los Estados Miembros que somos pequeños en delegación, simple y sencillamente podemos ser grandes también en ideas, acciones, y la colaboración que algunos países puedan necesitar con el intelecto o con el apoyo o consejo que así se necesite.

Muchas gracias por la oportunidad y, les repito, Honduras, en el centro de América. Muchas gracias.

M. MBUYU MUTEBA YAMBELE) (République démocratique du Congo):

La Convention-cadre de l'OMS pour la lutte antitabac a été voulue un instrument fort. Cette force réside dans ses organes, et le protocole à l'étude sur le commerce illicite des produits du tabac est un de ces organes face à l'industrie dont le sommeil longtemps tranquille est aujourd'hui perturbé.

Il est donc important que nous puissions savoir quelles matières pourraient être traitées par le groupe de travail. Le Président l'a dit dans son rapport, ce sont les matières pour lesquelles il n'y a pas eu de consensus, notamment l'article 31 sur l'extradition et l'article 32 sur les mesures visant à assurer l'extradition. Quoi qu'il en soit, il y a aussi les autres matières pour lesquelles on n'a pas encore trouvé vraiment de solution. Le groupe de travail pourrait se pencher également sur ces matières. Peut-être que la Conférence des Parties pense qu'il faudra que les questions de fond soient traitées en plénière. Mais nous pensons que la tâche qui sera confiée au groupe de travail sera de traiter toutes ces questions vraiment en profondeur, quitte à les soumettre à la plénière pour adoption et endossement. Il ne faut pas que la plénière puisse s'inquiéter si les tâches sont confiées à ce groupe de travail ; il est important que ce groupe de travail puisse se réunir rapidement, et peut-être que son travail devra se poursuivre avant la cinquième session de l'organe intergouvernemental de négociation de la Convention-cadre de l'OMS pour la lutte antitabac, ce qui me semble indispensable. Après ces déclarations, ma délégation a pris également les avis du Nigéria et du Kenya sur cette question. Je vous remercie, Monsieur le Président.

Mr LINDGREN (Norway)

Thank you Chair. My delegation would like to associate themselves with the intervention made by the delegation of Peru when it comes to what this working group should be working on. In paragraph 37 of the Chair's report to the Conference of the Parties there are four items identified and put before the Conference of the Parties by the Intergovernmental Negotiating Body. The Conference of the Parties should not back off from this challenge but seek to give guidance on explicit questions put before it by the Intergovernmental Negotiating Body. Not coming up with a clear-cut proposal is one thing but not making an attempt is another. We should not exclude any of these items from the beginning of the work of this group and the question of planning for a final session of negotiations is one of the items included in this paragraph 37. Thank you.

The PRESIDENT:

Thank you Norway. Swaziland.

Mr DLAMINI (Swaziland):

Mr Chairman, distinguished delegates, ladies and gentlemen. Since I am speaking for the first time allow me, Chair, to start off by congratulating you Mr Chairman, the Convention Secretariat and all delegates here present, for the considerable development that has been achieved to date in the shaping of a comprehensive framework to combat the tobacco epidemic in all its forms.

Mr Chairman and distinguished delegates, the Kingdom of Swaziland commends and congratulates the various working groups that have drafted the guidelines to articles that we shall look at during this fourth session of the Conference of the Parties and in particular we note the work of the Intergovernmental Negotiating Body in drafting a protocol to eliminate illicit trade in tobacco products. Mr Chair, the fight against illicit trade in tobacco products is an important priority for tobacco control and for the future of the WHO FCTC.

Mr Chairman, we have come a long way indeed and the WHO FCTC has no doubt been a remarkable success and has played a key role in establishing tobacco control as a global health priority; and Mr Chairman, since we have this issue before us about what should happen next in terms of the Intergovernmental Negotiating Body, we believe that since during the negotiations at the fourth session of the Intergovernmental Negotiating Body we did not come to an agreement and a final text of a protocol to eliminate illicit trade in tobacco products, we are therefore of the firm view that further negotiations to conclude the protocol are both justified and necessary. To that end we call upon the Conference of the Parties to extend the money to the Intergovernmental Negotiating Body needed to conclude the protocol.

Mr Chairman let me assure you and distinguished delegates that Swaziland remains committed to an effective and robust protocol to eliminate illicit trade in tobacco products and we shall continue to participate in the negotiations until we have a final protocol which is effective, sound and technically acceptable. Mr Chairman, while we appreciate that further work has to be done and that if a working group were to be established to work in parallel with this Conference of the Parties, Swaziland is of the firm view that such a working group should confine itself to issues of process only and not substance. But we certainly have to agree first, Chair, whether we extend the mandate of the Intergovernmental Negotiating Body and then let the working group, if so established, to then confine itself to discussing the mandate of the Intergovernmental Negotiating Body, its timing, financing and other such technical matters. However, Chair, on a parting note, we kindly seek your guidance on this issue since we are not sure as to whom this working group will report to, how and when. I thank you for your attention Chair.

Ms CUISON MAGLAYA (Philippines):

Thank you Mr Chair. The Philippines would like to support the creation of an open-ended working group to prioritize discussion on the process, with an emphasis on identifying intersessional needs before the fifth session of the Intergovernmental Negotiating Body. We should also take into consideration issues encountered in the conduct of the fourth session of the Intergovernmental Negotiating Body. We would also like to bring forth that the discussion on unresolved issues, such as the financing of the protocol, be also put to the floor. Thank you.

Ms EVISON (New Zealand):

Thank you Chair. Without taking up too much more time on this, New Zealand, Australia and Japan support a working group on procedural issues only and would prefer that to be outside the working hours of Committees A and B. Thank you.

Mr AL JEHANI (Saudi Arabia):

السيد الرئيس سأحدث بالنيابة عن مجموعة إقليم شرق المتوسط نوكد على تشكيل الفريق العامل وأن تقتصر ولايته على الخطوات المستقبلية بشأن عقد دورة تفاوض خامسة لهيئة التفاوض الحكومية دون الخوض في مناقشة أي مواد موضوعية

لأن هذا يعتبر من التفاوض وكما أشار الكثير من الدول فإن لديها فقط عدداً محدوداً وهناك صعوبة أخرى هي عدم وجود أشخاص مختصين بمناقشة بعض النقاط الموضوعية.

وشكراً،

عفواً وينبغي أن يعقد الاجتماع مساءً مراعاة للدول ذات العدد المحدود.

وشكراً.

The PRESIDENT:

Thank you very much. We are trying to facilitate from the front here. We put the possibilities on the table. There is no question that the negotiations need to continue after this Conference of the Parties to finalize the protocol. The question that we might need to answer now is that there is the possibility that we talk about confirming now that negotiation shall take the form of the extension of the Intergovernmental Negotiating Body. The question that we need to start with is, are we all agreed that the form in which that negotiation should take is to give it an extension of the current Intergovernmental Negotiating Body in its current form for a certain period, which you shall determine, and decide and resolve that now, or to talk about the whole process of taking this whole negotiation forward in the working group.

The view that seems to be emerging is that we should resolve in this plenary that we shall extend the mandate of the Intergovernmental Negotiating Body in principle and then to say what does that mean in terms of process? We have a working group that deals with that as the main point that it deals with. When it has explored that point, delegations may then judge whether they want to continue discussing any other issue or if they want to come and report here. So our proposal now from the front is to say, can we agree in principle – this is the proposal – that a fifth session of the Intergovernmental Negotiating Body, that the Intergovernmental Negotiating Body is extended and the details of which, that extension including the processes they discuss in an open-ended working group, as the only brief that that working group has as the priority in terms of the mandate of the Conference of the Parties? And that that working group would meet in an open-ended way in the evening and ensure that matters are reported on at the plenary on Thursday morning, which we hope to have? Which means the working group would have to meet this evening or tomorrow evening.

Now that is the proposal that I would like to try and test. In other words to repeat the proposal, one: we agree in principle to extend at this stage the mandate of the Intergovernmental Negotiating Body, to continue the negotiations to their conclusion but to thrash out the details of what that decision means in terms of process and therefore what are the implications about timeframes and reporting to whom, etc... That discussion of process to be the subject of an open-ended working group, which is being established immediately after this, if we agree on the principle and that that working group will work in the evening, either from tonight or tomorrow night, and report back to this plenary with a proposal on Thursday or with its progress on Thursday at the plenary.

That is the proposal that is on the table and then that working group, if the members then desire to continue the discussion of substance then they can do so. In other words to allow the possibility for that without necessarily saying you have to do that. The thing it has to do is agree on process if we agree on the first principle. Is there any objection to that proposal? The proposal is that we agree in principle to extend the mandate of the Intergovernmental Negotiating Body, but the details of that extension in terms of process, the details of the extension be ironed out in an open-ended working group that is established now to report back to the plenary, whether it has finished or not, on Thursday morning for the plenary to decide further on the way forward. That is the proposal from the Chair. I am saying let me throw it out there and if there is an objection or support for it – let us have some comments. I am just going to take a few delegations. I can see delegations now. At the same time I must emphasize that from the Chair we are trying to facilitate, so we are taking up ideas here and if you do not agree with them or we are misinterpreting, you have a right to say so. Let us start

with Zambia, Canada, European Union, India, Kenya, Saudi Arabia, Nigeria. May I just request that we be brief and respond to that, and if not that way then maybe we modify it this way now so that we can make a much more concrete proposal to take the matter forward.

Mr SIAKALENGE (Zambia):

Thank you so much Chair. Given that after the report was submitted by the Chairperson all the delegations were applauding the way it was done by the Chairperson and his team, it would be important, Mr President, for us to acknowledge and recognize that effort and that can only be shown by way of deciding that the mandate is given to the Intergovernmental Negotiating Body to continue their good work. That, Chair, would save a lot of time. Appointing a new committee will require the new members to understand and study the work that was progressing well under the current Chairperson and his team. So I would like to suggest, Chair, that we allow the Intergovernmental Negotiating Body to continue in the current form in order for them to complete the work. I thank you.

Ms PAINE (Canada):

Mr President, Canada has been and continues to be a full supporter of the Intergovernmental Negotiating Body and its negotiations and in discussions now with Brazil, Panama, Chile and Mexico, we all support a working group to respond to the unresolved issues that were raised by the Chairperson of the Intergovernmental Negotiating Body in his report. We cannot say at this time we support in principle your proposal until we have a discussion on what remains – then we can have a discussion on how we get there but we need to have the working group go through those questions to report back to Conference of the Parties, to the plenary, so that together we decide what is the path forward. If needed we do support a working group that starts after 18:00 but we are cognizant that interpretation services would be needed and we would like to know that the Secretariat would be able to provide those in the six languages that are required for all the delegates. The other thing is that all the countries, Brazil, Panama, Chile, Mexico and Canada would like to see the working group start today, even start tonight, if we can get that going. Thank you.

Ms EMMERLING (European Union):

Thank you very much. We have two questions for clarification. What do you mean by extending the mandate of the fourth session of the Intergovernmental Negotiating Body – what would that mean for the Bureau, for the officers, which kind of implications would that have? And do we understand correctly that the working group that is to be set up should also include questions of financing of a possible fifth session of the Intergovernmental Negotiating Body, which would normally be dealt with in Committee B, and so if we understood correctly, all questions related to the continuation of the work of the illicit trade protocol would then be dealt with in this working group – is that the correct understanding?

The PRESIDENT:

If I may answer the questions. First of all you will recall that in terms of Rule 25 of the Rules of Procedure of the Conference of the Parties, in accordance with Article 23.5(f) of the Convention, the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objectives of the Convention, and the Intergovernmental Negotiating Body was established in terms of that clause. It has nothing to do with the clause on the Bureau. The Bureau is a separate matter. In fact the Intergovernmental Negotiating Body is not even accountable to the Bureau. It is accountable directly to the Conference of the Parties, it was established by the Conference of the Parties to be accountable directly to the Conference of the Parties. That is why the Chairperson is reporting directly to the Conference of the Parties, not to the Bureau. So in that regard, there are two views; one is to say we are establishing a new Intergovernmental Negotiating Body which would mean that we would have to say who is going to Chair that Intergovernmental Negotiating Body, etc. The other is to say that we

are extending the mandate of the Intergovernmental Negotiating Body that was established in the last Conference of the Parties, therefore it continues and now that is the question that we are saying the working group must consider, what is the mechanism that it is going to use? So the proposal that we are making is that we do not establish a new Intergovernmental Negotiating Body or a new negotiating mechanism, but we actually extend the Intergovernmental Negotiating Body in its current form – they would have to respond to that, but in principle, at this stage, the details of what that extension actually means, whether it is going to hold one, two, five meetings, how are they going to finance those meetings etc., should be the subject matter of the working group for now. That is the proposal from here. That has nothing to do with the financing mechanism of the protocol, that is a separate matter altogether. The process issues are more about the work to take this protocol to its conclusion. So that was the proposal, to answer your question. It has nothing to do with matters that relate to the Bureau which are independent of this clause. In other words we are not extending the mandate of the current Bureau, not at all. In terms of this clause, it is the mandate of the Intergovernmental Negotiating Body that we are extending. The two are not related. I am trying to clarify that.

Can I then call upon India.

Mr SATPATHY (India):

Thank you Mr President. We have carefully listened to the proposal you have put on board and I will be expressing the position of our group on this matter. Principally, we agree with what you have suggested regarding extension of the Intergovernmental Negotiating Body into a fifth session of the Intergovernmental Negotiating Body. What we would like to be discussed, if a working group is set up, are mainly two things. When will it be held, where will be held and how will it be financed? The issues of technical/legal matters, which I have already pointed out regarding extradition, use of legal assistance, as well as privacy, these require legal inputs which I believe our delegations are not equipped to handle at this point in time. So these matters should not be within the purview of the mechanism which is set up to determine how the Intergovernmental Negotiating Body is carried forward. Thank you Mr President.

The PRESIDENT:

Thank you very much. Kenya and Saudi Arabia – in that order.

Dr MAINA (Kenya):

Thank you Chair. I would like to also emphasize that it is important that we extend the mandate of the Intergovernmental Negotiating Body to the fifth session. Secondly, I did not understand what you meant when you said that this open-ended working group can extend its discussion to substantive matters. This is the fact that we in the African Region, and in particular Kenya, are opposed to. We have no problem with having an open-ended working group to discuss the processes to be undertaken as to the procedure for the fifth session of the Intergovernmental Negotiating Body and we feel that this is a process that can take half a day or one evening and be concluded. Thank you Mr Chair.

Mr AL JEHANI (Saudi Arabia):

شكراً السيد الرئيس،

تؤيد مجموعة إقليم شرق المتوسط اقتراحكم بشأن تمديد عمل هيئة التفاوض لدورة خامسة وبشأن ما ذكرتموه فيما يتعلق بفريق العمل وشكراً.

The PRESIDENT

Thank you Saudi Arabia. Nigeria, followed by Honduras. Nigeria, Honduras, Columbia, then I will pause.

Dr ANIBUEZE (Nigeria):

Thank you Mr Chair. Joining my brother from Kenya, who is speaking on behalf of the Parties in the African Region, I want to say the question that you put is clear. Our suggestion is that we extend the life of the Intergovernmental Negotiating Body. We also agree with Kenya that if there is a working group, their terms of reference should be clearly defined so that they do not go addressing issues that they are not meant to address. The issues to be addressed are the processes – where, how do we raise the funds? Secretariat do you have the funds? And they will report back to this Conference of the Parties, because this Conference of the Parties will take the decision. I think that this is the issue on the table and we agree that we extend the mandate of the Intergovernmental Negotiating Body. The working group if it is going to come on should address processes, which you have enumerated. Thank you.

The PRESIDENT:

Thank you Nigeria. Honduras.

El Dr. EFRAIN PORTILLO (Honduras):

Muy buenas tardes, señor Presidente. Honduras, como delegación y miembro de la COP, apoya la moción que usted nos acaba de presentar para poder reunirse el grupo de trabajo y presentar el informe. Nada más, que yo sugeriría que ese informe más bien debería ser presentado mañana por la tarde, para poder tener mayor tiempo de discusión en el pleno. Muchas gracias.

The PRESIDENT:

Thank you very much Honduras for this suggestion. Finally, Colombia.

El Dr. URQUIJO VELASQUEZ (Colombia):

Gracias, señor Presidente. Colombia condena la necesidad de una estrategia global para contrarrestar el comercio ilícito de tabaco, teniendo en cuenta que muchos países no pueden solucionar esta problemática por sí mismos a través de una legislación nacional, y considera de gran valor los avances logrados hasta el momento. Por eso, Colombia apoya la prolongación del mandato del Órgano de Negociación Intergubernamental, donde se considere el protocolo en su totalidad y se pueda presentar en la próxima COP una versión completa del mismo.

Colombia, además, adhiere a la propuesta de la constitución de un grupo de trabajo de composición abierta en los términos propuestos por Canadá y demás países de la Región. Gracias.

The PRESIDENT:

Thank you very much. From where we sit once again there is agreement, general consensus, that there should be a possible extension of the Intergovernmental Negotiating Body, with a clear mandate. The general consensus is that that mandate should be discussed in the form of a working group, the mandate relating to when, the mechanisms, how, the process, venue, and how to fund it, etc. No one seems to be against that concept. The issue at hand is whether it goes beyond that to also discuss the issues that are raised by the Chairperson for attention. The four issues, as well as the other 22 issues that are involved. So for us there seems to be no agreement on that one, so while there is no agreement on that one, can I suspend that for a minute. We will come back to it to see if we can find any agreement, but there is no objection to the principle that we need a fifth session of the Intergovernmental Negotiating Body, extend this Intergovernmental Negotiating Body into a fifth session. All agreed? No objection? I see no objection. It is so decided.

*(Applause)*

Two, is there any objection to the fact that the task of defining what is the responsibility of the Intergovernmental Negotiating Body and the issues related to the support of that Intergovernmental Negotiating Body is to be given to an open-ended working group that will meet at a point to be determined but to report back to this plenary for adoption on Thursday morning? Is there any objection to that? No objection, it is so adopted, and we have then to work on the mechanisms.

*(Applause)*

Now in order to assist the process of the working group, we are proposing one – we will come back to the issue of difference as to whether it can do something else – but one, we are proposing that the working group can start meeting this evening after 18:00, after we are adjourn here, maybe at 20:00 or 19:00. For our interpretation service it has to be 19:00, for how long? It can meet from 18:30 or 19:00 for three hours with full interpretation services. So it can start tonight. If it needs to continue tomorrow night, the only impact it might have is if committees have the necessity to meet in the evening then we cannot have both, we will have to suspend one, because of the interpretation services. We can try investigating that further. So in other words the working group can meet this evening and then also tomorrow evening if necessary if you have not finished your work and will report back to plenary on Thursday.

Now the question is who leads that working group, who convenes it, so that we have a facilitator for an open-ended – open-ended means anybody can come – but we need a facilitator for the working group. Is there any proposal for that? May I say that we cannot give that responsibility to the Chairperson of the Intergovernmental Negotiating Body. It must be the Parties that facilitate this process because there is still the decision on how he is going to do his work. So he is not going to facilitate that. Either we ask one of the presidents or vice-presidents here or we ask a member but not the Chairperson of the Intergovernmental Negotiating Body because he is an “interested party”. Any proposal? Yes, there is a proposal from Nigeria.

Dr ANIBUEZE (Nigeria):

Mr Chair, thank you very much for getting us to this point. I imagine that you have to suspend the committee work for this important issue. I do not want to waste our time so I suggest that having been around for a while we know those who can drive this. I want to nominate, or suggest, the representative of Thailand, who is the Chair of Committee A, to facilitate this as Chair.

The PRESIDENT:

First of all let me correct Nigeria by saying that we want the working group to meet in the evening so that Committee work continues, and in that regard maybe we will have to gather responses. The proposed Chairperson of Committee A, because that is the proposal at the moment until the committee adopts it, you are proposing that she also take responsibility for this one.

Dr ANIBUEZE (Nigeria):

Yes Mr Chair I actually was not thinking that you were going to suspend the Committee A or B. I am saying that for us to continue the plenary to this point you will have given out the orders to get us here and I thanked you for that. The point I am making is that the proposed Chair of Committee A should facilitate this process.

The PRESIDENT:

Thank you very much. There is a proposal from Nigeria that the proposed Chair of Committee A, the representative of Thailand, becomes the Chairperson/facilitator for this process, the open-ended working group. Is there anyone to second that? Maldives.

Mr MOHAMED (Maldives):

We would like to second that proposal. Thank you.

The PRESIDENT:

Maldives has seconded the proposal. Are we all agreed? Agreed. There is no objection? No objection.

*(Applause)*

The first meeting of the open-ended working group, with a specific mandate at this stage to deal with the process regarding the holding of the Intergovernmental Negotiating Body, will be at 18:30 in this room. At this stage we agree that it will be at 18:30 in this room. For it to be open-ended, to allow enough space, we prefer this room because it is the only room with enough space if it is to be open-ended. So in other words we prefer this room as a first priority but we will check later. We are having slight difficulties at the moment for tonight in relation to interpretation. If we are able to do it only tomorrow evening, and then report on Thursday morning, I am sure you will try your best to finalize at least the process issues – can we agree on that? I see no objection. Thank you very much. Did you want to say something then in relation to that, Brazil?

Mr DE SOUZA-GOMES (Brazil):

Thank you Chair. Just for clarification there is a doubt about the hour of the meeting.

The PRESIDENT:

Not today anymore, but tomorrow at 18:30.

Mr DE SOUZA-GOMES (Brazil) :

All right, 18:30 tomorrow. Thank you sir.

The PRESIDENT:

Canada.

Ms PAINE (Canada):

Thank you Mr President. One other issue I think we should decide before setting up the working group, and using this room, is the participation and observation by the nongovernmental organizations.

The PRESIDENT:

I am coming to that issue. I am just talking logistics and then I am coming to that issue. In terms of the working group, let me pick up on the issues as we are raising them. In terms of the working group, the question that has emerged, and I think Canada was articulating, was whether the participation of the observers – the non-Parties, the nongovernmental organizations and the intergovernmental organizations – would it be open-ended to the extent of also opening it to those Parties, or is it a Parties-only open-ended working group? Any proposals in that regard Canada? If you did have a proposal then please take the floor.

Ms PAINE (Canada):

Thank you Mr Chair. Canada supports the nongovernmental organizations being observers to the open-ended working group on the protocol. The only question that may come up from other Parties may be the number of participants from nongovernmental organizations, but we have no views on that.

The PRESIDENT:

There are two types of observers. If we are talking about observers in the current definition, unless there is a specific decision, they participate without voting. So if you are saying you are open-ended to all observers, including observers, nongovernmental organizations and intergovernmental organizations, then you have to address that question also. Can you address it for us?

Ms PAINE (Canada):

We want them to be able to listen to the discussions at the meetings but not to participate at the table at the meeting.

The PRESIDENT:

Thank you very much. There is a proposal from Canada to allow all observers that have a status in terms of being accredited to the Conference of the Parties to be able to come to the open-ended working group with the limitation of not being given the opportunity to participate in terms of speaking. That is the proposal on the table – is there any contrary view? Maldives.

Mr MOHAMED (Maldives):

Thank you for the floor. This is not to offer a contrary view but rather to seek clarification. I hope you still have it in mind that we need to finalize the terms of reference for this working group. I am sure we all agree that most of us of us have made submissions that we do not wish to discuss substantial technical matters. So therefore if it is ever on the terms of reference of the group, the participation of nongovernmental organizations, we may respond differently, so I think that should be taken into consideration. Thank you.

The PRESIDENT:

Thank you very much. I separated that issue – I am coming to it. So the issue of the other content of the working group – I am coming to it. So just to conclude, we have resolved: one, to extend the mandate of the current Intergovernmental Negotiating Body as established in the third session of the Conference of the Parties to a fifth session to finalize the negotiations on the protocol and report back whenever; two, we have established a working group to be chaired by Thailand, open-ended, to meet tomorrow evening at 18:30 to discuss issues related to the process of managing that Intergovernmental Negotiating Body, relating to when, where, how and how long; and that the Parties that are accredited to the Conference of the Parties as observers, constituting non-Parties, nongovernmental organizations and intergovernmental organizations, will be allowed to attend the open-ended working group without the right to speak. That is as far as we have got. Now we are moving to the other aspects. Please take the floor.

Ms EMMERLING (European Union):

So if we have understood correctly, the mandate also covers the question of the funding of the continuation of the process that would normally be dealt with in Committee B.

The PRESIDENT:

In other words, all aspects that relate to the possibility of holding the Intergovernmental Negotiating Body, including how it is going to be financed. That aspect would be part of this discussion. Thank you.

Now in our view the matter of what else is discussed in this working group seems to have divided views in this house. There are views that we are not prepared to discuss anything other than what we have agreed on and there are views that say we can hold exploratory discussions of the other issues. I need to be guided by the house because I do not think this house, or this Conference, would want to reach a point where we have to call for a division on that issue. I would not want from the Chair to try to assess which view at this point actually has more weight because it depends on who has spoken or did not speak. I think the views are being expressed in the same kind of terms at the moment. So I need the guidance of the house. I was of the view, which came from my earlier proposal, that perhaps the only mandate that we can give in that regard is to defer that discussion to the working group itself, so that the working group when it has finished the primary mandate that we are giving it, can then be the platform to consider whether people want to go further or not to go further; and if they do not agree, they do not agree, but let that facilitation happen in that working group. In other words this Conference of the Parties only mandates the working group to do two things: one, to discuss and finish the matter of the process regarding the Intergovernmental Negotiating Body, and if it has time to consider whether it wants to have to discuss any other matter, and that must be considered by the committee itself, and if there is agreement it can continue and if there is no agreement it will report to the Conference of the Parties whether it has decided to continue or not to continue. So in other words, let us find a way to defer it away from this discussion at the moment and allow Parties to talk about it and then they will also discuss it further in the working group to whether there is another item on the agenda or not, and if there is another item they can continue but if they do not they can come back and say we did not agree, there is no other item. Are you happy with that proposal? It is a compromise. Yes Peru.

El Sr. CHOCANO BURGA (Perú):

Señor Presidente: cuando mi grupo ha planteado la imposibilidad de tocar temas de fondo, ya sea formal o informalmente, no lo ha hecho por un capricho. Lo ha hecho porque estamos frente a una imposibilidad real de poder tratar esos temas. Tenemos delegaciones pequeñas. No hemos venido preparados para tratar los temas de fondo. Creo que, además, India lo ha manifestado en ese sentido. Entonces, yo creo que en lo que existe consenso es en que tratemos los temas que usted ha planteado de procedimiento. En eso sí existe consenso. En lo demás no existe consenso, porque no estamos preparados para llevar a cabo una negociación de fondo. Entonces, yo creo que deberíamos limitarnos a la parte en la que tenemos consenso, que es, los temas de procedimiento vinculados a la propuesta que ha hecho el Presidente del ONI, porque más allá no podemos ir. Muchas gracias.

The PRESIDENT:

There is a proposal that we do not even mandate the committee to explore that matter but we just close it and have only one discussion. Agreed? Agreed. Thank you very much for helping us to manage this. So we will hear from the working group. Just to emphasize, the working group will meet at 18:30 tomorrow evening for a period of not more than three hours to discuss the mandate that has been given to it, the single mandate that has been given to it. In that regard we will actually talk about the venue later. I was hoping to close this matter but again having done it before, India, I do not want to repeat, so India.

Mr SATPATHY (India):

We wanted to congratulate you, Mr President, for having resolved this contentious issue and propose a vote of thanks to you.

The PRESIDENT:

Thank you very much. May I propose a vote of thanks to the delegates for cooperating with us and allowing us to manage this matter so far. Also to the delegates for their willingness to talk to one another and persuade one another. Thank you very much. Thank you to the Chairperson, Mr Walton-George, for your report, and for your excellent and efficient Chairing of the Intergovernmental Negotiating Body so far. This concludes the debate for today on this matter. It will be revisited as per the reports of the working group on Thursday in plenary.

### **Commercial interests related to the implementation of the WHO FCTC**

The PRESIDENT:

The next item on the agenda is item 5.10. We have agreed to include this item on the agenda which is a proposal submitted by the delegation of Uruguay on the commercial interests related to implementation of the WHO FCTC. This proposal is contained in Conference Paper No.1. I would like to open debate on this item and I would hope that the debate will first be opened by the proposer of the item, Uruguay, and then from there we will follow the same procedure that we have tried to follow. Uruguay.

El Sr. ABASCAL (Uruguay):

Gracias, señor Presidente, por haberme concedido la palabra, y a todas las delegaciones presentes, también gracias por haber aceptado incluir este punto en la agenda de esta Conferencia.

Señor Presidente: en tanto mi país es sede, sentimos la responsabilidad de proponer una declaración que refleje el compromiso presente y algunos aspectos de la hoja de ruta de los Estados Partes. Como ya lo ha expresado nuestra máxima autoridad, el Presidente de la República, Don José Mujica, y el señor Ministro de Salud Pública de Uruguay, Daniel Olesker, la epidemia de tabaco constituye una amenaza para la salud pública y es causa de enfermedad, discapacidad y ocasiona la muerte de más de 5 millones de personas por año. Desde hace más de 20 años, la industria multinacional del tabaco ha utilizado la globalización del comercio para expandir el consumo del tabaco a nivel mundial. Ahora busca, a través de los acuerdos de comercio e inversiones, amenazar con acciones legales a países, y de esta forma tratan de imponer límites a la libertad y soberanía de los Estados en cuanto a la protección de la salud de los habitantes. Esto sucede cuando se pretende regular un producto tan adictivo y tan dañino para los seres humanos.

El Convenio Marco de la Organización Mundial de la Salud para el Control del Tabaco ha sido la respuesta global para enfrentar el aumento de la epidemia de tabaco como resultado de la expansión en el consumo del mismo. Como lo expresara la Directora General de la Organización Mundial de la Salud, Dra. Margaret Chan, en ocasión de celebrarse los 5 años de la entrada en vigencia de este Convenio, los Estados Partes debemos felicitarnos de una verdadera victoria de la salud pública y de un modelo de colaboración internacional. Gracias al Convenio Marco de la Organización Mundial de la Salud para el Control del Tabaco, los Estados Partes han avanzado en la implementación de su legislación. Con mucho orgullo podemos decir que Uruguay es uno de los países que más progresó en la implementación del Convenio Marco, lo que ha generado el rechazo y la resistencia de la industria tabacalera en defensa de sus intereses comerciales.

Señor Presidente: consideramos que es necesario reafirmar la voluntad política de todos los Estados Partes para continuar avanzando en la implementación del Convenio. Es por este motivo que Uruguay y otros países están presentando un proyecto de declaración en donde se citan los artículos de los acuerdos internacionales relacionados con el comercio que permiten priorizar las políticas de salud

pública en concordancia con lo dispuesto por cada uno de esos acuerdos. En la parte declarativa se reafirma la voluntad de priorizar la implementación de medidas en el área de la salud destinadas al control del tabaco, intercambiar información en relación a posibles acciones que obstaculizan su implementación, e incluir el tema del control de tabaco en la agenda de la reunión cumbre de la Organización de las Naciones Unidas sobre enfermedades no transmisibles, y de una coordinación interinstitucional de Naciones Unidas. Señor Presidente, quisiera recoger el mensaje del ex Director de la Organización Mundial de la Salud, Jong-wook Lee, enunciado al momento de la aprobación del Convenio Marco. Dijo: el éxito del Convenio Marco como instrumento de salud pública dependerá de la energía y del compromiso político con que lo apliquemos en los países en los próximos años; un resultado satisfactorio redundará en beneficio de la salud pública mundial para todos. Este es el propósito de esta declaración. Muchas gracias, señor Presidente.

The PRESIDENT:

Thank you very much Uruguay. Uruguay has tabled in that regard a document which is in the form of the proposed resolution of this Conference of Parties, as I said, which is in your files or least you have picked it up. It is Conference Paper No.1. Now, in order for us to facilitate discussion, we would like again to follow the same procedure and check first whether there are regional statements to be made and after the regional statements that have been made, if there are any, may I request the Conference of the Parties to allow us to put the matter on the table to check if people agree with the declaration as proposed or if they would want mechanisms to deal with it differently. If we agree with this declaration then we would have fulfilled the wish of the Uruguayan delegation that proposed it. It would want, because of the reasons that have been expounded, this particular proposal to be adopted. Can I see the regions then first and then I will come back to that.

First, any regional statements on this? From the regions I have got Maldives on behalf of the Parties in the South-East Asia Region. Benin is going to speak on behalf of the Parties in the African Region. Cook Islands for the Parties in the Western Pacific. Then I have the following Parties: Belgium, Japan, Pakistan, South Africa, Kenya, Panama, Thailand, the European Union, Peru, Brazil, China, Canada, Jamaica, Ecuador. I am closing the list with Ecuador. Can I then move to non-Parties? Are there observer countries? None. Can I move to international organizations, observers, the World Trade Organization (WTO)? Any other? Can I then move to the nongovernmental organizations? Any statement on this matter from the nongovernmental organizations? None. Then that is my list. I will try to push that list up to 18:00, so I will give at least three minutes each for the regions and one and a half to two minutes for each Party. Let us go. Maldives, can you start on behalf of Parties in the South-East Asia Region?

Mr MOHAMED (Maldives):

Thank you Mr President. The Parties in the South-East Asia Region would like to support the adoption of the declaration but with the understanding that we would have the opportunity to make amendments, as proposed in our regional intervention previously. We added a clause and we believe that we would have that opportunity to make amendments. Thank you.

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. J'interviens d'abord au nom de la République du Bénin pour dire que nous soutenons la déclaration de l'Uruguay, et que la question de l'ingérence de l'industrie du tabac doit être d'actualité et figurer à l'ordre du jour de toute la session de la Conférence des Parties. Il n'est pas question que l'on baisse les bras parce que l'industrie est toujours là, à chercher les voies et les moyens pour contrecarrer les dispositions qui sont mises en place. Je suggérerai donc à l'ensemble de la Conférence des Parties que la question de l'ingérence de l'industrie du tabac soit toujours présente à l'ordre du jour. Merci Monsieur le Président.

Mr FAIREKA (Cook Islands):

Thank you Mr Chairman. Mr Chairman, on behalf of the Pacific island countries, namely Cook Islands, Samoa, Vanuatu, Tuvalu, Federated States of Micronesia, Palau, Solomon Islands and Niue, we would like to give our full support to the declaration by Uruguay. Secondly, Mr Chairman, I would like to propose a fourth paragraph to this declaration. After the third paragraph, the Parties in the Pacific Region would like to insert a new paragraph that reads: "Recognizing measures to protect public health, including measures implementing the WHO FCTC and its guidelines, all within the power of sovereign states to regulate in the public interest, which includes public health." I have the wording here and I can give it to one of the ladies. Thank you.

The PRESIDENT:

Please do so. Thank you. Can I also ask the representative of the Maldives to give us the proposal with the amendment to make? Yes, Maldives.

Mr MOHAMED (Maldives):

Mr President, we have done so previously, it is included and the submission just now is exactly as we proposed the clause, so we are in the same line. Thank you.

The PRESIDENT:

That is fine. Now can I ask the European Union to speak.

Ms EMMERLING (European Union):

Thank you very much. We would like to thank Uruguay for the information they have given here and also in the very informative lunchtime seminar. We see that every one of us risks such challenges when implementing the WHO FCTC and the questions arising should be taken seriously. The European Union therefore shares the views that the relationship between the WHO FCTC and trade is an area that needs to be looked into. The European Union recognizes the need for policy coherence between health and trade as recognized by the 59th World Health Assembly in resolution WHA 59.26. Closer cooperation between the health and trade sectors would increase mutual understanding and facilitate the implementation of the WHO FCTC and closer cooperation between WHO FCTC Parties on trade-related issues would be beneficial as the Parties are often confronted with the same questions when implementing the WHO FCTC. Having said that, we would nevertheless ask to apply the 24-hour rule to study the declaration in more detail and to have the possibility to come with some amendments.

Professor PRAKIT VATHESATOGKIT (Thailand):

Thank you Mr Chair. Thailand strongly supports Uruguay for boldly resisting the traps brought on by Philip Morris. Thailand faced similar aggression by the same tobacco company in 1989. We fought tooth and nail and with the support of the international community we were able to retain our law on banning advertising. We strongly support Uruguay to do the same and we are confident that Uruguay will prevail. In this regard, Thailand fully supports the declaration proposed by Uruguay, with the following additional text. I am recalling the suggestion made by yesterday's panel, by the past President of the Conference of the Parties, in relation to investment and free-trade agreements. Thailand wishes to add the following wording to the preamble of the Uruguay declaration, that is: "Recognizing the proliferation of bilateral and multilateral free-trade agreements and investment treaties", as well as to reiterate the following addition as proposed by the Parties in the South-East Asia Region this morning and also by other Parties, we also wish to add the following statement to the declaration statement on page 2, under "The State Parties to the WHO FCTC declare": "The

commitment to secure the cooperation of heads of State and trade ministers to proposals of bringing WHO FCTC implementation into the agenda of relevant treaties and international forums, in light of the principle of giving priority to the sovereign right of Parties to protect public health and in light of the obligation to protect public health from the commercial and vested interests of the tobacco industry". Thank you, Mr President.

Mr HOSHINO (Japan):

Thank you Chairperson. Japan understands the situation which the country proposing this draft declaration, Uruguay, is in, and we completely understand the necessity to put forward the political will to stress the importance of health objectives over the pressure exercised from the tobacco industry. I really do think that the relationship between health and trade is a very difficult question and we need to strike a balance between these two legitimate concerns. So having said that, looking at the concrete language in the draft declaration, both in the preambular paragraphs and the operational paragraphs, what we observe is that there is a cut and paste of the existing international trade agreements, which are the Agreement on Technical Barriers to Trade and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). It is cut and paste, but partial cut and paste, when we look in particular at the preambular paragraphs 7, 8 and 9, meaning Articles 7 and 8 of the TRIPS Agreement and paragraph 4 of the Doha Declaration on the TRIPS Agreement and Public Health, the quotation is not really accurate and in principle we think that if we quote the existing international agreement language, we should be as faithful as possible in the quotation; and we do not enter into detail at this juncture but we have concrete amendment proposals, which we are happy to propose until next morning and talking about a procedural matter, I think it is a bit premature to try to decide this evening whether we endorse this declaration or not as I believe our colleague from the European Union rightly mentioned, the 24-hour rule. So at this juncture I limit myself to express our solidarity with Uruguay but at the same time we have some concrete concerns about language in this declaration, which we are happy to share with you. Thank you very much.

Mr KHAN (Pakistan):

Thank you Mr President. We support the intent of the proposed declaration, however the legal battles between the tobacco industry and the States are not limited to issues related to WHO and international law. In our experience we feel that as Pakistan makes progress in the field of tobacco control the tobacco industry has clearly indicated that they could challenge our actions on the basis of domestic law. Given this background, we propose that the declaration may also include technical cooperation and coordination even in matters relating to domestic law if any Party may require. Briefly, summing up, we are suggesting widening the scope without losing the focus. Thank you.

Ms MATSAU (South Africa):

Thank you Mr President. South Africa takes the floor to recognize the declaration proposed by Uruguay: it is not only appropriate but probably also long overdue in view of recent developments in the tobacco trade. To that extent South Africa strongly supports the declaration and requests that it be tabled for scrutiny and consequent improvement by those who wish to either make it stronger or more comprehensive as the case may be.

However, Mr President, while I have the floor, can you please allow me to abuse you by taking advantage of this declaration to raise a concern from South Africa? It is about a very subtle trend of a time to reintroduce something that I think has been discussed in other meetings of the Conference of the Parties meetings about other conventions in other organizations. South Africa feels very strongly about this – a Conference of the Parties or WHO treaty should and must not be allowed to leave out what it thinks is important only on the basis of the fact that other organizations have it. I mean for those people who are knowledgeable, who know exactly what is in WTO or whatever else, it is fine but for those of us who are less knowledgeable, the only treaty we know is this one and this is the treaty we work with, so I would very strongly object to have things left out only on the basis that they

exist somewhere else. I do not know where they exist so I would want to see them in the WHO treaty. Thanks very much.

Dr MAINA (Kenya):

Thank you Chair. I also want to take the floor to support the declaration proposed by Uruguay. I want to support the amendments proposed by the representative of Thailand and just to echo the sentiments of the representative of South Africa.

El Sr. BLANDON FIGUEROA (Panamá):

Gracias, señor Presidente. En primer lugar, pues, por parte de Panamá, reiterar el apoyo a la hermana República del Uruguay, y a la propuesta que han presentado.

Nosotros y México estamos haciendo un planteamiento para que se adicione la declaración con un noveno punto, en el que se establezca de manera clara el mandato a la Secretaría, para que ésta pueda darle seguimiento a la declaración, e informe a las Partes cada año sobre las gestiones que se están realizando. Pero digamos que esto es importante para efectos de que esto no quede simplemente como una declaración en el papel, sino que además se le pueda, efectivamente, por parte de la Secretaría del Convenio, asegurarse de que lo que aquí se está planteando se pueda convertir en realidad, de que se les dé seguimiento a los puntos que se están planteando aquí.

Tenemos una redacción que dice más o menos así:

«Su compromiso de monitorear el cumplimiento de esta declaración por intermedio de la Secretaría del Convenio Marco, quien apoyará a las Partes, participará en foros de comercio en defensa de la salud pública, e informará cada año a las Partes sobre las gestiones realizadas.»

Sometemos a consideración esta redacción que sabemos puede ser mejorada, pero creemos, reitero, que lo importante es que la Secretaría quede expresamente con ese mandato. Gracias.

Mr DE SOUZA-GOMES (Brazil):

Thank you Mr Chairman. We had already the opportunity to express our endorsement of the declaration. We feel that it is a very important step, its language is balanced, clear, objective and we fully support it. Of course this does not mean that the text cannot be improved. We just heard the distinguished delegate from Panama and the support of Mexico in order to ask the Secretariat to add perhaps to add a paragraph on the permutation of the declaration and we would be very pleased to go along with this.

El Dr. LEON CHAMPEN (Perú):

Perú apoya la declaración que está presentando nuestro país hermano del Uruguay. Y no sólo la apoya, sino que nos solidarizamos con lo que ha tenido que enfrentar nuestro país anfitrión el día de hoy; con todas las medidas que ha tenido que adoptar para poder defenderse y poder defender su legislación, una legislación que nos ha servido de ejemplo a muchos países a nivel mundial.

Es importante señalar que la oposición de la industria tabacalera contribuye con la dificultad de lograr avances en los diferentes países a nivel mundial. Esta oposición viene obstaculizando antes, durante e incluso después de aprobadas las legislaciones, por lo cual resulta necesario limitar esto. Esta declaración presentada hoy por Uruguay va en congruencia con la resolución CE142.R11, adoptada en la 142.<sup>a</sup> sesión del Comité Ejecutivo de la Organización Panamericana de la Salud, en la que se analizó el documento denominado «El Convenio Marco de la OMS para el Control del Tabaco: oportunidades y retos para su implementación en la Región de las Américas», presentado por la Directora. Asimismo, se reconoce que la evidencia científica ha demostrado sin lugar a dudas que el consumo de tabaco y la exposición al humo de tabaco son causas de mortalidad, morbilidad, y discapacidad, con todo lo que ello significa en las familias y en los sistemas de salud nacionales.

Hay experiencias exitosas a nivel mundial respecto al control del tabaco, pero necesitamos impulsar declaraciones que reafirmen que no solo el Convenio tiene un carácter vinculante, sino la

importancia de implementar los compromisos asumidos a través de las disposiciones y directrices del Convenio Marco, los cuales forman parte del marco jurídico que deben usar los países junto con las normas nacionales. Es importante resaltar que el interés público salud es un bien de tutela pública desde el nacimiento del Estado moderno. La salud, según la Organización Mundial de la Salud, es la ausencia de enfermedad, y un estado completo de bienestar físico, mental y social. Ese ámbito de intervención administrativa e interés general es de prioritaria tutela a nivel global. Todos los países de la Organización Mundial de la Salud, y las acciones de los mismos, van orientados a la promoción de la salud y a un ambiente sano. El Perú apoya la declaración de Uruguay. Gracias.

Mr YI Xianliang (China):

这是一个新文件，我们完全赞成该文件所包含的意义和背景。因为时间关系，我很快地读了一遍中文和英文，发现了几个技术问题。

第一个问题是标题。标题里面提到了商业利益，实际上文件本身所处理的不仅仅是商业利益，还涉及到专利，涉及到立法，涉及到国家的一些政策。所以，我建议把宣言的题目改得更宏观一点，而不仅仅限于所谓的商业利益。

第二点，关于《与贸易有关的知识产权协定》和世界组织的有关规定。实际上，如果看看《与贸易有关的知识产权协定》的规定和世界组织有关规定，特别是多哈宣言的有关规定，并不仅仅是这些条款与我们这个宣言有关系，还有其它一些条款文件也涉及到这个问题。所以我建议我们只对是《与贸易有关的知识产权协定》和世界贸易组织的多哈宣言，不要提具体的条文。

第三点，宣言第5段，该段涉及到国家的立法和政策方面的一些问题。如果我们把它拿回去变成国内的政策和措施，那么就会发现问题，因为我们必须要根据烟草控制框架公约制定国内的政策措施，来执行公约的有关规定。但是规则就是Guidance（指导），我们已经接受了它并在国内进行实施，而不能说国内在这个基础上再制定政策。当然这是一个法律问题。我们想，既然要高一个宣言，就不应该为缔约方在立法和政策方面带来一些矛盾或者无法解释之处。

第四点，第6段涉及到联合国系统的职能问题。我们在坐的很多代表都谈道，目前联合国的改革方向就是要尽可能减少一些没有必要的交叉和重复，要节约资源，要提高效率。在联合国改革过程中面临的一个效率挑战就是所谓的跨部门之间、多部门之间的合作，互相插手另外一些机构的事务。这里我们必须相信一点，世界卫生组织作为一个联合国的专门机构，是全权处理控烟事务的。所以，在这里我们讲到专题工作组的时候，要把它变成一个多部门或者跨部门工作组时，要非常小心，一是它可能降低世界卫生组织在控烟方面的一些权威和地位，同时会给联合国的其它机构增加不必要的负担和工作量。

Ms PAINE (Canada):

Thank you Mr President, we will be brief. Canada adds its voice to fully support the terms of Uruguay's declaration to protect public health. We would also like to work with Uruguay in making some small changes to the text that would facilitate Canada's support for the declaration and we also request that once there are changes and additions from other countries as well that we are all given ample time to be able to review the new text. Thank you.

Dr LEWIS-FULLER (Jamaica):

Thank you Mr Chairman. I would like on behalf of the Jamaican delegation to say categorically that we agree in principle with the declaration put forward by Uruguay. We empathize and sympathize with Uruguay as it appears to be targeted by the tobacco industry in order to retard its progress towards effective tobacco control. We all understand the importance of trade, as we also understand the importance of and the primacy of public health and the priority that must be given to public health whenever there is a conflict between the two. My fellow Caribbean delegates here with me, from Saint Lucia, Barbados, and Trinidad and Tobago, join with the Jamaican delegation in strongly recommending point number 7, the inclusion of the topic "challenges to tobacco control" on the agenda of the summit on noncommunicable diseases scheduled by the United Nations for 2011. There may also be other minor changes that need to be made. I end with a quote I do not fully recall in detail and I cannot remember the author but you will get the gist of it. It goes something like this: "I watched my neighbour being beaten in the morning and I took no action and in the evening they came for me." Fellow delegates today it is Uruguay, tomorrow it is you and it is me. Let us support Uruguay in this matter.

El Dr. JACOME (Ecuador):

Gracias, señor Presidente. La delegación del Ecuador expresa su respaldo al proyecto de declaración propuesto por el Uruguay, toda vez que este país fue el referente para América Latina al constituirse en el primer país de la América del Sur como un país libre de humo de tabaco.

La Delegación del Ecuador también aprovecha esta oportunidad para solicitar que la COP4 encuentre un mecanismo de información única que nos permita efectivamente contrarrestar las ofensivas y los ataques de la industria del tabaco.

Quisiéramos también expresar públicamente el agradecimiento al hermano país de Uruguay por el importante apoyo que nos brindó para elaborar la ley integral de control de tabaco que en este momento está presentada en la Asamblea Nacional del Ecuador. Muchas gracias y nuestro total respaldo a Uruguay.

The PRESIDENT:

Thank you very much Ecuador. I have closed the list of Parties to speak. So what I am going to do is that after the WTO, I am going to ask Uruguay to respond and then I will try to summarize, and then we will see whether hands are being raised. We have to close at 18:00. So I only have time for two speakers, WTO and Uruguay responding and that will be all for now.

Mr RATA (WTO):

Thank you. I will be very brief. One of the comments I was going to make has been picked up by earlier speakers and it is related to or was to observe that in some instances the references were partial and paraphrasing. The second was simply to refer back to the comments that we made this morning concerning the support that can be given to health-related goals through the toolbox of WTO rules, which seems to be illustrated in a number of the provisions which are quoted in the text. Thank you.

The PRESIDENT:

Thank you very much WTO. Can we ask Uruguay to respond?

El Sr. ABASCAL (Uruguay):

Gracias, señor Presidente. En primer lugar, la delegación de Uruguay quiere agradecer a todas las Partes que han emitido su opinión, y son muy bienvenidos los aportes que pueden llegar a mejorar el texto que nosotros hemos elaborado, y al respecto proponemos, u ofrecemos, estar en el salón que dispone Uruguay en Portofino, para recibir a las diferentes delegaciones y tratar de ver cómo podemos recibir sus aportes, para mejorar este texto. Gracias, señor Presidente.

The PRESIDENT:

Thank you very much Uruguay. There have been many proposals of amendments to the text as it has been put in front of us. As is general practice, those amendments should be submitted in writing to the Secretariat at the latest by 18:15. In other words, immediately after this session, by 18:15, in writing to the Secretariat so that the Secretariat can then produce them, and translate them, by tomorrow morning. Just bearing in mind that the translation of documents is actually being done, because of the time difference, in Geneva, and therefore we have a timeframe for translation and so on. Otherwise there will be no documents because the document cannot be presented if it is not presented in all the official languages supposed to be fair to everyone. So, in other words, any proposal to amend the document that is in front of us should be with the Secretariat by 18:15. That is number one.

Number two: that would actually make it possible for the document, with the amendments that have been proposed, to be available to delegates by tomorrow morning in all the languages of the Conference of the Parties, by tomorrow morning, and it will then be possible for delegates to look at that so that we take the rule that is normal in terms of that and then we consider the matter again in plenary on Thursday for the final revision and adoption of the proposal as is or as amended.

Now I have a few countries that want to respond to that. Let me remind you that we have only about five minutes now to finish this session. First of all there seems to be a response and concern from countries and shaking their heads when I say the amendments should be ready in the next 15 minutes, by 18:15. Can I hear those that want to comment on that only and tell me why they cannot be ready by 18:15 because they knew the document before and could look at the amendments. European Union, only to comment on the timeframe I am giving on amendments.

Ms EMMERLING (European Union):

Thank you very much. We would like to remind you of the 24-hour rule and also ask the Legal Counsel about the normal rules that would be applied in this case and the normal timing that would have to be applied if we apply this rule.

The PRESIDENT:

The normal timing that we are applying is actually more than 24 hours. We are saying to reconsider the whole proposal on Thursday morning with all the amendments. So actually we are saying that we want the amendments so that we can produce a document to be considered.

Ms EMMERLING (European Union):

Could we please get the advice of the Legal Counsel on this question.

The PRESIDENT:

Before we get the advice of the Legal Counsel on this question, is there anybody else who has a concern about the 18:15 deadline for amendments?

Mr HOSHINO (Japan):

Thank you Chair. I will be very brief. Yes, we have a serious concern when you try to set an 18:15 deadline. If it is a deadline that we have to follow then we reserve the right to propose a second, third proposal because what we can submit until 18:15 will be only preliminary and I believe that it is not in this way that we can elaborate a good declaration. We need time for reflection to get a better product after all. That is the comment I wanted to stress. Thank you very much.

The PRESIDENT:

Can I ask Legal Counsel to comment on this matter, then we can actually take a direction on it. Legal Counsel, the comment that the European Union wants you to comment on is whether even for the amendments we need to apply the 24-hour rule. Let alone the discussion afterwards, but that is for the amendments.

Mr BURCI (WHO Legal Counsel):

Thank you Chair. Under Rule 33 normally unless it is waived by the Conference of the Parties, there should be 24 hours between the circulation of a proposal and its consideration. Now, the proposal is being tabled today and there have been a number of amendments. Evidently some delegations have not yet drafted their specific amendments, so certainly we can set a deadline for those

delegations that are prepared to offer specific textual proposals and the Secretariat will come up with a revised proposal that may be tabled on Thursday. At that point, however, that does not preclude that delegations may still come up with additional amendments. The fact that you have a revised conference paper does not mean that delegations may not want to further elaborate the text, in particular those delegations that have already said they do not have the time to present amendments right now. So definitely we can have a revised paper incorporating the proposals that have already been drafted and on Thursday, I guess, you will have to take it from there whether there will be additional amendments.

However, if I may Mr Chairman, I heard Uruguay proposing an informal meeting probably to discuss with delegations that have concerns or that have textual proposals, so that might also be an alternative way of proceeding – to see whether a meeting between the sponsor of this draft declaration and other delegations can result in a revised paper that strikes a balance between the different positions. That is just to pick up on what Uruguay just stated. Thank you.

The PRESIDENT:

Thank you very much Legal Counsel for your comment. The one does not preclude the other because on the other hand if that discussion still makes other people want to make formal proposals for amendments, we would like at least those to be processed so that we produce another document. So the one does not preclude the other. In actual fact this proposal does not preclude any other further amendments. It is only to facilitate that people are all able to see these amendments in the languages that they would like to see them. So the idea here, before we get to Brazil, is that anybody who has an amendment – and let me put it differently now – anybody who has an amendment that is ready may want to discuss that with Uruguay first and if they are not able to reach some agreement and they still want to make that amendment then they would have to submit that to the Secretariat in writing not later than 18:30 today. Is that understood – the process? The process is if you have an amendment that you would like to make, we would like to allow the opportunity for you to interact with Uruguay because maybe in that interaction there is an amendment that is going to come; but if you are unable to agree and you have your own amendment you still have the right as a Party to make an amendment to the declaration and you can submit that before 18:30 today. Then tomorrow we will produce a new text – as Legal Counsel said, it does not preclude other Parties from making further amendments and we can continue that way. So one does not preclude the other. Yes, European Union.

Ms EMMERLING (European Union):

Thank you very much. We would like to come back to the suggestion of Uruguay to convene a small drafting group and it could be that the best would be to have a small drafting group of interested Parties tomorrow at lunchtime and I would like to ask the delegation of Uruguay if they would be ready to do that?

The PRESIDENT:

That is additional to this process because again the right to present an amendment is not subject to a drafting group, so the Parties have a right to an amendment. Brazil.

Mr DE SOUZA-GOMES (Brazil):

Thank you Mr Chairman, as usual, for your guidance and wisdom on this question. As we heard the legal adviser on this, I think the proposal that you just put forward would meet I think the general sense of this room, so I would like to go along with you and congratulate you once again. I think this is the best course because we have a time and we are following the Rules of Procedure and we can speed up this process because otherwise we will stay until Saturday here discussing this matter. Thank you very much Sir.

The PRESIDENT:

There is one last hand that came up. Mexico I think.

El Sra. MADRAZO REYNOSO (México):

Muchas gracias, señor Presidente. Hasta este momento todas las palabras que han dirigido los distinguidos delegados de los países que nos acompañan han sido a favor de apoyar en términos generales en principio la declaración de Uruguay. Quiero retomar lo que dijo la delegada de Jamaica: esta es una ofensiva que en este momento lleva a cabo la industria tabacalera en contra de Uruguay, pero no se limitará a Uruguay; es una ofensiva que continuará en contra de otros países, porque al final del día lo que busca es entorpecer o torpedear cualquier política pública para el control del tabaco y, si se puede, debilitar al propio Convenio Marco para el Control del Tabaco. Es decir, estamos todos en principio de acuerdo en que tenemos que cerrar filas para proteger no solamente a Uruguay sino a todos los países que estamos trabajando en el control del tabaco, contra esta ofensiva presente, pasada y futura de la industria tabacalera. Creo que lo único que en este momento está deteniéndose son algunas palabras en algunos artículos particulares.

The PRESIDENT:

Mexico, may I beg your indulgence because of time. Can you please address just one issue, which is the issue of the amendment at hand?

La Sra. MADRAZO REYNOSO (México):

Quería pedir, si es posible que, aprovechando la presencia del consejero jurídico o del asesor jurídico del Convenio Marco, si él pudiera estar presente mañana acompañando al grupo de redacción de esa declaración, porque se han levantado temas sobre derecho internacional comercial que no somos expertos en ese tema, y quisiéramos nada más saber si hay implicaciones jurídicas de fondo que obligaran a modificar alguna redacción o no, para que eso no nos detenga de suscribir esa declaración.

The PRESIDENT:

Thank you very much honourable delegate. I am sorry to do this to you but we really have a difficulty here. It seems that of course we have to close because we also have interpretation, so I am sorry to do this to you. My understanding is that all the proposals here do not preclude one another. One, anybody who has an amendment can try and converse with Uruguay but has the right to present it and if you want to present it please present it by 18:30 so that it will appear in the text. If you want it to appear in the text tomorrow, present it by 18:30 today. Two, that tomorrow when we have the new text, at least it will help assist the further discussion that will be convened by Uruguay. Not in a formal sense but Uruguay will convene a further discussion with anybody who is interested to further engage on the draft that is actually there, to improve it, to finalize it and so on; that we revisit that draft formally as tabled. If there is any amendment that is comes out of that, it will be brought to the Secretariat by Uruguay to say that this is a new amendment, can you produce a new document for Thursday, which will actually have to be done by Wednesday, so that on Thursday we consider it at 10:00 and then close it. Agreed? We are all agreed.

We have two more items on the agenda for the plenary. One is a two-minute item. The other, depending on how much you want to discuss it in terms of timeframe. The only one I would be able to take now is just to give a one minute update on the credentials. We will, I am afraid, have to allocate at least the first hour of our day tomorrow to item 7.10, from 10:00 to 11:00 in plenary, and then after that hour we move to committees. That is the only way we can deal with it because it is also urgent – before we break for committees – unless there is a way to continue further.

**2. CREDENTIALS OF PARTICIPANTS** (continued)

The PRESIDENT:

Let me then talk about the credentials. The report has been prepared and I am informed that since the Bureau met yesterday, formal credentials have been received from 13 Parties that had previously submitted provisional credentials. It has not been possible to convene the Bureau this morning to examine the formal credentials, but I have examined them and found them to be in conformity with the Rules of Procedure of the Conference of Parties. I would therefore recommend to the Conference that Albania, the Plurinational State of Bolivia, Ecuador, Liberia, Mexico, Philippines, Saint Lucia, Sao Tome and Principe, Syrian Arab Republic, Thailand, Uruguay, Yemen and Zambia be accepted as having submitted formal credentials in addition to those in the draft report on credentials. Is there any objection to adopting this particular recommendation to accept these additional formal credentials, as credentials that have been submitted to the Conference of the Parties? Any objection to that? I see no objection, it is so agreed.

**3. ANNOUNCEMENTS**

The PRESIDENT:

It is clear that we cannot continue with the item on the agenda, that is supposed to be undertaken now, which is item 7.10. Therefore, in accordance with the decision that we took yesterday to discuss first this item in plenary, we shall then hold a plenary tomorrow morning at 10:00 and we will limit it to not more than one hour. If we are not finished after one hour, this body will be asked to review its position in terms of the programme in order to deal with the matter. Now, with regard to this item. The item and its nature require that we have a closed meeting of Parties only and therefore tomorrow morning, between 10:00 and 11:00, the item on the agenda shall be discussed with the Parties to the Convention only and therefore it will be a closed meeting. From 11:00 we will move to committees and reopen the meeting to observers. I have only two minutes so I do not want a debate on this matter. It is actually very clear from a procedural point of view – we have not finished the agenda, we have to finish the agenda in terms of its order unless there is another proposal.

Mr GOFFIN (Belgium):

Thank you Mr Chairman. We fully agree with your procedure that we will deal with item 7.10 tomorrow at 10:00. In order to consider this item we will need some documentation, we will need some proposals and options that the Secretariat would put forward. We cannot just deal with this item without any information, so that is just what I want to say. Thank you.

The PRESIDENT:

Thank you very much European Union. First of all, this item does not come from the Secretariat and therefore the Secretariat cannot produce any documentation on it because it is not a Secretariat item, it is a Bureau item that was presented and adopted here, it is not a Secretariat item. Secondly, it is a closed item, which means that we have circulation of information that will be closed. We will make sure that that information is available and adequate for people to then make further decisions but we shall not present any document on the matter except the report, which will be accompanied by information that we believe is adequate. Then Parties will assess, on the basis of that, whether the information is adequate or not and whether they want further information, but there shall be no document in terms of the Rules of Procedure because documents are circulated by the Secretariat in a particular way. So there will be information on it but not that we are going to circulate any document from our side. Shall we then adjourn the session and reconvene tomorrow morning at 10:00 in a restricted session from 10:00 to 11:00? Thank you very much.

**The meeting rose at 18:15**

**FIFTH PLENARY MEETING****Wednesday, 17 November 2010, 10:00****President:** Mr T.D. MSELEKU (South Africa)**BUDGETARY AND INSTITUTIONAL MATTERS****Process related to the renewal of the contract (or otherwise) of the current Head of the Convention Secretariat and to future appointments and renewals***Restricted meeting of Parties only - verbatim records not publicly available***The meeting rose at 12:50**

**SIXTH PLENARY MEETING****Thursday, 18 November 2010, at 10:15****President: Mr T.D. MSELEKU (South Africa)****1. TREATY INSTRUMENTS AND TECHNICAL MATTERS (continued)****Protocol to eliminate illicit trade in tobacco products (continued)**

The PRESIDENT:

Honourable delegates, as we start this morning may I begin by appealing to all of us, and particularly to the regional coordinators, to make every effort to stick to the times that were set out for the Conference. I have heard a number of delegates and delegations suggesting that we are not pushing fast enough and that we are not likely to finish the substantive issues. But if we start this session fifteen minutes late, then we will have already lost fifteen minutes. So we are just requesting, if it is possible, to ensure that we keep to the times. And secondly, also this morning I would appeal to the delegates to allow me to be a little bit quicker in terms of moving forward because I would hope that even though the agenda says that three items are going to be dealt with before 12, I would hope that we will actually finish in an hour, or in even less time for that matter, so that we can go back to the committee work. Our programme of work this morning is the continuation of item 5.1 and, in particular, the progress report or outcome of the working group that was established yesterday. We also need to consider a revised declaration proposed by Uruguay, and finally a draft decision, if any, on agenda item 7.10 related to the contract of the Head of the Convention Secretariat. For the first two items, we will keep the doors open, it is an open session. When we come to the third item, we will request a restricted session again, before we then break to go into the different committees. Not all the formal documentation is available for all the items yet, but I hope that all delegations have been able to get the documentation that is available for these items.

We shall now consider agenda item 5.1 on the protocol to eliminate illicit trade in tobacco products. You will recall that we established an open-ended working group to discuss issues related to the process in this regard. The working group was chaired by Thailand and it met yesterday. I would like to invite the delegate – Chair – from Thailand, Dr Nuntavarn Vichit-Vadakan, to report on the outcome of the discussions of the group.

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you Mr President. First of all, I wish to thank all the Party members who attended the meeting last night. I must first report that we completed our mandate as prescribed by the plenary of the Conference of the Parties. Basically, I wish to summarize that there were five questions that the working group needed to answer: when, where, how, how long and the funding of the next Intergovernmental Negotiating Body. The Secretariat has prepared a short presentation to summarize the findings or the outcome of the working group last night. May I present it? I will proceed. The

outcome is that the next Intergovernmental Negotiating Body will take place in Geneva. The length of the session will be two weeks, and it will be in early 2012. In the meantime we have agreed that there will be preparatory work, which will be in the form of an informal working group. The composition and structure of the group will be similar to that of the drafting groups that were mandated by the third and fourth sessions of the Intergovernmental Negotiating Body. Each region will nominate not more than five Parties to the informal working group, and each Party is to be represented by one person. Invitations will be given to relevant intergovernmental and nongovernmental organizations as well. Now, in terms of the mandate of this working group, it is proposed that the working group will be examining the unfinished articles in Part III of the draft protocol, and the matters referred to the Conference of the Parties by the fourth session of the Intergovernmental Negotiating Body. There are three items in that regard, that you may find in the document from the Chairperson of the Intergovernmental Negotiating Body to the Conference of the Parties. The third matter is related to cooperation with international organizations to ensure synergy and avoid duplication. We are expecting that there will be two sessions of the working group. The anticipated outcome will be a drafting proposal for the unfinished articles in Part III and perhaps proposals on other matters that arise out of the group's work.

The Intergovernmental Negotiating Body will submit the draft protocol to the fifth session of the Conference of the Parties for its consideration, and the fifth session of the Conference of the Parties has to be held at least six months after the Intergovernmental Negotiating Body in accordance with the requirement of Article 33.3. Therefore, we plan that the informal working group will meet in 2011, and that the next Intergovernmental Negotiating Body will be in early 2012, so that the final round of the negotiations of the protocol can take place at the fifth session of the Conference of the Parties late in 2012. Also, we wish to express our thanks to the European Union for its proposal to fund the two sessions of the informal working group. Thank you.

The PRESIDENT:

Thank you, Thailand. The matter has been put on the table, and it is really straightforward. It is a proposal for this Conference of the Parties to agree to the process as outlined in Conference Paper No. 4, dated 18 November. Is there any objection to this? India, are you objecting?

Mr DESIRAJU (India):

No objections, Sir, just a few comments on what we've just heard.

The PRESIDENT:

I would not want any comment really. I am trying not to have a debate on it. Unless you do not agree with what has been said, or you want to add something.

Mr DESIRAJU (India):

I'd like to add something Sir. Thank you, Chair. We'd like to congratulate and thank the Chair of our working group for very skilfully leading us through this discussion, and also the European Union for their generosity. There is just one point, Mr Chair, which we thought had been resolved in yesterday's working group, but does not seem to be reflected in the draft we have, which is quite simply whether this is the fourth session of the Intergovernmental Negotiating Body that we are talking about or the fifth session. There was some discussion on this, and the Secretariat Note that was circulated quite clearly says that if the Conference of the Parties were to choose to extend the mandate of the Intergovernmental Negotiating Body, it would mean in effect that the fourth session of the Intergovernmental Negotiating Body would cease to be and that the fifth session of the Intergovernmental Negotiating Body would come about. Now, that is what the Secretariat Note says, but that is not what the draft decision says, so we would just like some clarity on this. Thank you.

The PRESIDENT:

Thank you very much for that question. The question arose actually in the group and I want to refer members of these honourable delegations to Rule 28 on page 7 of the Rules of Procedure, which is a rule that we applied from the Chair to try and establish what exactly was being done yesterday in relation to this matter. This Rule says that unless the Conference of the Parties decides otherwise, and I want to underline decides otherwise, the Chairperson of a subsidiary body shall be elected by that subsidiary body, etc. So, in other words, we had an option to keep that going, or to decide otherwise. Now, when this matter was discussed, I was deliberately applying this Rule – to ask this body what exactly you were deciding, because the proposal from the Parties in the African Region was to say that we decide to continue with the work that the fourth session of the Intergovernmental Negotiating Body has done, even though it has finished its mandate. The mandate was being renewed by this Conference of the Parties, which this Conference of the Parties has the competence to do. The proposal from the Parties in the African Region was to say that, therefore we will extend even the mandate of the officials that are responsible for that work as such. Yes, the work of the Intergovernmental Negotiating Body was finished and presented here. This Conference of the Parties has a responsibility to make a decision on that and, accordingly, the matter was put in front of this Conference, which decided that it would extend the mandate of the Intergovernmental Negotiating Body. In other words, it actually did not agree that the body had finished its work, and it therefore extended its mandate, including extending the mandate of the officers. That was the decision that was reflected here. In terms of the explanation, what is reflected here is what actually happened, and that is in line with Rule 28, which says that unless the Conference decides otherwise, because the Conference is the highest decision-making body in this process. So India, there were two alternatives – the one that was proposed by the Parties in the African Region and another that starts a new process altogether. The African proposal was carried by this House according to my record. Thank you. Can I please take it that we all agree with this? Any objection, Belgium?

M. GOFFIN (Belgique):

Merci Monsieur le Président. Tout d'abord, mes remerciements vont à la Présidente du groupe de travail hier soir, qui a fait un travail remarquable et nous sommes tout à fait en ligne avec les positions qui sont présentées dans ce texte. Nous souhaitons également, rappeler que l'Union européenne, hier, a annoncé qu'elle financerait de manière importante les travaux du groupe de travail en 2011.

En ce qui concerne le texte, je souhaiterais cependant, faire la remarque suivante : pour les questions budgétaires, en particulier le budget de 2012-2013, c'est une matière qui pour l'instant est traitée par la Commission B. Je souhaiterais donc que le texte en reste à une référence générale qui pourrait être au paragraphe 3.a) que l'on prie le Secrétariat de la Convention de prendre les dispositions nécessaires, y compris des dispositions budgétaires, pour que l'organe intergouvernemental de négociation d'un protocole sur le commerce illicite des produits du tabac puisse s'acquitter de sa tâche. C'est ce qui a été convenu hier ; nous avons donc confié, ou plutôt invité le Secrétariat de la Convention à prendre les mesures nécessaires dans le budget pour que cette session puisse être tenue. Cependant, ce budget devra encore être approuvé par la Conférence des Parties et par la Commission B.

Je ne souhaiterais donc pas que les détails sur le budget soient déjà exposés dans cette décision. Je propose, par exemple, de supprimer les paragraphes 3.b), éventuellement 3.c) ou alors, éventuellement de le réécrire parce qu'ici nous parlons du 3.c) de la cinquième session de la Conférence des Parties, et je présume qu'on a aussi intérêt à avoir des traductions convenables pour la session sur le protocole. Par ailleurs, le paragraphe 10, tel qu'il est formulé en français et en anglais, ne semble pas être lisible et concerne également une question budgétaire. Donc, pour rendre la problématique plus simple, je propose de supprimer les paragraphes 3.b) et 3.c) ainsi que le paragraphe 10, et de confier à la Commission B le soin de régler les questions budgétaires en vue de financer cette session. Merci Monsieur le Président.

The PRESIDENT:

Thank you very much, honourable delegate speaking on behalf of the European Union. Can I try something with you? First of all, if I look at subparagraph 3(a), it could be read either way. It could be read as you are reading it, that it is actually taking away from Committee A; it could be read as actually saying that it is mandating the Secretariat to present that matter to Committee B, as one of the measures that it is taking as directed by this resolution, including other measures, which may not just be the measures related to Committee B, such as possible fundraising, working with the European Union and the details, etc. In other words, it could be read either way. It does not necessarily preclude Committee B from doing the work that it is supposed to do, and it actually directs the Secretariat to do something about that, which is to ensure that there is something in Committee B that would be discussed in relation to detailed possibilities, etc. But not only that. It also says to the Secretariat: do everything else after that within the budgetary confines to make this happen. So that is how I would understand it, and if you feel that that reading is actually taking from Committee B then I will try you again. So that is the one issue. If you agree, then we might skip that part, unless there is someone else who would agree with your proposal to read it differently. Thanks.

M. GOFFIN (Belgique):

Monsieur le Président. C'est exactement ce que nous comprenons concernant le paragraphe 3.a), c'est-à-dire qu'il reste très général et invite donc le Secrétariat à présenter les propositions budgétaires – sous-entendues à la Commission B – en vue d'être approuvées. Cela étant, nous ne souhaitons pas aller plus loin pour l'instant dans ce texte, soit un mandat donné au Secrétaire exécutif pour qu'il présente les propositions budgétaires à la Commission B ; nous avons encore à ce stade un travail à faire en vue de financer la cinquième session de l'organe intergouvernemental de négociation de la Convention-cadre de l'OMS pour la lutte antitabac à l'intérieur du budget 2012-2013.

Il n'est donc pas approprié à ce stade d'entrer dans des détails budgétaires ; simplement, nous conservons le paragraphe 3.a) et nous supprimons le reste du paragraphe 3 et le paragraphe 10 également, qui n'est pas lisible. Il est évident, à la suite des discussions que nous avons eu à la Commission B, qu'il faudra trouver les moyens de financer la session dans le cadre du budget 2012-2013 : c'est évident, il n'y a pas d'autre solution financière pour l'instant. Je pense donc que le paragraphe 10, outre le fait qu'il est mal rédigé, peut très bien tomber, et nous pourrions alors tout à fait soutenir ce texte qui, je le rappelle, sur le plan financier est quand même soutenu par l'Union européenne de manière extra-budgétaire. Merci Monsieur le Président.

The PRESIDENT:

Can I take Brazil on this matter, to see if you can take us forward a little bit, then I will try again another approach to the matter? Brazil.

Mr DE SOUZA-GOMES (Brazil):

Thank you, Mr Chairman. I must confess I am a little bit confused, my delegation is a little bit confused. I would like respectfully, through you, to ask Legal Counsel if the mandate of the fourth session of the Intergovernmental Negotiating Body has already ended legally, and secondly, if this mandate can be renewed by us now in this meeting. Answers to these two questions, Mr Chairman, could give some clarification on this issue. Thank you very much, Sir.

The PRESIDENT:

Thank you, Brazil. Can I suspend that question for the moment, we will come back to it, and then I will ask Legal Counsel to answer your questions. There is a suggestion from the European

Union that the other two subparagraphs, (b), and (c), are actually budgetary items, though I do not see them as budgetary items, as Committee B will not talk about the facilitation of participation of all Parties. It will talk about funding, that is all. In fact, this is a principle that is already applied. Unless somebody would want to say in Committee B that it should not be applied in general and therefore the budget must actually exclude those matters. So, in my view, it is difficult to see subparagraphs (b) and (c) as issues that will be discussed by Committee B. Committee B will look at the funding on the basis of what the proposal from Committee A on the format of this process should be. So I think that this working group was suggesting what the format should be, and Committee B will look at whether it is actually feasible in relation to the budget, rather than vice-versa. But that seems to be an arguable reading, so I would like to open it just quickly to other delegations. So I will take two or three more delegations. India, please comment on that.

Mr SATPATHY (India):

Thank you, Chair. Good morning to you. Our comment is going to be again in relation to the issue we raised, which is the fourth session of the Intergovernmental Negotiating Body versus the fifth session of the Intergovernmental Negotiating Body. So if this is not the right time.

The PRESIDENT:

We will come back to that issue. Can I suspend just that issue, and United States of America do you wish to speak on a different issue or on this issue?

Mr LOM (United States of America):<sup>1</sup>

Thank you, Mr Chair. Sorry to interrupt. Just a brief intervention. I just take note, and I would request clarification with regard to paragraph 9.

The PRESIDENT:

I asked whether as the United States of America you are commenting on this matter or on another matter. If it is paragraph 9, can you hold on, I will come back to you on paragraph 9?

On this matter that has been raised by the European Union, can I ask the Chairperson of the working group to assist us here. As I understand it, the contention is that the working group would be going beyond its mandate if it addressed issues that have budgetary implications, such as the Secretariat making arrangements for the facilitation of low-income countries as well as the arrangements in terms of language, as well as paragraph 10, which says something about the workplan. Can you guide us please?

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you Mr President, the only budgetary concern that we discussed was that we have, based on the limitation of the budget for 2011–2012, we need to go to 2012–2013 for the budget to fund the next session of the Intergovernmental Negotiating Body, therefore, that was used to decide the next session of the Intergovernmental Negotiating Body will be in 2012, which means that this item must be put on the discussion in Committee B, so we request that that has to be done, and that is the only limitation to the discussion in terms of finance in the working group.

The PRESIDENT:

China please, do you want to intervene on the same matter?

---

<sup>1</sup> Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

Mr YI Xianliang (China):

我作为乙委员会的主席，就这个问题向各位代表澄清一下。昨天在乙委员会讨论财政问题的时候，相当多的国家希望不要有过多的预算增长，甚至要求零增长。当然也有代表提到，要考虑到政府间谈判机构第五次会议应该需要增加的预算。如果我们建议政府间谈判机构第五次会议开两周的会，这就是一个比较大的预算，所以在这里想提请大会，也提请各缔约方注意这样一个问题，如果把政府间谈判机构第五次会议需要的资金放在下一个双年度的预算内，那么2012-2013双年度的预算应该有较大幅度的增长，所以这是我们财务委员会必须要考虑的问题。我理解在比绝大多数的国家都支持召开政府间谈判机构第五次会议，我也希望到乙委员会讨论财务问题的时候也能得到绝大多数国家或者所有国家的支持，增加相应的预算。

谢谢。

The PRESIDENT:

Thank you very much, China. India can you be the last one on this matter, and let us see, because I do not think we are really assisting one another trying to debate this matter without the data from the working group. I do not think we are assisting one another in that regard. If it was a matter that was not necessarily coming from the working group, and something might have been omitted, I would say let us discuss it thoroughly. But if it is really a matter that the working group is also divided on and could not resolve, then again I would say we would discuss it thoroughly. But I would like to see a little bit of progress. India.

Mr SATPATHY (India):

Thank you, Chair. There are two issues here as far as subparagraph 3(a) is concerned, and in our opinion that implies the competence of the present working group vis-à-vis the competence of Committee B. Committee B has been mandated to consider budgetary and financial requirements. The way the present statement is structured could be interpreted by the Convention Secretariat as a requirement that they have to provide budgetary provisions. This may transgress the authority of Committee B. We therefore feel that Committee B should be the one, the right committee empowered to make any budgetary decisions vis-à-vis the fifth session of the Intergovernmental Negotiating Body. Of course, this working group could make a recommendation to that effect, but not a requirement to that effect. That is our view as far as subparagraph 3(a) is concerned. As regards paragraph 10, there are two things here again. One is the fifth session of the Intergovernmental Negotiating Body, and the other is the working group. The working group, as has been decided in yesterday's meeting, is to take place in 2011, and as has been clarified by the Head of the Convention Secretariat, there is no budget for it. And the European Union has kindly agreed to support it. So therefore the funding aspect of the working group to be reflected in 2012 and 2013 in a certain sense appears redundant, and therefore should be eliminated.

The PRESIDENT:

Can I try something? Could we not add a clause after "including budgetary arrangements", to read: "subject to the final decisions on the budget by this Conference of the Parties", because then that would be subject to the decisions that come from Committee B. So that we can pass on this matter. It is actually subjecting this clause to Committee B, subject to the decisions as they are finalized by this Conference of the Parties, because Committee B is not a decision-making body, it is the Conference of the Parties. I am just suggesting this so that we avoid the debate. We say that for now we are making this decision subject to the final decisions on budgetary matters made by this Conference of the Parties, so that any other final decision on the budget will override this. Yes, Belgium?

M. GOFFIN (Belgique):

Monsieur le Président pour cette tentative, je pense qu'on prend les choses à l'envers. La Commission B n'a pas autorité de décision sur la Conférence des Parties ; et on ne peut donc pas

prendre une décision ici en plénière qui serait conditionnée par une décision de la Commission B. Je pense qu'il serait plus simple de prendre une décision budgétaire précise.

The PRESIDENT:

I want to assist you so that when you continue, you are clear about what I am saying. I am saying that you can make this decision subject to the final decisions on the budget by this Conference of the Parties not by Committee B. So I am suggesting that we make this decision now subject to any other decision that is made on the budget, which may affect this decision. But if you still insist you want to delete this, let me put it to the House. It is your prerogative to do so. Thank you very much. Can you continue? And then Brazil you follow.

M. GOFFIN (Belgique):

Monsieur le Président, je comprends très bien votre souci. Je pense qu'il serait plus simple de suspendre la prise de décision ici en plénière sur ce texte et d'attendre les travaux de la Commission B. Il n'y a absolument aucun problème sur le fond, et je souhaite encore insister sur le fait que nous souhaitons soutenir ce texte. Cela étant, il y a un mandat donné à la Commission B qui doit être respecté avant de prendre une décision définitive sur la question qu'on peut suspendre pour l'instant la décision sur le projet de décision. Merci Monsieur le Président.

The PRESIDENT:

There is a proposal to suspend the decision on this text, pending the decision of Committee B. Brazil can you make a comment also taking into consideration that proposal?

Mr DE SOUZA-GOMES (Brazil):

Mr Chairman, once again your wise intervention is very clear, objective and practical. Let us put it subject to the end of the discussion and then we take a final decision. So, we strongly support your proposal, I think it is the best one and it will take into consideration the previous discussion, and at the end it will clearly reflect the decision of the fourth session of the Conference of the Parties on this important matter. Thank you, Sir. I congratulate you for your contribution, Sir.

The PRESIDENT:

Are we all agreed that we shall suspend therefore the decision on this matter pending the final decision on the budgetary matter as recommended by Committee B? Agreed, no objection? China.

Mr YI Xianliang (China):

Thank you Mr Chairman. I am speaking in my capacity as the Chair of Committee B. This is a philosophical or logical issue for you, that I would like to clarify with you Mr President. You say the fifth session of the Intergovernmental Negotiating Body should take place, subject to the final decision on the budget. Actually, there are two ways, or two principles for us: one, the activities determine the scale of the budget; or the second principle, the scale of the budget decides what kind of activities shall take place in the future. So, which principle should we follow? If there is no decision or no general consensus on this fifth session of the Intergovernmental Negotiating Body at this plenary or in Committee A, I think that Committee B will not be able to make the decision as to whether we should hold the Intergovernmental Negotiating Body or not, because it just decides the budget. So I do not know. I had hoped that less time would be required to decide the budget scale. I need a clear answer from the plenary or from Committee A as early as possible, because I promised that there would be no evening meetings in my Committee. Thank you.

The PRESIDENT:

Thank you very much China for that question. The document in front of us provides guidance on the wish of the working group; it has not been amended. What we are saying is, let us not then finalize it as a decision, let it be taken to your Committee as it is the wish of the working group to see this being funded. Discussion about the possibilities of funding should not be taken there. I would hope you would start with that philosophy when you get to the Committee so that the Committee can discuss that. What informs the Committee's philosophy? What should inform it is the fact that there is a report of the Committee; it has actually captured all the sentiments that were expressed by various delegates. It is been suspended for decision at this stage until we understand the broader context of the budget, and therefore, let it be discussed in that context, that is all. Thank you very much. Shall we then move onto the next item? India.

Mr SATPATHY (India):

Thank you, Chair. Sorry to take the floor again, but I am making an attempt to see if we can accept this decision, especially since we did spend a considerable amount of time yesterday on this. Now the problem is regarding the phrase "including budgetary provisions". If we eliminate that phrase, it does not in any way detract from the fact that that has to be considered. Yet we can take the decision on the activity, and give Committee B the necessary leeway to take a decision on the financial provisions. So perhaps the Chair could consider doing that?

The PRESIDENT:

Thank you, India. Allow me to try and assist this Conference, because the issue is not just that phrase. The issue that has been raised by Belgium is more than just that phrase; it is the whole phrase in subparagraph 3(b) and the whole phrase in subparagraph 3(c). They are concerned that it is pre-emptive. They also raised the issue of 10. Now to have a debate on that, to say whether that is pre-emptive, or not pre-emptive, and all those issues, they have agreed to suspend this until we have a discussion at the budgetary level. So it is not just a small phrase. Just allow me to actually go forward, because the opportunity will come back. Those that want this phrase later can come back to it. Are we agreed on this one? Thank you very much for your cooperation.

Now let me go back to the other issues. There are two issues I have suspended on item 5.1. One is the issue that was raised by Brazil to the Legal Counsel and India also wanted to raise it. The other is the United States of America wanting to speak on another paragraph. Brazil, you asked a question whether, legally speaking, the fourth session of the Intergovernmental Negotiating Body had ended and finished its work, and secondly, if so, can its work be extended by this Conference of the Parties. That I think is what you were asking. Could you repeat your question so that we can assist Legal Counsel to respond?

Mr DE SOUZA-GOMES (Brazil):

Yes, Sir. This is the sense of my question, and furthermore, if it is in our mandate to decide upon the end of the fourth session of the Intergovernmental Negotiating Body and the start of the fifth session – if it is the case, it depends on the answer to the first question of course, Sir. This is the sense of our request, Sir. Thank you.

The PRESIDENT:

Legal Counsel please.

Mr BURCI (WHO Legal Counsel):

Thank you, Chair. It seems to be a matter on which there was a little confusion among the Parties: it was also raised last night. And the Chairman recalled that when he put this issue to a

decision in principle of the plenary yesterday or the day before, he proposed that the mandate of the fourth session of the Intergovernmental Negotiating Body be extended. And there was no objection to that. So, it seems to me that the Conference of the Parties has decided in a way to extend the life of fourth session of the Intergovernmental Negotiating Body. Now, there are two ways in which the negotiation on the protocol can continue. One is to convene a brand new session of the Intergovernmental Negotiating Body. The second, which as the Chair has stated, is the sense of what the Conference of the Parties has decided, is for the Conference of the Parties simply to say that it does not accept that the Intergovernmental Negotiating Body has finished its work, and that it is now defunct, and finished forever. It wants the fourth session of the Intergovernmental Negotiating Body in its present form, in particular with the set of officers that have led the work since the beginning, to hold a final meeting to finalize the negotiation on the protocol. So that is my sense of what the Conference of the Parties has decided, as the Chairman has expressed. I think that the Conference of the Parties is entitled in a way to go back to its decision at its third session that the Intergovernmental Negotiating Body had held a fourth session, and that the fourth session has finished and that if it is considered practical for the success of the negotiation to extend the life, as it were, of the fourth session of the Intergovernmental Negotiating Body for a final meeting, in particular keeping the officers because of their involvement and deep knowledge of the subject matter, then that is something the Conference of the Parties could legally do. That is what I understood from the explanation of the Chairman. Thank you.

The PRESIDENT:

Thank you very much Legal Counsel. Brazil do you want to follow up before I try and close this matter? Also, India wanted to speak on the same matter. Brazil?

Mr DE SOUZA-GOMES (Brazil):

Thank you, Mr Chairman and dear friend. Thank you for the indulgence of giving me the floor again. I thank, through you, the Legal Counsel for the explanations given, but really I cannot recall any decision of the fourth session of the Conference of the Parties on the extension of the fourth session of the Intergovernmental Negotiating Body. So if we could have some clarification? I am not aware of any decision taken by the plenary thus far to extend. So we are coming to these comments based on a decision that, in my view, has not been taken yet. We may take it, we do not necessarily oppose it, but it is not very clear for us. Thank you, Sir.

The PRESIDENT:

Thank you. India, before I respond to that, you also wanted to say something on this matter.

Mr SATPATHY (India):

Thank you, Chair. Our intervention is along the lines of the Brazilian suggestion. We keep coming back to the advice that had initially been proffered by the Convention Secretariat on the nomenclature of the fifth session of the Intergovernmental Negotiating Body. Now, I will explain why we are concerned about the nomenclature of the Intergovernmental Negotiating Body – because until now we've had four phases of that Body. We did not extend 1 to 1 a, b, or c. Therefore, this gives the understanding and the idea that a new intergovernmental body has been set up to further continue the negotiations. Article 28, which has been quoted, does not, in our opinion, confer any powers on the Conference of the Parties to extend the mandate of a Body which is already dead. The existence of the fourth session of the Intergovernmental Negotiating Body is derived from the third session of the Conference of the Parties; the financial provisions for the fourth session of the Intergovernmental Negotiating Body are derived from the third session of the Conference of the Parties. Once that is over, we do not really see how the extension of the fourth session of the Intergovernmental Negotiating

Body can be automatically ensured without making it into a fifth session of the Intergovernmental Negotiating Body. Thank you, Mr President.

The PRESIDENT:

I would like the honourable delegates to assist us to drive this process. First of all, let us not discuss this in terms of the legalities, because if we do we will continue all day. Can I ask the delegates who have a different intention to put a proposal on the table. First let me answer Brazil. Brazil, when this matter was debated, there were three matters that were raised. First, that we needed to continue the negotiations and keep the momentum; second, that we should actually establish some kind of working group to look at the process of doing that; and third, that the working group must also explore preliminary discussions on all the other matters that were raised in the paper of the Chairperson from (a) to (d), as well as other matters that are related to that. At that point, I suspended the last issue, and I asked this house to deal with the first issue of whether we need the sessions to continue. In that regard, I was very, very specific. I actually said there are two ways of dealing with it: to establish a new session that begins the process of negotiating the protocol, which means that would be establishing a new body altogether, a new negotiation, and by implication it would have to take into consideration the previous negotiations that had taken place up to that point. It would have a new mandate with new possibilities, but we would have to take into consideration the content of the previous one. That is number one. So, in other words, it would have been directed to take forward the protocol. Then I said the other was to actually look at the cost of the proposal from the African Region to extend the mandate, because this Conference of the Parties has the right to say that the fourth session of the Intergovernmental Negotiating Body decided to establish this. It has reported that it is not satisfied that it has finished, therefore we are re-establishing them and extending their life. That is actually legally possible for this Conference of the Parties to do; that is what the Legal Counsel says. It is possible to do that. So I am saying, let us not debate the legality or non-legality. If there are delegations that feel that this is not a decision that the Conference of the Parties should take, let us just be open and make a proposal, rather than try and say let us debate the legalities, as we are wasting time for this Conference. The legalities we can debate up to the end of the day. The legalities are that it is possible for this Conference, and if you feel legally that it is not possible, then we can have a debate of a legal nature, we will ask the lawyers in this House to join a debate on this item. At the end of the day, we want a proposal either to keep the decision at this stage, or to change it, if you want to change it. That is actually what will take us forward. So anybody who wants to say the decision is on the table, and therefore let us change it can do that. But the decision, as we said from the Chair, which came from the regions, which was a proposal that came from the African Region, was actually carried, and therefore, in the view of the Chair, it stands and is perfectly legal. So if we can talk more about what we want to do with that decision. If we want to change it, we have the right to say so. There is a hand there. I would like to suggest that we really should close on this matter. Panama, followed by Brazil and Bhutan.

La Sra. ROA (Panamá):

Gracias, señor Presidente. Creo que la decisión, como usted bien lo dice, es potestad de nosotros tomarla, cambiarla, o aprobar nuevamente otra cosa. Sin embargo, partimos del hecho de que debemos estar claramente informados. Ciertamente, la cuarta reunión del Órgano de Negociación terminó. El hecho de que haya una quinta no significa que se abre un nuevo órgano. Ya en la COP3 se presentó esta misma situación y la decisión que se tomó fue que se desarrollara una nueva reunión del mismo órgano de negociación, y por eso hubo un ONI1, 2, 3 y un ONI4. Entonces, esa información la tenemos que tener clara. No se trata de la creación de un nuevo órgano. Si se continúa o no con un mandato de un ONI4, ese es otro tema. Pero de repente queda confusión en términos de que se está hablando de generar un nuevo órgano. No: es el mismo.

Mr DE SOUZA-GOMES (Brazil):

After the enlightening explications and comments that you made, we are very pleased to announce that my delegation goes along fully with the Parties in the African Region on this matter, with our brothers and sisters of Africa. Thank you very much Sir.

Mr DUKPA (Bhutan):

Just to expedite the decision-making process, I was wondering that yes, the continuation of the negotiation was discussed in this hall, irrespective of the decision taken or not taken. But I was wondering, just to overcome the legality problem, what if the life of the Intergovernmental Negotiating Body can be extended, but into and in the form of a fifth session instead of calling it the fourth session of the Intergovernmental Negotiating Body? The same set officers can continue, and the work of the Intergovernmental Negotiating Body can also be extended but in the form of a fifth session; that is my proposition.

The PRESIDENT:

Thank you very much. Can I suggest that we then pass on this issue until we come back to the final resolution on the draft protocol, which has not yet been finalized. The resolution would have to be comprehensive, noting the report of the Chairperson, etc., including the decision we have deferred. We would want then finally to incorporate all these decisions into one resolution and put it to the House, and then people will be able to amend it and comment, etc. Can we then pass on this matter? Agreed. Thank you very much. The United States of America was referring to paragraph 9. The United States please.

Mr LOM (Observer, United States of America):<sup>1</sup>

We would like the Parties to consider the possibility of amending paragraph 9 to add a subparagraph (c) that would provide an opportunity for subject-matter experts from State non-Parties to participate as well. We notice in subparagraphs (a) and (b) that intergovernmental and nongovernmental organizations are provided the opportunity to send subject-matter experts. We would simply like to have the same treatment. Just for the record, we have been sending subject-matter experts to all the sessions of the Intergovernmental Negotiating Body, and although unfortunately they are still restricted to participating as observers, these experts nevertheless are given the opportunity to provide informal technical advice to any delegations during that process, and we would simply like to be able to continue to do the same. Thank you.

The PRESIDENT:

Thank you very much United States. Chairperson, Thailand, was that an omission, or was there a deliberate decision to exclude the non-Party observers?

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

No, there was no deliberate exclusion.

The PRESIDENT:

The Secretariat would like to provide some advice.

---

<sup>1</sup> Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you, Chair. It was simply taken from the last decision. There was no due consideration given. The last time we created drafting groups, this was the setting.

The PRESIDENT:

Which meant that they were excluded?

Dr NIKOGOSIAN (Head, Convention Secretariat):

Not excluded, but the intergovernmental and nongovernmental organizations were invited. There was no deliberate reference to the State non-Parties. I am not saying that we had any position about that, but there was no exclusion, and the same logic was somehow transported.

The PRESIDENT:

Okay, then it means that we will have to consider the proposal from the United States of America as a proposal to this Conference of the Parties. Is there any response to that? The United States is now proposing that, whereas the practice has been different, this time around you add paragraph (c). The United States is suggesting that the practice was not different, but it may not have been explicit. Yes, Chair.

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

As the Chair, may I propose that any amendments be decided together, so this will be put forth at the end, as you have suggested, and then we can move on with the plenary, thank you.

The PRESIDENT:

Thank you very much. The suggestion is that, simply suspended, any amendment of it must be discussed in one. Can we agree to that? Thank you very much. So, United States we will come back to that issue at a later stage. We have therefore exhausted the discussion on item 5.1 for now with the decision to suspend the proposed draft for decision until all other decisions relevant to it, particularly from Committee B, have been taken. Thank you very much.

#### **Commercial interests related to the implementation of the WHO FCTC (continued)**

The PRESIDENT:

Can I now move onto the revised declaration proposed by Uruguay? I would like the delegate of Uruguay, or the delegate who is coordinating this process, to present the revised declaration. Thank you. Uruguay.

El Sr. ABASCAL (Uruguay):

La Delegación de Uruguay se ha entrevistado con múltiples delegaciones, que han realizado valiosos aportes a este documento, y de alguna manera el texto que está distribuido representa la versión consolidada, con todas las aportaciones que se han realizado y los acuerdos a los que se ha llegado en algunos casos. Lo único que quisiera adelantarme a informar es que, en el punto 8 de la declaración deberá decir «la necesidad de instar a todos los países que aún no lo hayan hecho a que ratifiquen el Convenio Marco de la Organización Mundial de la Salud y apliquen sus disposiciones». No rige lo que estaba anteriormente, porque esta es una posición de último momento que algunos países no han querido colocar como estaba en principio.

De manera que reitero que en el punto 8 deberá decir «la necesidad de instar a todos los países que aún no lo hayan hecho a que ratifiquen el Convenio Marco para el control del tabaco de la Organización Mundial de la Salud y apliquen sus disposiciones», punto ahí. Entonces, señor Presidente, esto es el fruto del trabajo de estos dos días y que humildemente presentamos a esta Conferencia.

The PRESIDENT:

Thank you very much Uruguay. Before I open the matter for discussion, I am really trying to understand what you are saying about operative paragraph 8 of the Declaration as I think it reads exactly as you are saying. I am wondering whether you are saying there is a change in it or you are just emphasizing that there's a point that has been added. Because it is actually as you read it. Maybe it could be an interpretation problem, but I am not sure.

El Sr. ABASCAL (Uruguay):

A propuesta de los países que habían participado en este trabajo, hemos recibido la opinión y la propuesta de que en lugar del texto que está en el artículo 8 que figura impreso, en el cual dice «la necesidad de instar a todos los países que aún no lo hayan hecho a que ratifiquen el Convenio Marco del Control del Tabaco de la Organización Mundial de la Salud, apliquen sus disposiciones y tomen las medidas recomendadas en sus directrices», eso último es lo que no va a estar, a propuesta de China.

The PRESIDENT:

Okay, the proposal is that we cancel that clause. I see. Fine. So, the report is in front of us and incorporates all the ideas that have been put forward. The one last idea that has come after this particular clause was that China was suggesting that we cancel operative paragraph 8, which declares the need to urge all countries that have not ratified to do so. Now, can I request that we really do not waste much time on this. If you feel that really it does not take into consideration the sentiments of the negotiation, then you can comment. But otherwise, if not, then we will see. China.

Mr YI Xianliang (China):

对第8段而言, 中国代表团并不是要求全部删掉, 只是要求删掉后面半句话, 也就是英文里面的“and take measures recommended in its guidelines”。至于理由, 我们在讨论宣言的第一天就讲了, 并且已经得到了各方的同意, 我想在这里做一个澄清。

The PRESIDENT:

Thank you very much, China. Palau.

Dr KUARTEI (Palau):

Mr President, thank you for giving me the floor. Our delegation is grateful for the opportunity to express its support to this declaration by Uruguay, in their effort to fight against the tobacco industry's interference in their public health policy. We also wish to congratulate and thank the group of Parties for this draft document. Mr Chairman, without intending to open this declaration for debate again, we wish to express our concern with operative paragraph 4, in particular the last phrase, which states, and I quote: “provided that such measures are consistent with the TRIPS Agreement”. This concept is contemplated in the preambular reference to Article 8 of the TRIPS Agreement. It is our concern that by re-stating the TRIPS Agreement in operative paragraph 4, we may allow the industry to use it to weaken our efforts to prioritize public health policies over trade and the spirit of this declaration. Mr

President, we take this opportunity to thank the Government and people of Uruguay for their hospitality and excellent arrangements. Thank you.

The PRESIDENT:

Thank you very much. Can I appeal from the Chair, that perhaps you can give a parting gift to this Bureau by at least at this stage adopting one thing, which is the Declaration of Uruguay. Otherwise at this stage we have adopted working groups, attempted working whatever, what-have-you, and so on. So I hope that we do not have to re-refer this matter to yet another discussion but that we can resolve it now. There are two proposed concerns and amendments. One is the Chinese one that says let us delete the phrase "take measures recommended in its guidelines". Is there any objection to the deletion of that particular clause? There are two objections.

El Sr. COLMENARES (Venezuela (República Bolivariana de)):

Señor Presidente: solicito a la distinguida delegación de Uruguay. En primer lugar, apoyar el proyecto de resolución que está planteado. Esto fortalece a los Estados Partes y a los que aún no forman parte del Convenio Marco; nos ayudará muchísimo. Apoyamos plenamente la resolución. Sin embargo, queremos que si la distinguida delegación de Uruguay vuelve a leer el párrafo número 8 con la enmienda ya planteada. ¿Puede ser, señor Presidente?

The PRESIDENT:

Just a second. At the moment we have a proposal just to delete a certain sentence. So there is no intention to have a new draft yet. We are just checking whether that has been supported. If it is supported then we will ask Uruguay to redraft it without that sentence. South Africa.

Ms MATSAU (South Africa):

Chair, South Africa takes the floor just to support in total the draft declaration from Uruguay, and specifically, to object to the deletion of that particular phrase, because I think that it is that phrase that is actually the operational and the substantive phrase in paragraph 8; it is about the implementation of the recommended guidelines, so it should not be deleted. The second comment, Chair, is that I share the sentiments around paragraph 4, that maybe Uruguay could consider what to do with that last phrase.

The PRESIDENT:

Let us come back to that one, we are still discussing the phrase in paragraph 8. I was wondering perhaps if I can check with Peru to see whether they are ready, and also check with the European Union and Canada, just to comment on that phrase. I was wondering whether the Chinese delegation could clarify, because an explanation was given in the discussions. All Parties that ratify the Convention are also supposed to implement the guidelines. So I am not sure what the problem or the difficulty would be. But before China responds, can I move to the European Union?

Ms EMMERLING (European Union):

We would like to thank Uruguay for this important initiative and also the willingness to integrate all amendments that came during the working group, and we think the draft that is presented and as it stands, is a good and balanced draft, that is fully supported by us and we would appeal to all Parties not to reopen this draft, otherwise we will end up in the working group again, and so just to re-express our full support for the Declaration as it stands.

The PRESIDENT:

Thank you. Peru.

El Sr. CHOCANO BURGA (Perú):

Me quiero aunar a lo que ha manifestado la delegada de la Unión Europea en el sentido de que no iniciemos todo un proceso de negociación ahora, que nos va a llevar al establecimiento de otro grupo de trabajo, nos va a llevar a tener que trabajar aún más y dejar de tratar otros temas. Entonces, yo hago una invocación para que tengamos la mayor flexibilidad posible y podamos adoptar ahora este texto, que es de suma importancia para mi Región. Muchas gracias.

The PRESIDENT:

Thank you. Canada.

Ms PAINE (Canada):

Thank you Mr Chair. Canada would like to propose some small changes to paragraph 4.

The PRESIDENT:

I am trying to get a response to, first, the proposal from China, to delete 8, and the response that I am getting is that there are three views. One is China, saying delete 8, the second one says do not delete 8, that was South Africa, and the other was, do not delete 8 but was also commenting on the other issue, which was any other deletion. But I take it as saying therefore do not delete 8. So let us stick to that one. I will come back to you Canada on any other proposal. Thank you. Guatemala.

La Sra. DARDON (Guatemala):

Yo, en representación de Guatemala, voto por que no se elimine la última parte, porque no tendría sentido que entonces estemos elaborando directrices, si no estamos instando a las Partes a que las apliquen. Solamente. Gracias.

The PRESIDENT:

I will come back to you China for your response, but first Turkey.

Ms EKEMAN (Turkey):

We also would like to thank Uruguay for this well-balanced text that they have prepared, and we fully support the text as it stands. Thank you.

The PRESIDENT:

Brazil.

Mr DE SOUZA-GOMES (Brazil):

Thank you Mr Chairman. As stated before, we fully support the text presented by Uruguay. We congratulate them, and we stick on paragraph 8. In this sense we fully agree with South Africa and the other members that have just expressed their views. Thank you Sir.

The PRESIDENT:

Kenya.

Dr MAINA (Kenya):

First of all we would like to thank Uruguay for the incredible work that they have done, secondly, with regard to paragraph 8: if at all we are going to urge other countries to ratify the Convention and implement its provisions, it is also important that we urge them to take measures as recommended in the guidelines that this Conference has come up with, so we do not support the deletion of this paragraph. Thank you.

The PRESIDENT:

Can I ask any other delegation that supports China to speak, so that we do not waste time. Any other delegation that supports the deletion as proposed by China? There is no other delegation that supports that small deletion. So can we accept that there is a general consensus on the non-deletion, a sufficient consensus. Agreed. Thank you very much. China.

Mr YI Xianliang (China):

我理解 大家的鼓掌是希望我同意保留这一部分。一般来讲 我不应该再有意见。但是我不希望我们作为公约采取一些情感化的方式来处理问题。严格来讲 中国是框架公约的缔约方 中国对第8点一点问题都没有 我们完全可以支持。但是问题在什么地方 如果大家是有法律背景的就可以看出来 我们向域外非缔约方批准公约 但是 是否批准公约是非缔约方的主权事务。这是世界卫生组织的第一个公约 我们必须符合国际法 符合国际惯例 也看看其它公约处理类似问题时是怎么说的。我知道 这个公约包括Guidelines (准则) 都非常重要 应该在全世界得到普遍执行。但是我们不能以这种方式来提出要求。在其它公约里面一般都是鼓励非缔约方尽早批准公约 批准公约以后自然就要执行公约的规定。

The PRESIDENT:

Can I be a bit rude to you China and urge you to wrap up, because there has been a decision here, so I just finally wanted you to make a brief comment, but let us move, because a decision has been made. Please wrap up. Please complete your statement.

Mr YI Xianliang (China):

我想尽可能简单, 但是 我的理解是大家并没有清楚这里面的含意, 而是情感化地来处理这个问题 所以这是我们不能接受的。因为我们非常严肃地对待这件事情。我们可以要求非缔约方批准公约, 但是不能要求非缔约方去干什么。这是我们的关注。我希望烟草控制框架公约能够非常严肃的、符合国际惯例的、符合国际法的来处理问题 否则我们走出这个会场我不可去游说, 没法向国际社会交待。我希望这个问题去律师项可能够做一个解释。

The PRESIDENT:

Thank you China. Our understanding is that the ratification comes first, and then the implementation, and that is what this paragraph implies anyway, so it does not necessarily say: "implement what you have not ratified". So there should not be any debate about it. Shall we close this paragraph, as everybody has agreed with it? Shall we then move on to the other question of doubt, on paragraph 4, about the phrase "provided that such measures are consistent with the TRIPS Agreement,". Palau was the delegation that raised that matter, and South Africa also supported the reformulation of that phrase. Can I ask the delegations to address themselves to that question now? There are delegations that have said: "Let us not open that to any discussion, and leave it as it is. Because then we will start negotiations again". So there has already been support both for keeping it and support for changing it. Now can I take the Republic of Moldova, if it is on this subject. Let me do

it differently. Can we have all the delegations that want to speak on the TRIPS subject? Peru, do you want to speak?

El Sr. CHOCANO BURGA (Perú):

Señor Presidente: es con relación al artículo 8, la parte final del artículo 8. Con relación al artículo 8, señor Presidente, mi delegación comparte plenamente la interpretación que usted ha hecho en el sentido de que lo que se está pidiendo es a los Estados, se los está instando a que ratifiquen; cuando ratifiquen, que implemente sus posiciones y después que apliquen los lineamientos, ese es el sentido. No se les está pidiendo a los países que no han ratificado que apliquen, obviamente no es así. Yo creo que tengamos un poco de flexibilidad y tratemos, estamos muy cerca de lograr el consenso, y creo que es una cuestión simplemente de interpretación. Yo pediría que ya adoptemos esta declaración.

The PRESIDENT:

Shall we pass it because we have passed it already? Brazil?

Mr DE SOUZA-GOMES (Brazil):

We are in favour, and if of course, Uruguay, and other Parties agree, to go along with South Africa in order to drop the last part of paragraph 4, and it would be more consistent with the Doha Declaration on the TRIPS Agreement and Public Health too, Sir. Thank you.

The PRESIDENT:

European Union.

Ms EMMERLING (European Union):

I would like to reiterate that for us the text for us as it is here and as it stands is well balanced and should not be re-opened as we have also done now with point 8. So we do not want to re-open this text and to reassure the delegations that want to delete some parts of the sentence: in fact this sentence is agreed language from Article 8 of the TRIPS Agreement, which says: "provided that such measures are consistent with the provisions of this Agreement"; and no more and no less is repeated in paragraph 4.

The PRESIDENT:

Australia.

Mr COTTERELL (Australia):

We are sympathetic to the concerns expressed by the delegation of Palau about terminology, and their concerns about the ambiguity and the legal arguments around the application of the TRIPS Agreement. Equally, we are sympathetic to the concerns of the delegation of China about the ambiguity around the legal status and application of the guidelines under the WHO FCTC. So we would reiterate the comments of the delegation of the European Union that this is a well-balanced declaration and urge other Parties to support it in solidarity with the Government of Uruguay. Thank you.

The PRESIDENT:

Thank you for the call for solidarity. Samoa.

Ms BREBNER (Samoa):

Thank you Mr President. The Samoan delegation would also like to thank Uruguay for this important declaration. Mr President, we support the declaration. We had concerns with regard to paragraph 4, as was brought up by Palau. However, we feel after the statements of Australia and the European Union that this may have been taken into consideration and also covered by the Doha Declaration on the TRIPS Agreement and Public Health. So we support the Declaration as it stands. Thank you.

The PRESIDENT:

I have got five more speakers. The delegations that would like to question the inclusion of this, after the explanation that it is simply a reiteration of what is in the TRIPS Agreement, and therefore you are dealing with the same issue, and just reiterating it here, would they consider withdrawing their objection? I am just checking whether the objection still stands. If it still stands, we will continue with the debate. Palau, it still stands? I just want you to indicate whether you have changed your position, or not.

Dr KUARTEI (Palau):

Yes Sir, Mr President, having expressed our concern and having listened to everyone, if the last phrase in paragraph 4 is acceptable to Uruguay, then Palau will withdraw its concern.

The PRESIDENT:

South Africa, do you agree with that?

Ms MATSAU (South Africa):

Thanks Chair. Not necessarily, but after hearing the passionate plea by the European Union not to be driven back into a working group I will support it as it is.

The PRESIDENT:

Can I then close the debate, because no one will object to this matter, because those were the two that were objecting and have now agreed. Thank you for your indulgence. We are going forward!

*(Applause)*

Let me go to those that want to amend at this time. I think it was Canada. I stopped them from speaking and I said I would come back to them because they said they had concerns. Can I ask Canada to read the spirit of the house and make no other amendments. Canada are you happy not to make the amendment that you wanted to make?

Ms PAINE (Canada):

Thank you Mr President, our concerns were with the previous discussion and we fully support the wording that we have.

The PRESIDENT:

Thank you very much. In other words, having put this recommendation, this house agrees to adopt it as is, by acclamation. Can I hear the acclamation please. Viva Uruguay, viva!

*(Applause)*

Thank you. Can I allow Uruguay to speak, and in doing so commend Uruguay and Africa, in particular Ghana, that they have now reconciled to a point of agreement after the World Cup saga. Thank you very much Uruguay.

El Sr. ABASCAL (Uruguay):

Gracias, señor Presidente. Muy brevemente: la delegación de Uruguay agradece sinceramente a todas las delegaciones que han trabajado para terminar y tener un texto balanceado y que refleja una inquietud.

El Gobierno de Uruguay y la delegación de Uruguay están muy preocupados con la situación de nuestro país. Pero además de eso, y de igual intensidad, están muy preocupados por la situación del Convenio Marco. Creemos que éste es un caso líder, es una experiencia sobre la cual muchas personas que se dedican a los aspectos legales en el mundo están observando, porque de esto se sentará un precedente, y si ese precedente no llegara a ser favorable, podría estar en riesgo el Convenio. De manera que es una instancia fundamental en esta lucha por la defensa de la salud pública de nuestros países. Muchas gracias, señor Presidente.

The PRESIDENT:

Thank you very much. I have one or two intergovernmental organizations that want to speak, for example the WTO and others on this subject. Can I use my prerogative as the Chair to move forward, having adopted this issue. I think that if we are not discussing any other amendment may I appeal that we really do not make statements after Uruguay, unless the WTO insists. WTO.

Mr RATA (WTO):

Thank you, I will try to read the spirit of the house and just make two brief comments. Firstly, we have observed the adoption of this Declaration, secondly that have observed that the Declaration refers extensively to various WTO agreements, and thirdly, that these references, Mr President, reflect that the key issue of health has been acknowledged by WTO members and in WTO agreements as well, including the General Agreement on Tariffs and Trade, the Agreement on Technical Barriers to Trade, the TRIPS Agreement and the Doha Declaration on the TRIPS Agreement and Public Health. Thank you.

The PRESIDENT:

Thank you very much. Can I then request that we move to the third item on the agenda, which is item 7.10, and in that regard, I want to declare the meeting a closed meeting and request the observers and the Secretariat to leave, except for those that we asked to remain behind, and I give you two minutes to do that.

**The meeting rose at 11:45**

**SEVENTH PLENARY MEETING****Thursday, 18 November 2010, at 11:45****President:** Mr T.D. MSELEKU (South Africa)**BUDGETARY AND INSTITUTIONAL MATTERS** (continued)**Process related to the renewal of the contract (or otherwise) of the current Head of the Convention Secretariat and to future appointments and renewals** (continued)*Restricted meeting of Parties only - verbatim records not publicly available***The meeting rose at 12:45**

**EIGHTH PLENARY MEETING****Thursday, 18 November 2010, at 12:45****President:** Mr T.D. MSELEKU (South Africa)**1. BUDGETARY AND INSTITUTIONAL MATTERS** (continued)**Process related to the renewal of the contract (or otherwise) of the current Head of the Convention Secretariat and to future appointments and renewals** (continued)

The PRESIDENT:

I want to note my appreciation for the work of the working group on this matter and consultation in the spirit of Uruguay. The Uruguay Declaration has been adopted and this particular matter has also been decided in the spirit of openness and accommodation of Uruguay, so we want to thank Peru and the region for facilitating this process. This finishes agenda item 7.10.

**2. CREDENTIALS OF PARTICIPANTS** (continued)

The PRESIDENT:

Now before we adjourn this plenary meeting I would like to inform you of the credentials that have been submitted after our adoption of the report on credentials, by Burundi, Chile, Congo, Kazakhstan, Palau, Poland and the Solomon Islands. These Parties had previously submitted provisional credentials. It has not been possible to convene a meeting of the Bureau to examine these credentials. However I have examined them and found them to be in conformity with the Rules of Procedure of the Conference of the Parties. Therefore on behalf of the Bureau I would like to recommend to the Conference of the Parties that Burundi, Chile, Congo, Kazakhstan, Palau, Poland and the Solomon Islands be accepted as having submitted formal credentials. Is that supported by acclamation? Thank you very much.

*(Applause)***3. ANNOUNCEMENTS**

The PRESIDENT:

Just in terms of announcements the Regional group for Africa will meet from 13:00 to 14:00 in the Caribe Room, following this meeting.

This concludes our discussion of today and we shall continue with our work in committees after lunch because we are almost at lunch now. Committee A will continue where it was and Committee B will consider the items that it has decided to consider. So thank you very much, good luck, and we shall announce when the next plenary is. You will see it in the announcements of the *Journal*. Thank you very much.

**The meeting rose at 12:50**

**NINTH PLENARY MEETING****Friday, 19 November 2010, at 15:05****President:** Mr T.D. MSELEKU (South Africa)**1. ORGANIZATION OF WORK**

The PRESIDENT:

As you know, every evening the Bureau, which has been given the responsibility to facilitate the work of this Conference, meets to review progress. It was the decision of the Bureau, after assessing the situation, to have this plenary for just one hour from now until 16:00 sharp. And to stop at 16:00 in the middle of the speech of any delegate. The reason being that the Bureau was worried that many delegations will start leaving and by the time we have to take all the decisions at the same time we might not necessarily be quorate. So we decided that we should take those decisions that have already been decided in committees to be presented here simply for adoption. So there is no expectation that there will be any discussion at all in this forum. If there are Parties that want to discuss a decision then we will send it back to committee. We will not even discuss, because we are here only to take decisions and then if they are still debated, if there is a Party that says “No, we are still not satisfied with that debate”, we will send it back to committee or working group or whatever, so that we do not waste time debating those decisions. The purpose of this session is to decide, nothing more than to decide, on the matters that have been considered and approved in the committees.

In that regard we are going to request the Chairpersons of Committees A and B not to present us with progress reports about where they are, but to simply say here is the proposal, it has been discussed, it has been adopted in Committee A or B, we are now proposing for the Conference to adopt it. That is all we would like to hear from the Chairpersons. If there is no decision that has been adopted in the committee as a decision then the Chairperson will say so, that we do not have a decision from the committee, and will say nothing more, other than that, because the work is still continuing in the committee.

Apart from that we shall consider one other item, which we skipped, and that item is on the role of the Bureau. Again there we have a paper that has been circulated, it makes a very specific proposal, and we would like a decision on that proposal. No discussion, no input, but a decision on that proposal. I will refer to that paper when we come to it.

**2. BUDGETARY AND INSTITUTIONAL MATTERS (continued)****Process related to the renewal of the contract (or otherwise) of the current head of the convention secretariat and to future appointments and renewals (continued)**

The PRESIDENT:

Let me begin by announcing in this meeting that a decision was adopted on item 7.10 concerning the Head of the Convention Secretariat, which was addressed in the restricted session yesterday. That decision was read out and translated into all languages during the restricted meeting yesterday, and it appears today in written form in all languages, as decision FCTC/COP4(6). That appeared as a decision of this Conference of the Parties. Any issue of translation, which may actually

suggest perhaps a deviation from the meaning of the decision, may be brought to the attention of the Secretariat and the Legal Counsel. Otherwise decision FCTC/COP4(6) stands as adopted by this Conference of the Parties already. I would like to thank all the regional coordinators and everyone who has been involved in the successful effort to forge this decision, as I said yesterday.

However, we need to note that throughout this discussion on the matter, we focused exclusively on the issues and questions of process, and one of the principles which emerged was the principle of transparency and integrity, which needed to be upheld. It is in that spirit of transparency and integrity of the process that the Bureau decided to urge all regions to ensure that before we leave this conference they have already appointed the other members that will constitute the third member or so of the evaluation committee from those regions: the first one being the member who is in the current Bureau, the second one being the member who is in the incoming Bureau, and the third being the third member as per the decision.

We will request the regional coordinators please after this meeting, after this plenary, to come forward to me to present those names, so that we can incorporate them in to a paper that will be circulated tomorrow that will show the constitution of the evaluation panel, in line with the transparency and the integrity of the process. Therefore, just after this session, I request the coordinators to please bring those names forward to me.

The challenge we have in this regard is that we do not have much time to implement this particular decision. So one of the issues we are looking at is whether we can also meet – members of the old Bureau and the new Bureau, and those other members – immediately after we close tomorrow, so that we can facilitate the process. If not, owing to the fact that some have flights then we will find other ways.

#### **Review of the role of the Bureau of the Conference of the Parties**

The PRESIDENT:

Let me start by putting the decision on the role of the Bureau – the proposal on the role of the Bureau for a decision – in order to check whether there is anybody who objects to that proposal. The proposal is in document FCTC/COP/4/Conf.Paper No.2, of 19 November. Norway, are you speaking on the proposal or on a point of order?

Mr LINDGREN (Norway):

Thank you for the floor Chair. The Parties in the European Region would like to make a statement on this agenda item, so with your permission I would like to proceed.

The PRESIDENT:

As I said this meeting is not going to take any statement on this item or any item. If there is a delegation that wants the matter to be discussed then it will say so and we will put it aside, and we will find some other time to discuss it, because otherwise we will have other delegations that will want to make other statements on this, and this is a decision. So if you would like to make a statement and therefore you are proposing that we put it aside and have a discussion, then we would be very pleased to do so, otherwise we are just going to make a decision.

Mr LINDGREN (Norway):

Thank you Chair, since this is an agenda item not previously discussed in any of the committees and since there has not been a debate in the plenary about it either and since my region would like to propose two small amendments to the proposed draft decision before us, I am in your hands with regards to when we should put these proposals forward. Thank you.

The PRESIDENT:

Thank you very much. Therefore let us suspend that item for now, because there is a request for some kind of discussion and proposals on amendments. We will come back to it later in this plenary to see how we deal with this further.

The next matter then relates to the matters that were referred to Committee A. I would like to request the Chairperson of Committee A to refer us to any decision that has been reached in Committee A, so that we can see whether it can be adopted. If not, if there is further discussion on it then we can refer it back. Thank you very much.

### **3. PROGRESS REPORT OF COMMITTEE A**

#### **Guidelines for implementation of Article 12 of the Convention: “Education, communication, training and public awareness”**

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you Mr President. In Committee A we have reached a number of decisions: a total of five decisions. The first one is agenda item 5.3, Guidelines for implementation of Article 12 of the Convention: “Education, communication, training, public awareness”. It was decided to approve the guidelines for the implementation of Article 12 without any amendments. So we wish to submit it for consideration by the plenary. Shall I go through each one?

The PRESIDENT:

Thank you, there is a proposal from Committee A to adopt without amendment the proposed decision on agenda item 5.3. Is there any objection to the adoption of those guidelines? I see no objection, it is therefore decided. Committee Chairperson.

#### **Guidelines for implementation of Article 14 of the Convention: “Demand reduction measures concerning tobacco dependence and cessation”**

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

In the same spirit we also wish to submit for adoption the guidelines on implementation of Article 14 without amendment.

The PRESIDENT:

There is a proposal from Committee A for the adoption of the guidelines for the implementation of Articles 14 without amendments. Is there any objection to the adoption of these guidelines? I see no objection, it has been adopted.

#### **Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the Convention): progress report of the working group**

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you Mr President. It was also decided in Committee A to request the working group on guidelines for the implementation of Articles 17 and 18 to continue its work, and to invite Parties to confirm their continued participation in the working group or their interest in joining it by 31 January 2011. There is a draft decision submitted for consideration by the plenary.

The PRESIDENT:

Just to clarify, the proposal is that the working group that was working on Articles 17 and 18 continues its work, and that any Party that would like to join that working group thus indicate by the end of January 2011, and that the outcome of that work shall be reported to the next session of the Conference of the Parties. Is that the proposal?

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Correct Mr President.

The PRESIDENT:

The proposal is in front of us. Is there any objection to that proposal? I see no objection therefore it has been decided.

### **Reports of the Parties and global progress report on implementation of the Convention**

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Let me go to agenda item 6.1, which is Reports of the Parties and global progress report on implementation of the Convention. The report was presented by the Secretariat and it was well received by the members of the committee. So we wish to note that it has been presented to the Parties. Thank you.

The PRESIDENT:

The committee therefore recommends that the report therefore be noted. Is there any objection to that? No objection, the report is noted.

### **Measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship (in relation to recommendations of the former working group on Article 13 of the Convention)**

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Mr President, one last item on my list of decisions is on measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship. The decision reached in Committee A was to recommend to the plenary the creation of an expert group. However, this will be pending a decision by the plenary in conjunction with the decision in Committee B in terms of financing. There are a few Parties that voiced concern about the priorities for future work, because of limited budget. I am uncertain whether you can put forth the matter for a decision in the plenary at this time, but this is the decision by Committee A. Thank you.

The PRESIDENT:

Thank you very much. Is there any objection to this being adopted? Japan you object, because you would like us to wait for Committee B? Noted. Will that be all Madam?

Dr NUNTAVARN VICHIT-VADAKAN (Thailand):

Yes Sir.

The PRESIDENT:

Thank you very much Thailand. Committee B. China.

#### 4. PROGRESS REPORT OF COMMITTEE B

Mr YI Xianliang (Chair of Committee B):

谢谢主席。我们就所有的议题都进行了讨论，有些已经达成了一致，有些还需要进一步讨论，所以今天的全会我们没有需要通过的决议。尽管我们有两个决议已经基本达成了一致了，但是还需要做一些小的文字调整。这是第一点我要说明的。

第二点，决定预算是我们这个工作组的核心工作。下一步的工作就是讨论预算的规模到底有多大？支持哪些活动？这需要在甲委员会和乙委员会之间有一个平衡。所以，如果有可能的话，我建议大会决定建立一个非常小型的工作组来考虑这个交叉议题。也就是说，甲委员会所决定的活动在乙委员会怎样包挂到预算里面去。因为我们现在已经建立了一个工作组，但是哪些活动会影响到预算上的增长或者减少，这都是需要考虑的。谢谢主席。

The PRESIDENT:

Thank you China. We will note that at this point in time, Committee B has not yet put any matter on the agenda that has been decided, whether noted or finalized. Therefore we will take the matter back to Committee B. The matter arising of how to deal with the integration, we will leave it at this stage until Committee B discusses, finalizes what it is discussing because we might confuse the modus operandi at the moment. Lets just continue with the discussions.

#### 5. BUDGETARY AND INSTITUTIONAL MATTERS (continued)

##### Review of the role of the Bureau of the Conference of the Parties (continued)

The PRESIDENT:

In that regard therefore I want to go back to the matter of the role of the Bureau of the Conference of the Parties, and say that since we do not have any other plenary that will be able to deal thoroughly with this matter and since we still have about 20 minutes or so we could actually introduce the subject because it has not been broached and then see how far we go with the input and suggestions and so on, on the matter. So we will do so but let me just take the hand that has just been raised. Yes thank you very much.

El Sr. REGALADO PINEDA (México):

Muchas gracias, señor Presidente. Esta mañana, en el Comité B, como lo señala apropiadamente el Presidente del Comité, se ha establecido el debate con respecto al presupuesto y las prioridades. En virtud de que no se han establecido claramente las prioridades, más allá del acuerdo de este plenario, que se ha manifestado en favor de futuros trabajos de la INB, me parece que este el momento apropiado en el que en este plenario se definan cuáles son los otros objetos de trabajo, o los otros instrumentos, que debiéramos priorizar o debiéramos establecer como más importantes, para tener bajo ese acuerdo un mecanismo que permita acomodar el presupuesto y las decisiones del Comité A. Muchísimas gracias, señor Presidente.

The PRESIDENT:

Mexico, I beg your indulgence in that if this plenary would want to discuss what is a priority against the other, we would spend the next two days trying to do that. Committee B has started the prioritization process. It can continue in that regard, bearing in mind what has been proposed to be

decided in Committee A for their consideration as to whether it is a priority or not. But if we try and have that debate in this format we are going to have a problem in fact, in terms of really trying to finish this, because it is going to be yet another opening of the discussion in Committee B. What we have done is just to refer the matter to Committee B, let the committee come and say: "we cannot resolve this matter"; but at the moment the committee has not said so yet. Thank you very much.

Can I then go back to Norway to open the discussion on the role of the Bureau. First of all before you come to opening it, let me just remind people that this is in relation to document FCTC/COP/4/26 which was circulated yesterday. That document made a particular proposal, which is now contained in FCTC/COP/4 Conference Paper No.2 for a decision today, which is simply to request the Bureau, the incoming Bureau in fact, to elaborate and present recommendations on how to address the matters contained in that paper, for the next session of the Conference of the Parties. Yes, Norway.

Mr LINDGREN (Norway):

Thank you Chair for letting me have the floor. I speak on behalf of the European Region. We would be happy to support this draft decision with a couple of small amendments and in the interest of time I will go straight to my point.

The European Region believes that first and foremost it is the responsibility of the Secretariat to elaborate documents for the Conference of the Parties. We see no reason to deviate from this principle on this issue. However, it is important that the document adequately reflects the experiences and the thoughts of the Bureau and this is why we would want the Bureau to be duly included in the process, through the necessary consultation with the Secretariat in the process of elaborating this document.

We should always as a principle also have relevant information on possible budgetary implications arising from the recommendations that we will be invited to consider at the fifth session of the Conference of the Parties. We therefore want to make sure that this, if relevant, will be covered in the document to be presented to us at the fifth session of the Conference of the Parties. We therefore propose the following amendments to the draft proposal. In the last paragraph, starting with "REQUESTS" we would after this word propose inserting the following words: "Secretariat in consultation with the", so as to read as follows, and I start from the beginning: "REQUESTS the Secretariat, in consultation with the Bureau, to elaborate and present recommendations on how to address the matters contained therein to the Conference of the Parties at its fifth session"; and then at the very end to add the following: "including possible budgetary implications of the recommendations". President we hope that these minor amendments are acceptable to the other regions. Thank you for letting me have the floor on this issue.

The PRESIDENT:

Thank you very much Norway for the amendments. So that we can first avoid a lot of debate, let us assist from the front to say that the amendments that have been made are in fact in line with the current situation, in that at the moment the Bureau is not necessarily the conduit for any documentation, which is why we could not get any documentation before from the Bureau. So in other words the suggestion is that we do not change that until that discussion, so that the Secretariat would be leading this process and producing the documentation that is necessary, in consultation with the Bureau. So that one is actually simply continuing the current practice.

Secondly, also the addition is merely an elaboration of an existing decision anyway, which says that the Secretariat should present every implication, that is possible budgetary implication, of any decision that would need to be taken. So it has not been specified yet but it is already an existing one, so there is no conflict between this decision and the previous decision that was taken. So in that regard, with that explanation, is there any objection to the amendment and therefore the decision as amended? No objection, so there is no need for any debate; is that agreed? Thank you very much.

*(Applause)*

**Date and venue of the fifth session of the Conference of the Parties**

The PRESIDENT:

Finally, we have one other matter on this agenda which actually is supposed to appear tomorrow. I will have to beg the indulgence of the house, first and foremost, to use the next five minutes just to reflect on this agenda item, not for discussion. The agenda item refers to the date and venue of the next conference. The idea is that we have, as a formal process, a proposal from a country that is actually on the table and that is the Republic of Korea, which has proposed to host the fifth session of the Conference of the Parties. At this stage I am not calling for the discussion of that particular item. However I have been made aware that because of some emergency issues, the delegation of the Republic of Korea will have to leave this conference before we reach that item. So I am begging the indulgence of the house, simply to give them two minutes to make their statement on the bid and then we will leave it there. We will come back to the debate about the issue itself tomorrow, if the house agrees. Two minutes. Are we agreed? Thank you very much. Can we then ask the Republic of Korea to spend the next two minutes telling us why they want to host this conference.

Dr Kim YONG-HO (Republic of Korea):

Thank you President for giving me the floor. On behalf of the Ministry of Health and Welfare of the Republic of Korea, it is my pleasure to extend my invitation to hold the fifth session of the Conference of the Parties to the WHO FCTC in 2012. It is evident that active social campaigns and strong governmental anti-smoking policies in Korea have contributed to the remarkable decline in its high smoking prevalence during the last decade. The Korean Government will continue working to comply with the WHO FCTC through implementing effective regulations.

I am convinced that the hosting of the event will serve as a good opportunity to demonstrate the Korean Government's strong commitment to tobacco control to its population and to other countries. Once again, I would like to reiterate my willingness and readiness to host the fifth session of the Conference of the Parties in 2012 in Korea. The Ministry of Health and Welfare is determined to cooperate with the Secretariat to create one of the most successful conferences. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much to the honourable delegate of the Republic of Korea and we wish you well in your travel back. You will find out from the Region what the outcome of the discussion is on this matter when we discuss it tomorrow.

At this stage we have virtually exhausted the agenda of this particular plenary. Thank you very much, we shall now reconvene in five minutes, in the different committees and working groups that have been decided on in relation to taking the Conference forward.

We shall reconvene in plenary tomorrow. We had a very serious discussion in the Bureau about this and found that we cannot manage it otherwise. We were hoping that we could start early, but we understand that there still need to be regional meetings but actually we have to be finished by 12:30 at the latest, with everything adopted and the closing ceremony; by 12:30 we must finish because another conference is taking over from us, from that time onwards in terms of reorganization. So we will try and squeeze everything into that period of 10:00 to 12:30, and therefore we are urging the committees to discuss, and everybody to say everything they want to say in the committees, and for the recommendations from the committees only to come to say "decide" or "not decide". Defer, decide, defer, decide, that is all we want tomorrow in the morning. Thank you very much.

**The meeting rose at 15:40**

**TENTH PLENARY MEETING****Saturday, 20 November 2010, at 11:20****President: Mr T.D. MSELEKU (South Africa)****1. ANNOUNCEMENT**

The PRESIDENT:

Can I request that we start? Can somebody inform Committee B that we are now starting? We are in plenary because, for two reasons, we want to make sure that we start now. Firstly, we do not want to lose delegates that have to leave and find ourselves in a crisis of not being able to make decisions because we are no longer quorate. Secondly, we also have an agreement with the venue here that we have to keep to, otherwise it will have implications for the budget. So can we start in the next two or three minutes?

I am starting. Let us take our seats and anybody who is still in Committee B, will be deemed to be aware that the plenary has started in three minutes so that we can have some progress before we are more or less made uncomfortable because we have exceeded our time.

Let me in the meantime start by dealing with process issues. You are all aware that we have spent a very productive week and a lot has been done to-ing and fro-ing, in working groups, etc. But you can see that at the tail end of this activity we are pressurized with regard to time. So the Bureau took a decision yesterday concerning this morning that instead of the usual procedure of requesting the Chairpersons of two committees to present the total reports, we shall take the reports that are in any case incomplete at this stage, because we also have meetings up to this moment, as read, and zoom in quickly to the decision part of the reports. Therefore we will follow the procedure of simply going item by item and asking the Chairpersons of the committees to put the decision of the committee as a proposal in front of this house simply for decision. If there is any discussion that perhaps at any delegation wants to have, whether they want to make amendments, or offer some statements, we shall defer that matter to the end of the process. We shall defer the matter to the end of the process and focus on whether we can get rid of a number of decisions before we make speeches on things that perhaps that we still need to iron out further, just like we did yesterday. I just want to remind the Conference of the Parties that we also have two other items apart from the credentials issue that we need to attend to, which were not in the committees but are supposed to be attended to in plenary. And that is the appointment of the officials of the Bureau, particularly the President, as well as the decision on the date and venue of the next Conference of the Parties.

## 2. CREDENTIALS OF PARTICIPANTS

The PRESIDENT:

To begin with, while members of Committee B are coming in, let me say that since our last report formal credentials have been received from nine Parties that had previously submitted provisional credentials and from one Party that had not previously submitted credentials. As I have said before, it has not been possible to convene a Bureau meeting to examine these credentials at the time that they were presented. However I have examined them and found them to be in conformity with the Rules of Procedure of the Conference of the Parties. I therefore recommend to the Conference that Burundi, Chile, Congo, Kazakhstan, Palau, Poland, Romania, Solomon Islands, Swaziland and the Bolivarian Republic of Venezuela be accepted as having submitted formal credentials to this Conference of the Parties. Is there any objection to the acceptance of those credentials? I see none. It is so decided.

## 3. REPORT OF COMMITTEE A

The PRESIDENT:

While the members of Committee B are taking their place, let me take the opportunity to say that we have requested the members of the outgoing Bureau to occupy the front seats so that we can all see who they are, and I will present them at a certain stage in the proceedings.

I think we are now all settled and therefore I refer the Conference to agenda item 5 which is on treaty instruments and technical matters. Committee A, on item 5.1, can I call on the Chairperson to tell us whether there is a proposal from Committee A on item 5.1 for us to adopt? In that regard I also want to refer members to document FCTC/COP/4/28 of 20 November 2010, which will also assist the process for information. I understand that the Chairperson of the committee has not been able to attend this morning and she has asked the Vice-Chair, Dr Segnon Agueh from Benin, to report on the work of the committee. I will therefore call upon Dr Segnon Agueh to speak specifically on that item, to say what is the proposal for us to adopt.

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. La question 5.1 concernant le Protocole pour éliminer le commerce illicite des produits du tabac n'a pas été étudiée en travaux de Commission A. Cette question a été étudiée en plénière depuis le premier jour et a ainsi été proposée à l'ordre du jour de la Conférence. Merci, Monsieur le Président.

The PRESIDENT:

May I beg your indulgence to repeat what you said.

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. Donc je disais que le point 5.1 concernant le Protocole pour éliminer le commerce illicite des produits du tabac n'a pas été étudié en Commission A. Il a été décidé dès le premier jour que cette question soit étudiée en plénière. Merci, Monsieur le Président.

The PRESIDENT:

Thank you for the reminder. The protocol to eliminate illicit trade was discussed in plenary and it was suspended pending the decision of Committee B. So we will come back to it in terms of amendments after the decision from Committee B. Thank you for that reminder. Item 5.2 Chairperson.

Le Dr. SEGNON AGUEH (Bénin):

Merci, Monsieur le Président. Le point 5.2 de l'ordre du jour concernant la décision sur les directives pour l'application des articles 9 et 10 de la Convention. Ce projet de décision a été adopté hier en Commission A et est disponible dans le rapport de la Commission A qui vous a été présenté aujourd'hui.

The PRESIDENT:

The committee report referred to contains a proposed draft decision on item 5.2. Can I put this decision as proposed by Committee A to the house for decision? Are there any objections to the adoption of that draft proposal? I see no objection. The proposal that is on the table is therefore adopted without amendment.

*(Applause)*

Can I ask the Chairperson to address item 5.3? Is item 5.3 part of the work of the committee? I understand that a draft decision on item 5.3 was adopted in plenary yesterday. It was already adopted in plenary, so we will pass. China are you rising on a point of order or something else China.

Mr SUN Jin (China):

Thank you Mr President. I just want to raise the fact that it might be proper to ask the Secretariat to put the items we are required to adopt on screen so that everybody knows what we are talking about.

The PRESIDENT:

Thank you China. We are doing and will do that. I want to go back to item 5.1. That item was discussed in plenary and was suspended so that Committee B can consider the matter and so we will come back to it after that decision. A decision on item 5.2 has just been adopted by this plenary. A decision on item 5.3 was adopted yesterday. Can you allow me to continue that way so that we will be able to confirm? Item 5.4, on guidelines for the implementation of Article 14. We are doing this so that we can confirm. Guidelines for the implementation of item 14 was also adopted in plenary yesterday. Agenda item 5.5?

Le Dr. SEGNON AGUEH (Bénin):

Merci, Monsieur le Président. Le 5.5 aussi a été adopté et est disponible dans le rapport d'hier.

The PRESIDENT:

All right. Can we then have a report of the committee on agenda item 5.6? Thank you.

Le Dr. SEGNON AGUEH (Bénin):

Merci, Monsieur le Président. Le point 5.6 de l'ordre du jour relatif à la décision sur la mesure qui contribuerait à l'élimination de la publicité, de la promotion et du parrainage transfrontières des produits du tabac a été discuté ce matin en Commission A et le projet de décision a été adopté. Donc il n'est pas encore disponible dans le rapport de la Commission A d'aujourd'hui, mais il va être ajouté à ce rapport. Merci, Monsieur le Président.

The PRESIDENT:

Can I then put it to the Conference that the decision as approved in Committee A on item 5.6 be adopted by the plenary and therefore by the Conference? You will be aware that we were not able to produce, between the time of the approval in the Committee and now, any documentation, but we assume that we are all aware of what we are talking about and, therefore, can we adopt? Is there any objection to the adoption of item 5.6? It might not be a satisfactory way but we have to do it because we are actually moving with time. I see no objection to the adoption of a decision on item 5.6 as adopted in Committee A. It is so adopted. Thank you.

*(Applause)*

The PRESIDENT:

Item 5.7?

Le Dr. SEGNON AGUEH (Bénin):

Merci, Monsieur le Président. Le point 5.7 de l'ordre du jour relatif à la décision en relation avec l'article 6 de la Convention sur le rapport technique et sur les politiques financières et fiscales a été adopté ce matin avec quelques amendements et des précisions sur les principaux facilitateurs et les partenaires. Donc, nous avons comme seul principal facilitateur la Thaïlande et nous avons comme partenaires le Kenya, la Tunisie, l'Égypte, l'Ouganda, la Turquie, le Congo, l'Inde, la République des Palaos, les Îles Cook, la Jordanie, la Zambie, les Philippines, la Jamaïque, le Brésil, le Sénégal, le Ghana, la Namibie, la Syrie, le Swaziland, le Guatemala, les Maldives, la Tanzanie, le Paraguay, la République centrafricaine et le Nigéria. La liste n'est pas close ; pour aujourd'hui, on a arrêté mais on a demandé aux Parties si elles manifestaient le désir de faire partie du groupe de travail, elles pourront toujours se rapprocher du Secrétariat pour s'inscrire. Merci, Monsieur le Président.

The PRESIDENT:

Thank you. Item 5.7, on a proposal to establish a working group, and Parties can still continue to become members of the group by communicating with the Secretariat. Can we agree on that proposal from Committee A? Are there any objections to that? I see no objections. It is so decided.

*(Applause)*

Item 5.8.

Le Dr. SEGNON AGUEH (Bénin):

Le 5.8 a aussi été adopté en Commission ce matin. Il était relatif à la lutte contre les produits du tabac sans fumée et la cigarette électronique avec quelques amendements des États qui ont été pris en compte. Merci, Monsieur le Président.

The PRESIDENT:

Thank you. The committee is proposing a draft decision on item 5.8 as approved in the Committee with amendments that were adopted in the Committee. Can I put that up to the house for adoption? Is there any objection? I see no objection. It is so decided.

*(Applause)*

A decision on item 5.9, according to my record, was adopted yesterday. It looks like my record is not correct. Okay, Chairperson?

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. Hier, nous n'avons pas pu finir les travaux. Nous sommes revenus là-dessus ce matin. Donc le projet de décision relatif à l'application de l'article 19 de la Convention qui concernait la responsabilité a été adopté ce matin en Commission A. Merci, Monsieur le Président.

The PRESIDENT:

Can I put the draft decision on the implementation of Article 19 to the house for adoption as proposed by Committee A? Is there any objection? I see no objection. It is so decided.

*(Applause)*

A decision on item 5.10 was adopted in plenary yesterday. It is the Punta del Este Declaration. Item 6.1, the reports of the Parties on global progress. Can we note that report please? Is there any objection to noting it? No objection. Report noted. Item 6.2?

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. Le point 5.2 de l'ordre du jour relatif à la décision sur l'actualisation et l'harmonisation du dispositif de notification au titre de la Convention-cadre de l'OMS pour la lutte antitabac a été adopté ce matin en Commission A. Il sera disponible dans le rapport final ; il n'est pas encore disponible dans le rapport de ce matin. Merci, Monsieur le Président.

The PRESIDENT:

As we have heard a decision on item 6.2 is being proposed and I did not hear whether there were amendments or it is just proposed as is. Was it amended in Committee A? Any amendments? What was the idea? I want the record to note whether we are adopting as is or with amendments that were made in the committee. Yes, Chairperson.

Le Dr. SEGNON AGUEH (Bénin):

Merci Monsieur le Président. Le point 6.2 a eu des amendements apportés par la Micronésie depuis hier soir qui ont été pris en compte et adoptés ce matin. Merci, Monsieur le Président.

The PRESIDENT:

May I therefore put the draft decision on item 6.2, coming from the committee, as amended, to the house here for adoption? Is there any objection to the adoption of that item? I see no objection. It is so decided.

#### **4. REPORT OF COMMITTEE B**

The PRESIDENT:

So now Committee A has finished its items we will come back to the overall adoption of the other report. Item 6.3 was discussed in Committee B. So can I start with the Chairperson of Committee B? I want to refer members to document FCTC/COP4/29 of 20 November as one of the documents that would assist the process of decision-making here. Item 6.3 was on financial resources and mechanisms of assistance. Chairperson.

Mr YI Xianliang (China):

谢谢主席。在6.3项下我们小组有两个决议是交大会通过。第一个是FCTC/COP/4/B/Conf.Paper No.2 Rev.1, 这个决议在我们委员会已经通过了, 建议是交大会通过。

The PRESIDENT:

Committee B is proposing a decision on the first aspect of item 6.3 for adoption here. I put the matter to the plenary. Is there any objection to the adoption of the draft decision? There is no objection. It is so decided.

*(Applause)*

Chairperson, over to you again.

Mr YI Xianliang (China):

下面我建议直接进入6.4, 如果主席您同意的话。因为6.3和6.4在我们委员会是统一起来考虑的。另外还有一个决议。

The PRESIDENT:

Thank you, Chairperson, if you can do that, please.

Mr YI Xianliang (China):

这个决定是关于与其它国际组织的合作问题的。特别是跟世贸组织的合作。我建议大家看一下今天早上散发的FCTC/COP/4/29号文件。因为翻译的技术原因, 在这个文件的第6页第2点第3小点。目前我们只有英文版, 所以主席我想用英文说一下。

主席先生, 我想提请会议注意文件(Draft) FCTC/COP/4/29 文件第 6 页第 2 执行段落的第 3 小点, 委员会提出的意见是将“促进它们就贸易相关问题开展合作”改为“促进它们就贸易相关问题共享信息”。这是一个小小的修改建议, 我们建议全体会议通过修订后的这一决定。

The PRESIDENT:

I put to the house the proposal from Committee B, as amended in the intervention of the Chairperson, for adoption. Is there any objection to the adoption of the proposal from Committee B as contained in the report from Committee B, as amended by the Chairperson? Is there any objection to the adoption of the decision? I see no objection. It is so decided.

*(Applause)*

On the second aspect of item 6.3 – Chair are you going back to it?

Mr YI Xianliang (China):

Mr President I refer to item 6.5 which is relating to South–South cooperation. We also have a decision adopted by the Committee. We suggest that such a decision could be adopted by this plenary. It is on page 7 of document FCTC/COP/4/29 on item 6.5. We request its adoption by the Conference of the Parties.

The PRESIDENT:

Can we put the matter as proposed by Committee B and referred to by the Chairperson of Committee B in the document in front of us, for adoption? Any objection? I see no objection, it is so decided.

*(Applause)*

Mr YI Xianliang (China):

Mr President, actually we have three decisions for item 7.3.

The PRESIDENT:

Just for my edification, when you started on item 6.3 you said there were two aspects to it and you presented one which was adopted. Is there a second one so that we do not miss anything? I am trying to check. You said that there were two aspects to item 6.3 and you presented the first aspect but then you said you wanted to discuss it in conjunction with item 6.4. Now would you like to go back to that second aspect please?

Mr YI Xianliang (China):

Yes indeed Mr President, and actually my committee saw items 6.3 and 6.4 together. So actually we already adopted the two decisions. One is about financial resources and the other one is cooperation between organizations.

The PRESIDENT:

Thank you very much. Can we then move on item 7.1?

Mr YI Xianliang (China):

Item 7.1 is to take note of the report. It did not require any action by the committee. So we just noted it. We also suggest that the Conference of the Parties take note of this performance report.

The PRESIDENT:

Can we note the report as suggested by Committee B? I see no objection. It is so noted. Item 7.2.

Mr YI Xianliang (China):

Yes Mr President it is the interim performance report for six months, so the actions of course suggested for the Secretariat are twofold: one is with regard to the budget for the next biennium, and the other concerns considerations or suggestions to the Secretariat for internal consideration. So I think we just take note of this report. The actions do not belong to this item.

The PRESIDENT:

Can we note as proposed by Committee B, item 7.2, Interim performance report for 2010–2011. Any objection? I see no objection. It is so decided. Item 7.3.

Mr YI Xianliang (China):

Thank you Mr President. We have three decisions approved by the committee relating to item 7.3. The first one is about harmonization of the travel support available to the Parties to the WHO FCTC. I propose adoption of the decision.

The PRESIDENT:

Can we then adopt that decision as proposed by the Chairperson of Committee B? The first decision on item 7.3. Is there any objection? I see no objection. It is so decided.

*(Applause)*

Can I take the second one?

Mr YI Xianliang (China):

Yes, Chair we have an additional two. The second one is about arrears in payment. We have approved such a decision about arrears in payments, so we suggest that the plenary adopt such a decision. That is Conference Paper No.5.

The PRESIDENT:

The proposal is for that draft decision in Conference Paper No.5 to be adopted. Can I put it to the house? Is there any objection to the adoption of that draft decision? I see no objection. It is so decided.

*(Applause)*

Mr YI Xianliang (China):

Mr President, we have the second one for item 7.3. Of course this is an important one, the most important one for this Conference of the Parties. We had hard negotiations on this issue. I appreciate the cooperation and support from all the Parties. It is about the decision on the budget for the next biennium 2012–2013. We concluded just 20 minutes ago. So I invite this plenary to adopt this large decision for the budget for the next biennium.

The PRESIDENT:

May I give you some indulgence just to say what are the principles, in one line, because we only finished 10 minutes ago and the other members who were in Committee A may not have really understood what you are asking them to address. Just in one or two lines, no details.

Mr YI Xianliang (China):

Okay, thank you Mr President. I think we should consider the balance between activities and resources available. So this is a suggestion for all Parties and the Secretariat. Thank you Mr President.

The PRESIDENT:

Thank you. Committee B has considered the matter and approved it about 10 minutes ago. Can I put it for adoption to the house? Any objection to the adoption of the budget and workplan? There is a hand. Is that an objection South Africa or a statement or a clarification? Okay. We will allow a clarification if it is not an objection, thank you.

Ms MATSAU (South Africa):

Thanks Chair. I know you said the Chair of Committee B must be brief and no detail but I still would not know what it is that is being adopted. If they could say what basically is contained in that.

The PRESIDENT:

Thank you, thank you very much. Can you please just give a sense of what was finally decided? You can say the figures that were originally there were changed and this is what was finally decided. Can you just say something about that rather than just broadly. Just in two minutes as I said.

Mr YI Xianliang (China):

Thank you Mr President. Before I ask for clarification from the Secretariat, I would like to make quite a simple suggestion to you. Please, all delegates can check the details from document FCTC/COP/4/B/Conf.Paper No.7. Actually it is a decision for this matter. This is a new document just come in not more than one hour ago to the Committee. So this, the two parts for this decision have been discussed and concluded in Committee B. This is the document, it has already been approved by Committee B. So perhaps the Head of Secretariat can give a little more clarification on this issue. Thank you Chair.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you President. The discussions on the budget were based on the initial proposal made by the Secretariat on the proposed programme budget. There was extensive debate in Committee B and the main line of discussion was to try to accommodate also the intersessional session of the Intergovernmental Negotiating Body in the budget, which was not previously budgeted for. Different ways were discussed. Finally some cost savings were made, particularly also because of the Parties' agreement at least in this intersessional period of some change to the travel support policies and some other arrangements. The European Commission also very kindly came with a proposal to cover half of the immediate cost of the Intergovernmental Negotiating Body. We were able with those elements and also some internal changes in the budget to accommodate the Intergovernmental Negotiating Body. Now if you ask me what is the main achievement of the budget discussions, I think that it is the accommodation of Intergovernmental Negotiating Body in the proposed budget. It was not there, and it is there now. And the second particularity is that the Intergovernmental Negotiating Body is not covered only from the core contributions, it is split now between core contributions and extrabudgetary contributions. But that is in accordance with the discussions of the Committee and the main extrabudgetary contribution, the main portion, will come from the European Commission as I already said.

Chair, we also achieved some cost savings for the fifth session of the Conference of the Parties, not only because the travel policy changed but also because there was a decision taken that the next session of the Conference of the Parties will be based only on regular sessions, so there will not be evening sessions. So we followed the committee's advice and then we made some budget savings there and some budget decreases. So that also allowed us to put those savings into the future session of the Intergovernmental Negotiating Body partially.

Finally Chair, the Parties kindly agreed to shoulder some additional voluntary assessed contributions on an exceptional basis only for this period of time, so it should not be seen as a standing arrangement. On top of the initial proposal of US\$ 8.7 million which is putting the voluntary assessed contributions at the current level, Parties kindly agreed as follows: we had a deficit of US\$ 600 000 yesterday, and finally US\$ 350 000 went to additional voluntary assessed contributions, and US\$ 250 000 was allocated to extrabudgetary funds. The additional US\$ 350 000 voluntary assessed contributions are presented in the annex now, and may be presented in a separate format according to

recommendations. So this is the main outline of the budget discussions and outcome, Chair. Thank you.

The PRESIDENT:

Thank you very much. South Africa. I think you are now clear. There is also a document: the amended version of the first distributed document, which is document FCTC/COP/4/B/Conf.Paper No.7. You may have one that contains tables that is what we are discussing. Are you seeking clarity South Africa?

Ms MATSAU (South Africa):

Please Chair yes. All I wanted to find out now is then how do we reconcile decisions of Committee A to the budget that was discussed in Committee B.

The PRESIDENT:

We are coming to that. We first have to make the decision on Committee B and then we look at how to reconcile the decisions of Committee A with those of Committee B as agreed earlier on. So let us agree on the budget and then we will modify the decision of Committee A in line with the budget as was agreed in plenary. That was the decision of plenary, that we will wait for the guidance of Committee B and look again at the decision of Committee A to see if it is in line with the budget. Can I put the matter up for adoption? Any objection? I see no objection. It is so decided.

*(Applause)*

Before you go on, Chairperson; in line with the relationship between the two items, this one and item 5.1, I would like us to go back to item 5.1, the decision that we took in plenary, so that we can see that there is alignment between the two decisions. We requested Legal Counsel and the Secretariat also to assist us ensuring that the two are harmonized. It will be presented on screen to show where the amendments are from the original document. You will recall that there was a plenary document presented and there was a proposal from the European Union to delete certain parts or wait for this discussion. Legal Counsel.

Mr BURCI (WHO Legal Counsel):

Thank you Mr Chair. Maybe it would be easier if we could scroll down the text on the screen so come to the changes that have to be introduced. What I understood, but please, Dr Nikogosian confirm, is that the agreement in regard to the level of the budget is that the Intergovernmental Negotiating Body will be held for one week and not two weeks. So that change has been introduced. If you can scroll down to paragraph 3. Here I understood that the decision taken on travel arrangements would continue to enable the Secretariat to support the participation of low-income and lower-middle-income Parties. I did not think that there were changes necessary, but once again I stand corrected and I defer to Dr Nikogosian on that or to the Chairperson of Committee B on that, or to the Parties. If that is the understanding, then there are more changes to be made.

The PRESIDENT:

Just on that one, can I ask the Parties to say that paragraph 3(b) would be in accordance with the decision that has already been taken and in relation to the travel arrangements? So there is no problem with that. We could understand that to mean that it will be in accordance with the decision that has already been taken on the travel arrangements. All right please continue.

Mr BURCI (WHO Legal Counsel):

I believe the next change is on operative paragraph 5. Mr Chairman, I understand that there was a proposed amendment by the European Union that was presented to the Secretariat and incorporated for convenience in the text on the screen, to operative paragraph 5 and operative paragraph 8, and I wonder whether it would be more appropriate if the European Union introduced those amendments.

The PRESIDENT:

Can you then finish the ones that were supposed to be as a result of Committee B so that we know that we have dealt with those? And then we can present the original text before the European Union makes an intervention? Are you through with those that are as a consequence of this decision? Okay. As a consequence of the decisions that were made in Committee B, you have noted the two key amendments: the one is to change from two weeks to one week, and the second one is that the support in paragraph 3(b) be in line with the travel arrangements decision that has been taken earlier on. Those are the only two things that harmonize the two. Is there any other amendment? No other amendment. Can I then put it to the house?

Mr BURCI (WHO Legal Counsel):

Sorry Mr Chairman. There is a final proposed amendment. It was a point raised by the United States of America as a non-Party, that you asked may be considered by the plenary. That is at the very end of the resolution to allow non-States Parties to participate in the intersessional working group; that I believe should be reflected at the very end of the text.

The PRESIDENT:

There it is. It says "Observers under rule 21 of the Rules of Procedure of Conference of the Parties with specific expertise in the matters under the mandate of the working group". With those amendments are we happy? Can I put the text forward for adoption? Is there any objection? I see no objection. The text is so adopted as amended.

*(Applause)*

I now go back to the Chairperson of Committee B, on item 7.4.

Mr YI Xianliang (China):

Thank you Mr President. On item 7.4, we approved one decision, which I think has been tabled to request adoption by this plenary, which relates to applications of international nongovernmental organizations for observer status to the Conference of the Parties. So I suggest that the plenary adopt this decision.

The PRESIDENT:

The decision as has been put in the documentation has been proposed by Committee B for adoption. Can we adopt it? Is there any objection to its adoption? I see no objection. It is so decided.

*(Applause)*

The next one, item 7.5 is for noting.

Mr YI Xianliang (China):

Yes indeed Mr President, the draft item 7.5 is about the logo for the WHO FCTC. We have taken note of the report. So I think its not necessary to take any action, by this plenary. So we just request this plenary to take note of the report.

The PRESIDENT:

Thank you very much. Can the report be noted? Any objection? I see no objection, report noted. Thank you very much to the Chairs of the committees for the excellent work that they have done. Can I take it that we therefore adopt the reports of the two committees as official reports to this Conference, with all the decisions as proposed and all the processes they undertook as processes of this Conference to reach those decisions. I see no objection to that. Yes, South Africa.

Ms MATSAU (South Africa):

Thanks. South Africa just takes the floor to remind you that we had asked a question about how we reconcile these decisions in terms of the decisions in Committee A and the decisions in Committee B. And one of the reasons South Africa was asking that question was that there was a decision that was taken in Committee A around the working group on Article 6. Now I am looking at the budget and I do not see that appear anywhere now. The question was when we do get to that point where we see what was agreed as a committee decision and what is accommodated in the budget, and what is it that has been left out and what is it and why. That is the question I am asking because I thought the budget would come already aligned to the activities that it is supposed to cover. Thank you.

The PRESIDENT:

Thank you very much South Africa. Part of that alignment difficulty is the fact that some of the decisions came at the same time. Those that came before we think we accommodated but I can understand your point that there may be other decisions that have budgetary implications that were taken in Committee A and in plenary which in fact may not be reflected in the budget. So it is a question of how that is actually going to be reconciled going forward given the fact that the budget may have been addressing specific activities which had not yet been decided, which were not anticipated by the proposal like the creation of other working groups. China wants to say something on that. Maybe we can find a mechanism to address the authority to make those decisions. Yes China.

Mr YI Xianliang (China):

Thank you Mr President. I am sorry to ask for the floor to perhaps not answer but perhaps to clarify the issue raised by the distinguished delegate from South Africa. I had a deep consideration and discussion on the principle of how to set up the budget scale, how to make the balance between the activities and the scale of the budget. The principle is that any new activities except the fifth session of the Intergovernmental Negotiating Body, should have serious consideration of the financial implications, and the conclusion of Committee B is that new working group meetings should take place within the fifth session of the Conference of the Parties. No new separate working group meetings. So this is the conclusion or the decision of the committee. So that is why we still have some rules and not different rules on this special issue. Of course if there are available resources to support or to finance some kind of working group, we as Committee B have no objection to that. Thank you Mr President.

The PRESIDENT:

If I understand South Africa and I also understand China, and if I try to pull together these points, we need to take a decision in principle that notwithstanding the decisions of this Conference

that relate to the creation of a number of working groups and other activities, this Conference directs the Secretariat and the Bureau that is coming in, to ensure that it lives within the budget that has been approved by this particular Conference, and prioritizes those activities in relation to this budget; whatever can be done in relation to the other matters that have been decided will actually be reviewed in the fifth session of the Conference of the Parties. That seems to be what is being said in principle. I am not sure, I am just trying to interpret that there should be a decision. On the one hand we have a budget that is being discussed, which in its conclusion may exclude activities that have come from the decisions of Committee A, which we have adopted. That is the issue that is on the table by South Africa, and China seems to be saying that the principle that is adopted is that the budget shall be followed as is without any attempt to actually deviate from it and only at the fifth session of the Conference of the Parties shall we consider whether those things were doable or not doable or shall be done within the fifth session of the Conference of the Parties. I am simply summarizing what is being said. I have got two hands. I would like to see if you can resolve this matter without a lot of discussion. First I can ask the Head of Secretariat first to comment, then the two delegations that want to comment. Only those two, Brazil and Palau, and then we can see how to resolve the matter because we do not want debate.

Dr NIKOGOSIAN (Head, Convention Secretariat)

Thank you Chair. I can only confirm that in the current budget, which was discussed and I understand also now approved, the Article 6 working group is not reflected. Because Committee B was working under the strict understanding that they try to accommodate the Intergovernmental Negotiating Body as a higher priority. This is no way to judge the priorities from the Secretariat side just to say that was the guidance we received in preparing the draft. There were some remarks made that we might think about reflecting as unbudgeted workplan items etc., but that was not finally reflected as I understand in the Committee B decision. But there were some considerations about this. So this is the status of Article 6 working group.

The PRESIDENT:

I see Brazil and then Palau and then we can close on this matter.

Mr NEVES SILVA (Brazil):

Chair, it is the understanding of my delegation that during this morning, Committee B agreed on a proposal made by the Indian delegation regarding a footnote that will be included in the budget and would allow the convening of those meetings if resources are found. Thank you Chair.

The PRESIDENT:

Do you want to say the same thing?

Mr NEVES SILVA (Brazil):

Thank you Chair, no, I think there has to be a mechanism during the Conference of the Parties where we need to decide whether resources are decided first or activities so that time is not wasted to deliberate activities will not be carried forward. Thank you.

The PRESIDENT:

That is okay, that is just a matter of principle, but Belgium and then I close.

Mr GOFFIN (Belgium):

Mr Chairman, very briefly, we support the suggestion of Brazil, that was actually suggested by India in Committee B.

The PRESIDENT:

That is more or less the same suggestion. So I am sure we are actually saying the same thing, that this Conference of the Parties mandates the Secretariat and the Bureau to follow the workplan as agreed in terms of the budget. And then to put a footnote to say that should the resources be available then to take the other activities that were not budgeted for as activities that must be implemented as have come from this Conference. Are we all agreed? Agreed. South Africa are you happy? Thank you very much South Africa, I must make my home happy. Decided.

*(Applause)*

I do not know if the house would allow me to finish the business of this Conference first before going to the date of the next Conference. In order words to skip item 7.6 and deal with the items of this Conference and then go back to the date of the next Conference. If you agree then I am moving to item 7.7: the election of President and five Vice-Presidents of the Conference of the Parties. Australia, are you objecting to my proceeding?

Mr COTTERELL (Australia):

Thank you Mr Chair. I am speaking on behalf of the Western Pacific Region. We were expecting the items to be taken in the other order. So this would cause a difficulty. Thank you.

The PRESIDENT:

Okay, thank you very much. Since there is an objection let me take the items as listed. The date and venue of the fifth session of the Conference of the Parties. As you know we have in front of us document FCTC/COP/4/24 which contains the expression of interest of the Republic of Korea to host the fifth session. Also you will recall that at our plenary yesterday afternoon the delegation of the Republic of Korea took the floor to reiterate this invitation and we agreed to come back to this matter today. Since there is only one proposal and in line with the principle of rotation of these conferences. Is the Conference prepared to accept and willing to accept the invitation of the Republic of Korea to host the fifth session in 2012? Australia?

Mr COTTERELL (Australia):

Thank you Mr Chair. I am speaking on behalf of the Parties in the Western Pacific Region. The Western Pacific Region warmly welcomes and strongly supports the Republic of Korea's generous offer to host the fifth session of the Conference of the Parties. The Western Pacific is diverse in its geographic, social and economic circumstances. Our membership ranges from the smallest Pacific island States to the most populous country in the world and includes a mix of developed, emerging and developing economies. This gives us a rich diversity of experiences and challenges in tobacco control. We are committed to learning from, cooperating with, and assisting each other and the rest of the world to advance the objectives of the WHO FCTC. We would like to thank the Government of Uruguay for its generous hosting of what has been a very smooth and well-organized fourth Conference of the Parties. We know that the Republic of Korea will do a most excellent job in hosting the next Conference and we would urge other regions and Parties to support this proposal. Thank you.

The PRESIDENT:

Thank you very much, Australia. I am not sure if this matter requires any discussion except to see whether there is any objection to the Republic of South Korea hosting the Conference in 2012. Is there any objection to that? I have two or three delegations that want to speak. They will only speak if they are objecting to that, if they are not then they can speak after we adopt the position. If they want to speak about other related issues then they can speak. I will not suppress them but I do not want to deviate from the procedure. We have a proposal on the table; unless there is a counter proposal, then we discuss and finalize the proposal and then people can make comments. So there is a proposal on the table. Is there an objection to that proposal that the Republic of South Korea hosts? I see no objection. It has been decided!

*(Applause)*

We want to thank the Republic of South Korea and the Region for being so generous as to want to host the Conference of the Parties. There are comments that delegations want to make on this matter and on this item afterwards. I have the European Union.

Mr GOFFIN (Belgium):

Thank you Mr Chairman. Belgium on behalf of the European Union. The European Union welcomes the invitation by the Republic of Korea for hosting the fifth session of the Conference. We would like to thank the Government for their offer, which shows their generosity but also their commitment to promote and implement the Convention. However, and this has nothing to do with the invitation, we would like to underline that the financial impact on the Convention budget as well as on the national travel budget should be taken into account, should be the main criteria for the venue of the choice of the next session of the Conference of the Parties. The next session being the sixth session of the Conference of the Parties. This could help us to save a lot of costs if we organize the next sessions as from the sixth session of the Conference of the Parties onwards in Geneva. So this is our main message, we really would like to thank the Republic of Korea for their invitation. We will be pleased to go to the Republic of Korea with great pleasure and anticipation, but in the Republic of Korea I think the European Union will plead that future conferences be held in the headquarters of the Convention being in Geneva. Thank you very much.

The PRESIDENT:

Thank you very much European Union for that notice that the European Union has suggested, because of the reasons given, that it will propose a new approach to this matter at the next Conference of the Parties as the case may be. Central African Republic.

Dr HOZA (Central African Republic):

Thank you Chair. The Central African Republic is speaking on behalf of the African Group. We affirm Rule 3 of the Rules of Procedure that the Conference of the Parties can decide on the venue of the next Conference of the Parties. Recall that the first session of the Conference of the Parties was held at the seat of the Secretariat in Geneva in 2006. The second session of the Conference of the Parties was held in Bangkok, and the third session in Durban. Also, that this week we are holding the fourth session in Punta del Este in Uruguay.

The Parties in the African Region support the principle of rotation of venue particularly because it builds ownership of the Conference of the Parties and the WHO FCTC and allows the different regions to share in the headache of organizing the Conference of the Parties as well enjoying the satisfaction of hosting a successful Conference of the Parties. The Parties in the African Region emphasize that in choosing a location, issues related to security and logistics (including visas) should

be taken into account. Also that the dates should not coincide with special national, international, religious or social events.

The Parties in our region take note of the offer of the Government of the Republic of Korea to host the fifth session of the Conference of the Parties. We in the African Region therefore submit our full support for the fifth session of the Conference of the Parties to be held in Seoul in the Republic of Korea and furthermore propose that we mandate the Bureau of the Conference of the Parties to take a decision on the actual dates and facility to host this fifth session. We urge all Parties to support this application and let us all meet in Seoul in 2012. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much Central African Republic on behalf of the Africa Group. I have Turkey.

Ms EKEMAN (Turkey):

Thank you very much Mr President. First of all we would like to thank the delegation of the Republic of Korea for this gracious offer and we would be very happy to participate in the next Conference of the Parties that will be held in Seoul. Secondly, even though we do relate to the financial concerns that have been mentioned by the Belgian delegation on behalf of the European Union, we do support the statement made on behalf of the Parties in the African Region, because for the ownership of this Convention it is important that all Parties have at least a possibility of hosting the Conference, because it relates to the spirit of the Convention itself. So I think it would be a premature debate if we start now discussing about whether or not we should rule out the rotation principle right now. Thank you very much.

*(Applause)*

The PRESIDENT:

Thank you very much. Can we agree in any case that this Conference of the Parties does not have the competence to discuss the date of the next venue after Seoul? That is the decision of the next Conference of the Parties.

What the European Union was doing was to actually simply suggest what its position would be in that discussion and the others have actually said what they are likely to say in response to that position. Can we close it at that stage and then I can move to the next item? There is an issue that perhaps should be reiterated because in any case it is part of the input of the African Region. The actual date, we mandate the Bureau to work with the Secretariat and the host country to confirm a date, taking into consideration the issues that have been raised such as other social events, other international activities, as well as the logistic arrangements, as well as the religious or otherwise impact, to allow all delegates to participate. Is that acceptable as a principle? Thank you very much. It is accepted.

Can I move on the next item a little bit faster because it is already late? The election of the President and the five Vice-Presidents of the Conference of the Parties. Can I say that for a start the various regions have actually provided us with the names of the delegates that they propose, in line with the Rules of Procedure, to be candidates for the next Bureau. From the African Region we have Mr Mouhamedoun from Mali. If Mr Mouhamedoun is here can I ask the honourable delegate to rise so that Conference may see him? Unfortunately Mr Mouhamedoun has left but the Parties in the African Region have proposed him for this purpose.

Le Dr. DIARRA (Mali):

Pour des raisons de voyage, il est rentré ce matin.

The PRESIDENT:

Thank you, Mali. We have noted that.

Ambassador Varela from Uruguay has been proposed by the Parties in the Region of the Americas. Ambassador Varela from Uruguay from the Region of the Americas.

*(Applause)*

Thank you very much. From the Eastern Mediterranean Region, Madam Ali-Higo.

*(Applause)*

From the European Region, Mr Jos Draijer.

*(Applause)*

From the South-East Asia Region, His Excellency Minister Dukpa from Bhutan.

*(Applause)*

From the Western Pacific Region, Dr Caleb Otto.

*(Applause)*

Now among these delegates we have to then appoint the President of the Bureau as well as the Vice-President. From the informal discussions that have been taking place we have not had a formal proposal yet for the President. So can I ask for a formal proposal to come from the floor please? Is there any proposal for the post of the President? Brazil.

El Sr. FIGUEIRA DE MELO (Brasil):

Gracias, señor Presidente. A Brasil le gustaría proponer que el nombre de Uruguay fuera considerado Presidente de la próxima Conferencia de las Partes. Uruguay es una nación gigante, en esta situación en que tiene que enfrentar a los intereses más poderosos económicos de la industria. Entonces, Brasil, también en la condición de Presidente pro tempore del Mercosur, apoya a Uruguay y entiende que es un país con todas las condiciones en esa situación específica de litigio con los más poderosos intereses, que podrá simbolizar lo que piensa toda la comunidad internacional respecto a los avances de esta Convención. Gracias.

The PRESIDENT:

There is a proposal for Ambassador Varela from Uruguay to take the Presidency. Is the proposal seconded? There is a seconder from the South-East Asia Region. Is there any other proposal? Western Pacific Region, do you have another proposal?

Mr COTTERELL (Australia):

Not another proposal Mr President, just a statement.

The PRESIDENT:

Okay, we will come back to the statement. There is no other proposal on the table? In accordance with the Rules of Procedure I would like to put to this house the candidates' names on the

table now. Let me check if there is any objection to Ambassador Varela chairing the next Bureau. Is there any objection to that? I see none. I am not going to finalize that decision until I have finalized the first decision, which is to say that in accordance with the Rules of Procedure may I ask this house to agree to suspend the relevant rule on the appointment of the President, which what I ask the Secretariat to look for. I want to give you a reference to the rule. Let me then put the decision. It has not been objected to and therefore it has been so decided. Agreed? Is that an objection to this decision? You want to make a statement before the decision?

Mr COTTERELL (Australia):

Thank you Chair. It was a point of order. I think it would be far better if we made our statement. Thank you.

The Western Pacific Region notes the nomination by the Region of the Americas of a distinguished candidate from Uruguay for the office of President of the fifth Conference of the Parties. The Western Pacific Region notes that on an ordinary reading of the Rules of Procedure of the Conference of the Parties, regional rotation of the Presidency would require that any of the regions that have not yet served in the Presidency would take priority over a region that has already served. The Western Pacific Region notes that the Presidencies of the four sessions of the Conference of the Parties to date have been held by the Region of the Americas, the South-East Asia Region and the African Region. The Rules on any ordinary understanding may not be being respected in this instance. The Western Pacific Region was considering putting forward a distinguished candidate with a very strong commitment to and record in tobacco control and to the Framework Convention. However, the putting forward of a candidate by the Region of the Americas puts the Western Pacific Region in a difficult position. The Western Pacific Region has noted that the new understanding of the Rules on regional rotation of the Presidency seems to be that the region hosting the Conference of the Parties is given priority in nominating a candidate to be President of the next Conference. Several Parties in the Western Pacific Region have already at this Conference of the Parties raised a strong desire for procedural fairness and transparency. We would like to note that this new understanding does significantly limit the ability of Parties to be considered for nomination and possibly the range of skills a more diverse process might offer. The Western Pacific Region has a strong expectation that the new understanding of regional rotation will not change when the Republic of Korea hosts the fifth Conference of the Parties in 2012. Although the Western Pacific Region would like to at least expand the understanding to apply to regional nomination not just to the host Party.

Having noted this and with the forbearance of our very distinguished and committed candidate, the Western Pacific Region has decided not to proceed with the nomination. We are therefore prepared to support the nomination of the candidate of Uruguay and thank the Government of Uruguay again for its generous hosting of this Conference and its continuing commitment to tobacco control and the Framework Convention. Thank you.

The PRESIDENT:

We want to thank the regional representative of the Western Pacific Region for their generosity and it is in that regard that I was actually trying to say that as Chairperson I have to guide this in accordance with the rules, and therefore I would like to propose to this Conference that having the agreement of all Parties, Parties agree to lift Rule 3 in terms of this matter for this moment for this particular occasion and therefore it is not necessarily yet amended as an understanding, its still a standing rule; but I would like propose that we first agree and there is a decision of this Conference of the Parties to lift Rule 3 for purposes of this particular Conference of the Parties so that we can make the appointment. Are we agreed? I see no objection, agreed. It shall be reflected in our decisions. Thank you very much. Therefore Ambassador Varela, let us give him a big hand. Please stand up Ambassador Varela.

*(Applause)*

Thank you very much. On behalf of the outgoing members of the Bureau I want to thank the members of all regional delegations for coming together, discussing this difficult matter and coming to some conclusion and I want to congratulate Uruguay and Ambassador Varela in particular for his appointment as the President of the Conference of the Parties, and I look forward to sharing experiences with him in the corner in which I will be for the next two years. Uruguay do you want to make a statement before I close this part of it? Thank you.

El Sr. VARELA (Uruguay):

Muchas gracias, señor Presidente. Señor Ministro: con su permiso. En nombre de mi Gobierno y en el mío propio, quiero agradecer a todos los países aquí presentes por el apoyo recibido a la candidatura de Uruguay para conducir este proceso. Consideramos que es de extrema importancia reafirmar nuestro compromiso en esta lucha de priorizar los objetivos de la salud contra el consumo del tabaco. Este no es un tema solo de Uruguay, y en ese sentido quiero felicitar a todos los Estados Partes por los logros obtenidos en esta reunión. En el mismo sentido, agradezco a los países observadores y a la sociedad civil, que en todo momento estuvo brindando su invaluable apoyo a todo este proceso.

Deseo manifestarles mi compromiso de trabajo con cada uno de ustedes, junto con la Secretaría, la OMS, para alcanzar las metas. Por último, señor Presidente, creo que nos merecemos, todos, un aplauso, por proseguir con esta lucha, que nos llevará tiempo pero nos va a llevar a un destino feliz. Muchas gracias.

*(Applause)*

The PRESIDENT:

Thank you very much Ambassador Varela. With regard to this item, we are also supposed to decide the order in which the Vice-Presidents shall be elected. This is in line with the Rules of Procedure and applies to a situation where the President is not able to serve, in what order they may follow including, also the appointment of the rapporteur. This is done by drawing lots. So we shall draw lots and the names shall come out in order of the first to the fifth Vice-Presidents. I am now drawing the first lot. You can see I am simply drawing.

The first lot: the first Vice-President shall be Mr Mouhamedoun from Mali in the African Region.

*(Applause)*

The second Vice-President shall be Mr Jos Dreijer from the European Region.

*(Applause)*

The third Vice-President shall be Dr Caleb Otto from Palau.

*(Applause)*

The fourth Vice-President shall be Mrs Ali-Higo from Djibouti.

*(Applause)*

And finally, the fifth Vice-President shall be from Bhutan, His Excellency, Minister Dukpa.

*(Applause)*

The Bureau also considered the matter of the rapporteur. You will note that in the Rules of Procedure there is a rapporteur that is supposed to be elected and it is supposed to be on a rotational basis and the Bureau proposed that this time around the South-East Asia Region take the responsibility of being the rapporteur and therefore His Excellency Minister Dukpa from Bhutan shall be the rapporteur. Can we give him a big hand in regard to this responsibility?

*(Applause)*

While I am on that subject may I thank the Members of the outgoing Bureau for the work that they have done and perhaps remind you of who they are as they are sitting there. Some of them are actually also going to do it again. As you know, on the far left is Dr Otto who in the previous Bureau was representing the Western Pacific Region. And then in the middle is Mr Carlos Chocano Burga. As you can hear he comes from this region. He is from Peru. And then next to him is Mr Jos Draijer representing the European Region from the Netherlands. Professor Sayid Modasser Ali had to leave early because of his commitments in Bangladesh, but he was the fourth member, representing the South-East Asian Region. And then also Dr Al-Bedah could not be at this Conference because of the issues that were raised in the last discussion, religious celebrations, but he was representing the Eastern Mediterranean Region and he was from Saudi Arabia. Those were the members of the Bureau apart from myself, having being given the honour to be the President of this Conference of the Parties up to this stage, and I am from a very small country in the south called South Africa. We thank the members of the Bureau for the work they have done. Thank you very much, a big hand for them.

*(Applause)*

Again as part of this item and also in relation to the principles of transparency that we talked about, I want to move to item 7.8 and say that that was agreed earlier on in plenary that item 7.9 is for noting and can be noted. I think that it was noted in the Committee. And item 7.10, the only remaining part of the decision is for us for the sake of transparency to announce the full members of this review committee, as agreed. The members of the committee shall consist of the members of the old Bureau whom you know and I have announced, and the members of the new Bureau whom you already know and I have announced, together with the following members that have been nominated from the regions in accordance with that resolution. It will be Dr William Maina from Kenya and I will ask him to stand so that people know who he is. There he is, from the African Region, right at the back; and then from the Region of the Americas it will be Mr Neves Silva from Brazil. From the Eastern Mediterranean Region it will be Dr H. Qotba from Qatar, there she is. And from the European Region, the member who is in the previous Bureau is also still in the current Bureau so he already wears those two hats and in accordance with the decision of the Bureau we address that to mean that there will be two other members. The European Region has decided not to come with two other members but only with one, Mr T.E. Lindgren from Norway. There he is, from Norway. The South-East Asia Region has appointed the Chair of Committee A, from Thailand, Professor Nuntavarn Vichit-Vadakan to this responsibility. As I said earlier on unfortunately she is not here. I understand she has already left. But we know that she was the Chair of Committee A. And finally the Western Pacific Region, in line with what I said as the decision of the Bureau even though the member of the old Bureau is also a member of the new Bureau, we had said that the resolution suggests that there will be three people from each region and so they are entitled to two and they have decided to take that entitlement. Therefore we have two nominees from there. One is Ms K. Evison from New Zealand and the other is Dr Anden from the Philippines. Those 17 members will therefore constitute the evaluation committee which shall be checked by the Chairperson of the incoming Bureau, Ambassador Varela.

In accordance with what we had announced earlier on in the morning we had thought that briefly the members of this panel would be able to meet in order to assist the Secretariat and the Ambassador Varela to give their details of contact because the task is very urgent; it has to be finished by 28 February or so and therefore I would like to suggest that after this meeting the members please try and meet here in front just to quickly give their details.

I am about to reach the closure of the session. I have finished item 7.10. That concludes item 7.10. The head of the Convention Secretariat would like to make a comment in this regard. My instinct is to say no but if the Parties agree then I will allow him to say something. The Parties agree so he can speak!

Dr NIKOGOSIAN (Head, Convention Secretariat):

President, excellencies, delegates, on behalf of the Secretariat let me thank all the Parties for their very strong support and for the cooperation which was extended to the Secretariat for convening this important session. Looking back at what the Conference of the Parties has achieved this was probably a milestone in the history of the Convention. Let me also thank again Uruguay for their excellent arrangements for the very kind cooperation that was extended to Secretariat for convening the session. Let me also thank the Bureau for their guidance and leadership during these last two years. Thank you. Lastly I would like to thank – I did that in the morning but this time I would like to do it in public – the staff of the Secretariat and colleagues of WHO for their very important high commitment and tireless work during this week. Thank you my colleagues.

*(Applause)*

President, we enjoyed your leadership during the last two years. I would like to thank you sincerely, personally and on behalf of the Secretariat. I would like also to present to you with the President's gavel, for your best memories of your Presidency. Let me also present to you with a symbolic gift from my country, Armenia, in memory of our cooperation and respect. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much to the Head of the secretariat. We have the delegate of Belgium taking the floor. Can you please take the floor, delegate of Belgium?

Mr GOFFIN (Belgium):

Thank you Mr Chairman. The Belgian Presidency of the European Union sincerely thanks you Mr Chair, for your extremely efficient conduct of this Conference. You have authority but also the necessary sense of humour that can help us survive pleasant but sometimes difficult and emotional moments. The cows running down the hills of Uruguay will always remember us all.

The European Union takes this opportunity in these concluding remarks to underline that we have made four very important gestures to demonstrate our commitment to support the implementation of the Convention. First, the European Commission's Anti-Fraud Office (OLAF) will support the working group that will prepare the fifth session of the Intergovernmental Negotiating Body. Second, OLAF is offering substantial support to the holding of the fifth session of the Intergovernmental Negotiating Body. Third, the European Commission has announced a multiyear extrabudgetary contribution to support the capacity building activities in developing countries. And fourth, the European Union has also accepted to deviate on an exceptional basis to the proposed amount of voluntary assessed contribution calculated on the United Nations assessment scale, in order to cover the budget deficit.

Mr President, we have also at our disposal here a fantastic team and leadership on the side of the Secretariat. We really thank them for their very efficient work in sometimes difficult circumstances.

Finally Mr President our warmest thanks to the Government of Uruguay for their hospitality, and even more their political commitment to implement the Convention. We also congratulate our new President Ambassador Varela from Uruguay; he will conduct our work next time in Korea.

I'd like to take this opportunity to reiterate our thanks to the Government of Korea for their generous offer to host the next Conference of the Parties. Thank you very much Mr President.

*(Applause)*

The PRESIDENT:

Thank you. Thank you Belgium on behalf of the European Union. I see the Minister from Bhutan.

Mr DUKPA (Bhutan):

Thank you President. I would also like to join the delegate of Belgium to congratulate you for the conduct of this meeting. Your dynamic leadership tinged with humour and articulation was one of the factors that really brought about the successful conclusion of this Conference.

The way and the manner that the delegates from different Parties engaged and engrossed themselves in the debate and deliberations is a clear indication of their commitment to fight the plight of the people stemming from tobacco-related diseases, deaths and disabilities. So my colleagues from the region remarked that the fourth session of the Conference of the Parties has been the most successful one in terms of progress made during the last one week. This means that the Conference of the Parties is maturing fast and gaining greater momentum. So no wonder 172 countries have now ratified the treaty.

Now it is a daunting task for the President and the Bureau and the staff of the Secretariat to really cater to the needs of the different interest groups and the levels of the development needs, yet they were able to overcome all these problems because of the shared goal, shared principle, shared philosophy and the credit goes to again Mr President to yourself and the office-bearers of the committees A and B and of course the Head of the Secretariat and all the staff. So may I once again on behalf of this South-East Asian Region congratulate all the President, office-bearers those who were involved in organizing this Conference. Of course we would also like to express our appreciation to the Government of Uruguay for the wonderful arrangements and also hospitality. The quiet, serene city of Punta del Este has a calming effect on people like me, very calming effect, very peaceful, and I believe this had such a calming effect on other delegates from other countries as well. So we would like to really thank very much the government and the people of Uruguay.

Lastly let me also join others in thanking the Government of the Republic Korea for offering to host the fifth session of the Conference of the Parties in 2012. With this, thank you very much for giving me some time to express my views on behalf of the South-East Asia Region. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much South-East Asian Region. Saudi Arabia on behalf of the Parties in the Eastern Mediterranean Region.

Dr ALMUNIF (Saudi Arabia):

سيدي الرئيس،

أولاً، بسم الله الرحمن الرحيم، السلام عليكم ورحمة الله وبركاته، وبعد،

سيدي الرئيس،

باسم الدول الأطراف في الاتفاقية الإطارية في إقليم شرق المتوسط (EMRO) فإن ممثلي الأطراف فخورون وسعيدون جداً لما توصل إليه هذا المؤتمر من إصدار قرارات متعلقة بالمبادئ التوجيهية والمسائل الأخرى المطروحة أملين من الجميع بذل جهود مميزة خلال الفترة الفاصلة بين الدورة الرابعة والخامسة لمؤتمر الأطراف.

وكذلك نتقدم بالشكر الجزيل باسم الإقليم للسيد رئيس المؤتمر وأعضاء هيئة المكتب ورئيسي اللجنتين وكذلك فرق العمل الفرعية وأمانة الاتفاقية الإطارية ومنظمة الصحة العالمية وكافة الوفود المشاركة على روح المشاركة البناءة ولا ننسى أيضاً المراقبين من المنظمات الحكومية الدولية وغير الحكومية ونخص بالذكر أيضاً زملاءنا وأخوتنا المترجمين وأعضاء فريق المساندة الإدارية.

وختاماً نتوجه بالشكر والتقدير لجمهورية أوروغواي على الاستضافة المميزة شعباً وحكومة. كما نشكر كوريا الجنوبية على استضافتها المقبلة للمؤتمر القادم. ونتخذها أيضاً فرصة لنهنئ الرئيس الجديد لمؤتمر الأطراف الخامس وأعضاء المكتب مع تمنياتنا للجميع بمزيد من الإنجازات في مجال مكافحة التبغ.

*(Applause)*

The PRESIDENT:

Thank you very much. Nigeria on behalf of the Parties in the African Region.

Mr NJOKU (Nigeria):

Mr President, the Parties in the African Region wish to express our appreciation for the way you conducted the Conference. Accordingly we also express our appreciation to the people and the Government of Uruguay for their excellent preparations put in place for hosting the Conference. We wish also to congratulate and thank the Republic of Korea for the invitation extended to host the next Conference. In the circumstances we are thanking all the delegates present here that contributed in one way or other to make the Conference a success. And this being said, we wish to congratulate also the incoming Bureau, particularly the President of the fifth Conference of the Parties, and wish him success in undertaking his duty in the next Conference of the Parties.

As a closing note I wish convey our sincere appreciation to the Convention Secretariat for all the arrangements and support given to our region. Thank you all.

*(Applause)*

The PRESIDENT:

Thank you very much Nigeria. Peru on behalf of the Parties in the Region of the Americas.

El Sr. CHOCANO BURGA (Perú):

Muchas gracias, señor Presidente. Hago uso de la palabra en nombre de la Región de las Américas para agradecerle y felicitarlo por la manera tan eficiente que usted ha conducido los trabajos de esta COP, que creo que han permitido que podamos llegar al excelente resultado que hemos llegado. Yo he sido testigo de su trabajo en la Mesa directiva y puedo dar fe de sus cualidades personales y profesionales, que han sido fundamentales en esta etapa de consolidación del Convenio Marco.

También quiero agradecer, mi Región quiere agradecer, al Sr. Nikogosian por el trabajo que ha realizado y por el compromiso que ha demostrado durante estos por lo menos dos años que he tenido la oportunidad de trabajar con él. Creo que el Sr. Nikogosian es una garantía de que este tratado está yendo en la dirección correcta. No puedo dejar de mencionar la dedicada y sacrificada labor de la Secretaría, que ha trabajado largas horas, no solo durante esta Conferencia sino también durante el tiempo que tuve el gusto de ser miembro de la Mesa directiva. Creo que es un ejemplo de dedicación y

de trabajo, y creo que debemos, también a ellos, brindarles un homenaje y nuestro agradecimiento. Quiero agradecer también a nombre de mi grupo a Corea por haber ofrecido sede, y puede contar Corea con todo el apoyo de mi región para la próxima COP.

Por último, señor Presidente, mi grupo regional desea agradecer a Uruguay, a un país miembro de este grupo, que ha ofrecido sede y que nos ha brindado una excelente conferencia, y quiero decir que Uruguay ha cumplido y ha cumplido bien, y le agradecemos mucho todas sus atenciones. Muchas gracias.

The PRESIDENT:

Thank you very much Peru. Australia on behalf of the Parties in the Western Pacific Region.

Mr COTTERELL (Australia):

Thank you Mr President. The Parties in the Western Pacific Region would like to thank you for your tireless work, the whole of the Bureau, the Secretariat and the Government of Uruguay for organizing, facilitating and supporting this Conference which has got through an enormous amount of work.

We would like to pay a special tribute to our regional Vice-Chair Dr Otto for his continuing commitment to the Convention and its success.

We would like to thank the other delegates and Parties represented at this Conference and the accredited observers for their participation and we would like very much to welcome the fact that this Conference has concluded with the spirit of consensus intact. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much. The honourable delegate from Norway on behalf of the Parties in the European Region.

Mr LINDGREN (Norway):

Thanks President for giving me the floor. After a week of long and hard work we have actually accomplished all the goals we set for this Conference of the Parties and we have managed to do so despite an environment of severe financial strain for many Parties to the Convention. This demonstrates a strong and shared commitment of the Parties to advance the implementation work of the WHO FCTC and of the protocol on illicit trade. In adopting the Punta del Este Declaration on the implementation of the Convention, this Conference of the Parties has reaffirmed the political commitment of the Parties to continue implementation of the WHO FCTC provisions and also sent a clear signal to the tobacco industry of our willingness to fight their attempts to interfere with this work. The Declaration is indeed both important and timely and demonstrates how any party who is intimidated by industry has the active support of all others.

President, the Parties of the European Region are extremely grateful to our hosts the Government of Uruguay for this Conference of the Parties. It was pleasantly and professionally run, the location superb and the high-quality services provided by so many friendly people from this country have made this Conference a great success.

We would like to thank the President and the Chairs of Committees A and B for their very good and sometimes difficult work and this also goes for the important contributions made by the Bureau to our work. President, in ending this statement let me convey the strongly felt gratitude of the Parties from the European Region to the Head of the Convention Secretariat, Dr Haik Nikogosian and all of his team. It is their close to around-the-clock work that makes this Conference go around. Without such a professional way of assisting Parties we would not have been able to progress like we have done. This also goes for the interpreters. We also take this opportunity to congratulate the delegation

of the Republic of Korea for their hosting of the fifth session of the Conference of the Parties and look forward to seeing you again in two years. Thank you.

*(Applause)*

The PRESIDENT:

Thank you very much, ladies and gentlemen, distinguished delegates. May I on my own behalf also join all of you in thanking all the people that have been thanked for the success of this Conference. On my own behalf I would like to thank yourselves as delegates for making it easier for me to manage this Conference to its conclusion and keep the spirit, as was said, of consensus from the beginning up to the end.

I also would wish to thank my colleagues that have I have worked with in the Bureau for the support and the cooperation that they have given me in the two years I have been given this responsibility.

Let me also thank the Head of the Convention Secretariat, Dr Haik Nikogosian for the sterling work that he has done in supporting the Bureau and in supporting my responsibilities as the President. May I declare in this Conference that the two of us, Dr Haik Nikogosian and myself, have had very serious discussions, showing his commitment to take this particular Convention forward. We have spent hours discussing and debating possibilities and I am very pleased that I have been enriched by those discussions and I am a better person with regard to thinking about the issues of the Convention, and I want to thank him personally from the bottom of my heart for the work that he has done and for the friendly engagement that we have had, sometimes very robust but very friendly.

Let me finally say to all of us delegates as we are going away after this Conference that I want to use the words a young person, not so very young, Mina Hamsa from Jordan, who writes a very lovely poem in which he says: "Philip Morris, Philip Morris, I will make your life miserable, I will fight you everywhere, I will fight you all the way, I will work for life and for happiness". May all the delegates go back and enjoy a job done to do exactly that. Thank you, thank you, thank you and bon voyage.

*(Applause)*

**The meeting rose at 13:25**

## INDEXES

## INDEX OF NAMES

This index contains the names of speakers, apart from Mr T.D. Mseleku, the President of the fourth session of the Conference of the Parties, reported in the present volume

**A**

ABASCAL, W. (Uruguay), 12, 111, 117, 134, 135, 141  
 ABOU ALZAHAB, B. (Syrian Arab Republic), 98  
 ADAM, D.E. (Chad), 73  
 ADDY, M.M. (Chad), 84  
 Ag MOUHAMEDOUN, O. (Mali), 79  
 AKE, M. (Tonga), 78  
 AL JEHANI, K.J. (Saudi Arabia), 92, 102, 105  
 ALLEN, M. (New Zealand), 53  
 ALMUNIF, M. (Saudi Arabia), 172  
 ANDRIANOMENJANAHARINIRINA, J. (Madagascar), 72  
 ANIBUEZE, E. (Nigeria), 95, 99, 106, 107

**B**

BEZEID DEIDA, A. (Mauritania), 70  
 BHARATHI, V. (Seychelles), 67  
 BIANCO, E. (Framework Convention Alliance on Tobacco Control), 84  
 BLANDON FIGUEROA, J. (Panama), 115  
 BONITO, A. (Timor-Leste), 75  
 BREBNER, F. (Samoa), 76, 140  
 BURCI, G.L. (WHO Legal Counsel), 118, 130, 160, 161

**C**

CHAN, M. (Director-General, WHO), 3  
 CHOCANO BURGA, C.A. (Peru), 13, 18, 30, 90, 100, 110, 137, 139, 173  
 COLMENARES, J. (Venezuela (Bolivarian Republic of)), 136  
 COTTERELL, S. (Australia), 33, 52, 71, 94, 139, 164, 167, 168, 174  
 COURARD, P. (Belgium), 27, 47, 58  
 CUISON MAGLAYA, Z. (Philippines), 102

**D**

DARDON, B. (Guatemala), 137  
 DE SOUZA-GOMES, J.C. (Brazil), 10, 13, 17, 36, 64, 108, 115, 119, 126, 129, 130, 131, 133, 137, 139

DE SOUZA-GOMES, J.C. (Brazil, on behalf of MERCOSUR), 82  
 DESIRAJU, K. (India), 92, 124  
 DIARRA, N. (Mali), 166  
 DLAMINI, V. (Swaziland), 102  
 DORADO MAZZORA, Y.F. (Corporate Accountability International), 56  
 DUKPA, Z. (Bhutan), 11, 26, 96, 133, 172

**E**

EFRAIN PORTILLO, R. (Honduras), 12, 39, 100, 106  
 EKEMAN, E. (Turkey), 40, 99, 137, 166  
 EMMERLING, T. (European Union), 104, 109, 113, 118, 119, 136, 139  
 EVISON, K. (New Zealand), 17, 95, 102

**F**

FAIREKA, T.A. (Cook Islands), 113  
 FIGUEIRA DE MELO, F. (Brazil), 167

**G**

GOFFIN, M. (Belgium), 10, 13, 121, 125, 126, 128, 129, 164, 165, 171

**H**

HOSHINO, D. (Japan), 63, 93, 114, 118  
 HOZA, M. (Central African Republic), 165

**J**

JACOME, P. (Ecuador), 53, 117  
 JORGAKJIESKI, P. (The former Yugoslav Republic of Macedonia), 27, 75

**K**

KHAN, Y. (Pakistan), 114  
 Kim YONG-HO (Republic of Korea), 150  
 KITONYO, R. (Union for International Cancer Control), 57  
 KUARTEI, S.J. (Palau), 49, 58, 135, 140

**L**

LABEEB, S.L. (Egypt), 81, 83

LEON CHEMPEN, U.D. (Peru), 52, 115  
 LEWIS-FULLER, E. (Jamaica), 53, 66, 116  
 LINDGREN, T.E. (Norway), 17, 31, 101, 145,  
 149, 174  
 LOM, J.R. (United States of America), 96, 127,  
 133

**M**

MADRAZO REYNOSO, M. (Mexico), 120  
 MAINA, K. (Kenya), 73, 91, 99, 105, 115, 138  
 MALOBOKA, B.B. (Namibia), 69  
 MARTABIT, J. (Chile), 41, 59  
 MATSAU, M.K. (South Africa), 15, 20, 71,  
 114, 136, 140, 159, 160, 162  
 MAYSHAR, E. (Israel), 100  
 MBEWE, A. (Zambia), 68  
 MBUYU MUTEBA YAMBELE, M.R.  
 (Democratic Republic of the Congo), 20, 80,  
 101  
 METTLE-NUNOO, R.J. (Ghana), 49, 58  
 MOHAMED, H. (Maldives), 77, 108, 109, 112,  
 113  
 MUJICA CORDANO, J.A. (Uruguay), 1  
 MUNTAKA MUBARAK, M. (Ghana), 65  
 MWAKYUSA, D.H. (United Republic of  
 Tanzania), 80

**N**

NABLI, M. (Tunisia), 33, 34, 79  
 NEVES SILVA, B.H. (Brazil), 163  
 NIKITINA, V. (Russian Federation), 11, 16,  
 37, 95  
 NIKOGOSIAN, H. (Head, Convention  
 Secretariat), 23, 134, 159, 163, 171  
 NJOKU, L.O. (Nigeria), 173  
 NOSA, M. (Niue), 94  
 NUNTAVARN VICHIT-VADAKAN  
 (Thailand), 123, 127, 133, 134, 146, 147

**O**

OLESKER, D. (Uruguay), 4

**P**

PAINE, B. (Canada), 17, 36, 104, 108, 109,  
 116, 137, 140

PRAKIT VATHESATOGKIT (Thailand), 51,  
 113

**R**

RATA, P. (World Trade Organization), 82,  
 117, 141  
 REGALADO PINEDA, J. (Mexico), 148  
 ROA, R. (Panama), 132  
 ROWAN, A. (European Union), 93, 100

**S**

SALARU, I. (Republic of Moldova), 70  
 SATPATHY, P. (India), 15, 98, 105, 111, 127,  
 128, 130, 131  
 SEGNON AGUEH, J.A. (Benin), 52, 112, 152,  
 153, 154, 155  
 SETH, N. (Director, Office for Economic and  
 Social Council Support and Coordination of  
 the United Nations Department of  
 Economic and Social Affairs), 44, 58  
 SIAKALENGE, S. (Zambia), 104  
 SIRIWAT TIPTARADOL (Thailand), 64  
 SUN Jin (China), 14, 153

**U**

URQUIJO VELASQUEZ, L. (Colombia), 77,  
 106  
 USMAN, A. (Nigeria), 12, 32

**V**

VARELA, R. (Uruguay), 169  
 VAZQUEZ ROSAS, T.R. (Uruguay), 20

**W**

WALTON-GEORGE, I. (European Union), 86  
 WATHNE, K-O. (Norway), 78

**Y**

YI Xianliang (China), 9, 15, 19, 68, 94, 116,  
 128, 129, 135, 138, 148, 156, 157, 158, 159,  
 161, 162

**Z**

ZEBALLOS, E. (International Labour  
 Organization), 54

## INDEX OF COUNTRIES AND ORGANIZATIONS

This index lists the countries, organizations and bodies represented by the speakers whose names appear in the index on the preceding pages

- AUSTRALIA, 33, 52, 71, 94,  
139, 164, 167, 168, 174
- BELGIUM, 10, 13, 27, 47, 58,  
121, 125, 126, 127, 128, 129,  
130, 164, 165, 171
- BENIN, 52, 112, 152, 153, 154,  
155
- BHUTAN, 11, 26, 96, 133, 172
- BRAZIL, 10, 13, 17, 36, 64, 82,  
108, 115, 119, 126, 129, 130,  
131, 133, 134, 137, 139, 140,  
163, 164, 167, 168
- CANADA, 17, 36, 104, 108, 109,  
116, 137, 140
- CENTRAL AFRICAN  
REPUBLIC, 165
- CHAD, 73, 84
- CHILE, 41, 59
- CHINA, 9, 14, 15, 19, 68, 94,  
116, 128, 129, 135, 138, 148,  
153, 156, 157, 158, 159, 161,  
162
- COLOMBIA, 77, 106
- COOK ISLANDS, 113
- CORPORATE  
ACCOUNTABILITY  
INTERNATIONAL, 56
- DEMOCRATIC REPUBLIC OF  
THE CONGO, 20, 80, 101
- ECUADOR, 53, 117
- EGYPT, 81, 83
- EUROPEAN UNION, 86, 93,  
100, 104, 109, 113, 118, 119,  
136, 139
- FRAMEWORK CONVENTION  
ALLIANCE ON TOBACCO  
CONTROL, 84
- GHANA, 49, 58, 65
- GUATEMALA, 137
- HONDURAS, 12, 39, 100, 106
- INDIA, 92, 15, 98, 105, 111, 124,  
127, 128, 130, 131
- INTERNATIONAL LABOUR  
ORGANIZATION, 54
- ISRAEL, 100
- JAMAICA, 53, 66, 116
- JAPAN, 63, 93, 114, 118
- KENYA, 73, 91, 99, 105, 115,  
138
- MADAGASCAR, 72
- MALDIVES, 77, 108, 109, 112,  
113
- MALI, 79, 166
- MAURITANIA, 70
- MEXICO, 120, 148
- NAMIBIA, 69
- NEW ZEALAND, 17, 53, 95,  
102
- NIGERIA, 12, 32, 95, 99, 106,  
107, 173
- NIUE, 94
- NORWAY, 17, 31, 78, 101, 145,  
149, 174
- OFFICE FOR ECONOMIC  
AND SOCIAL COUNCIL  
SUPPORT AND  
COORDINATION OF THE  
UNITED NATIONS  
DEPARTMENT  
OF ECONOMIC AND  
SOCIAL AFFAIRS, 44, 58
- PAKISTAN, 114
- PALAU, 49, 58, 135, 140
- PANAMA, 115, 132
- PERU, 13, 18, 30, 52, 90, 100,  
110, 115, 137, 139, 173
- PHILIPPINES, 102
- REPUBLIC OF KOREA, 150
- REPUBLIC OF MOLDOVA, 70

RUSSIAN FEDERATION, 11,  
16, 37, 95

SAMOA, 76, 140

SAUDI ARABIA, 92, 102, 105,  
172

SEYCHELLES, 67

SOUTH AFRICA, 15, 20, 71,  
114, 136, 140, 159, 160, 162

SWAZILAND, 102

SYRIAN ARAB REPUBLIC, 98

THAILAND, 51, 64, 113, 123,  
127, 133, 134, 146, 147

THE FORMER YUGOSLAV  
REPUBLIC OF  
MACEDONIA, 27, 75

TIMOR-LESTE, 75

TONGA, 78

TUNISIA, 33, 34, 79

TURKEY, 40, 99, 137, 166

UNION FOR  
INTERNATIONAL  
CANCER CONTROL, 57

UNITED REPUBLIC OF  
TANZANIA, 80

UNITED STATES OF  
AMERICA, 96, 127, 133

URUGUAY, 1, 4, 12, 20, 111,  
117, 134, 135, 141, 169

VENEZUELA (BOLIVARIAN  
REPUBLIC OF), 136

WORLD TRADE  
ORGANIZATION, 82, 117,  
141

ZAMBIA, 68, 104