



WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

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

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# **Accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties**

## **Report by the Secretariat**

### **Background**

1. At its fourth session (Punta del Este, Uruguay, 15–20 November 2010), the Conference of the Parties (COP) carried out its first review of accreditation of nongovernmental organizations (NGOs).<sup>1</sup> The list of NGOs with observer status following that review is contained in Annex 1.
2. The COP further requested<sup>2</sup> the Convention Secretariat to develop and propose for adoption at its fifth session a standard form to be used and completed by NGOs wishing to apply for observer status, in light of the provisions in Rule 31 of the Rules of Procedure of the COP and the guidance provided by the COP at its second session.<sup>3</sup> The COP also requested the Secretariat to develop a set of criteria that would facilitate the conduct of reviews in future. The Secretariat's proposals are presented below.

### **Relevant rules of procedure for accreditation**

3. Rule 31.2 of the Rules of Procedure of the COP stipulates that international and regional NGOs “whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status, which may be granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention”.
4. At its second session, the COP provided guidance to the Secretariat<sup>3</sup> in respect of its preparation of reports under Rule 31.2. In particular, reports should address, in an appropriate manner, and taking into account the 17th and 18th preambular paragraphs and Article 5.3 of the Convention:

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<sup>1</sup> See document FCTC/COP/4/22 Rev.1.

<sup>2</sup> See decision FCTC/COP4(23).

<sup>3</sup> See decision FCTC/COP2(6).

- the nature of the applicant NGO's activities;
- the geographical scope of the applicant NGO's activities;
- the financing of the applicant NGO;
- the membership of the applicant NGO; and
- the governance of the applicant NGO.

5. The COP also requested that recommendations to the COP with respect to the granting of observer status be prepared by the Bureau based on the applications made by NGOs and reports of the Secretariat.

### **Standard application form**

6. In order to harmonize and facilitate the review of applications received by the Secretariat, it is proposed that applications be standardized by means of an application form to be used by NGOs wishing to apply for the status of observer to the COP. The proposed form contained in Annex 2 reflects the criteria contained in Rule 31.2 of the Rules of Procedure of the COP and decision FCTC/COP2(6) of the COP. Relevant practice in WHO and in other treaties of the United Nations system was also taken into account.

7. In addition to completing the standard application form, the NGO would be requested to provide supporting documentation and information, such as:

- a letter of application signed by the head of the organization;
- documents specifying the nature and identity of the organization, including evidence of non-profit status (e.g. certificate of registration or establishment, tax-exempt status);
- documents detailing the aims/objectives and main activities of the organization, including its geographical scope (e.g. statutes, by-laws);
- documents detailing the human resources, sources of funding, membership and governance of the organization (e.g. annual report, including financial report);
- information supporting claims, if any, that the organization is in formal relations with other organizations/bodies of the United Nations system;
- documents that indicate the organization's competence in matters related to the WHO FCTC (preferably with reference to specific articles of the Convention).

8. In order to address the 18th preambular paragraph and Article 5.3 of the WHO FCTC, the proposed standard application form also contains a section that requests the NGO to make a declaration to the effect that it does not and will not receive any financial or other contributions or assistance from the tobacco industry or its affiliates, that it is not affiliated with members of the tobacco industry or any of its affiliates, and that it makes reasonable efforts to ensure that the same is true of its members.

9. On receipt of the necessary documentation, the Secretariat would preliminary assess whether the applicant meets the requirements established by the COP with the aim of preparing a report to be submitted to the Bureau. The Bureau would subsequently consider the report of the Secretariat and submit recommendations to the COP for its decision.

10. The standard application form and information regarding the review of applications, including the deadline for submitting an application, as established by the COP, would be made available on the WHO FCTC web site.

### **Review of accreditation**

11. In accordance with Rule 31.3 of the Rules of Procedure, the COP “shall review the accreditation of each nongovernmental organization at any of its regular sessions and thus determine the desirability of maintaining its observer status”.

12. The review of relevant practice in other treaties of the United Nations system did not provide examples of procedures for regularly reviewing the accreditation of an NGO that had been granted observer status by the respective COP. In general, accreditation follows a single admission process whereby, once accredited, the organization’s observer status is not reviewed at subsequent sessions. An updated list of accredited NGOs is normally submitted at each COP meeting for approval.

13. With regard to the review of NGOs in official relations with WHO, the Executive Board, through its Standing Committee on NGOs, undertakes a yearly review of collaboration with NGOs in official relations with WHO (one third of the NGOs are reviewed each year). The review is based on the reports submitted by the NGOs on the implementation of a mutually agreed plan of collaboration covering activities over a three-year period. In the light of information provided by the NGO in its report, the Standing Committee on NGOs makes a recommendation on whether to continue, suspend or discontinue collaboration with an NGO.

### **Process for reviewing accreditations**

14. To facilitate the review of NGOs with observer status to the COP and support the COP in deciding whether observer status should be maintained, the following process is proposed:

- Each NGO should be requested to submit a report on its activities to the Secretariat every two years starting from the date of accreditation or, for those already accredited, from the date of the relevant COP decision. The report should be submitted at the latest six months before the opening of the next session of the COP. The report should address, in particular, the activities undertaken by the NGO in support of implementation of the Convention, preferably in respect of specific articles of the Convention.
- Each NGO should be requested to confirm in its report that the information based on which observer status had been granted by the COP remains unchanged or otherwise to communicate any changes that may have occurred.

15. The Secretariat would analyse the reports and information submitted by the NGO to verify that they meet these requirements. A summary report would be prepared by the Secretariat for the Bureau to review and on the basis of which recommendations would be made to the COP, in accordance with decision FCTC/COP2(6). The NGO’s participation in the sessions of the COP and its subsidiary bodies would also be taken into account.

16. A report summarizing the information provided by each NGO, together with the Bureau's recommendations and relevant justifications would be submitted to the COP at each of its regular sessions, for its decision on whether to maintain, suspend or discontinue observer status. The report would also enable the COP to be appraised of the contributions made by NGOs to national and international tobacco-control efforts, as emphasized in the 17th preambular paragraph of the WHO FCTC.

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

17. The Conference of the Parties is invited to review the proposed application form contained in Annex 2 and the proposed process for future reviews of accreditations (paragraphs 14–16), and to consider adopting a decision to this effect.

ANNEX 1

**NONGOVERNMENTAL ORGANIZATIONS WITH OBSERVER STATUS  
TO THE COP, FOLLOWING THE REVIEW UNDERTAKEN AT THE  
FOURTH SESSION OF THE COP<sup>1</sup>**

Consumers International  
Corporate Accountability International  
Council for International Organizations of Medical Sciences  
European Network for Smoking and Tobacco Prevention  
FDI World Dental Federation  
Framework Convention Alliance on Tobacco Control  
International Alliance of Women  
International Association of Rural Medicine and Health  
International Association of Logopedics and Phoniatrics  
International Commission on Occupational Health  
International Council of Nurses  
International Federation of Medical Students' Associations  
International Federation of Pharmaceutical Manufacturers & Associations  
International Network of Women Against Tobacco  
International Organization for Standardization  
International Pharmaceutical Federation  
International Pharmaceutical Students' Federation  
International Society of Nurses in Cancer Care  
International Union Against Tuberculosis and Lung Disease  
Medical Women's International Association  
Union for International Cancer Control  
World Federation of Public Health Associations  
World Heart Federation  
World Medical Association  
World Organization of Family Doctors  
World Self-Medication Industry

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<sup>1</sup> See decision FCTC/COP4(23).

ANNEX 2

**APPLICATION FORM FOR NONGOVERNMENTAL ORGANIZATIONS  
APPLYING FOR THE STATUS OF OBSERVER TO THE COP<sup>1</sup>**

<p><b>1. Organization's name and full contact details</b></p> <p>Name:</p> <p>Name/title of the head of the organization:</p> <p>Full address:</p> <p>Tel/fax/e-mail:</p> <p>Web site:</p>
<p><b>2. Contact person(s)</b></p> <p>Name:</p> <p>Job title:</p> <p>Department/division:</p> <p>Full address:</p> <p>Tel/fax/e-mail:</p>
<p><b>3. Year of establishment of the organization:</b> <i>(Include certificate of registration)</i></p>
<p><b>4. Type of organization</b></p> <p>Indicate whether the organization is international (i.e. representing a substantial portion of the persons globally organized for the purpose of participating in the particular field of interest in which the organization operates) and/or regional:</p> <p>Indicate the type of organization (e.g. as specified in the non-exhaustive list in the 17th preambular paragraph of the WHO FCTC, i.e. health professional body, women's, youth, environmental or consumer group, academic or health care institution):</p>
<p><b>5. Aims/objectives of the organization:</b> <i>(Include a copy of constitution/by-laws, etc. as they appear in the constitution or equivalent document)</i></p>

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<sup>1</sup> In accordance with Rule 31.2 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

<p><b>6. Main fields of work/activities of the organization:</b></p>
<p><b>7. Activities that the organization envisages undertaking in support of implementation of the WHO FCTC with particular reference to specific articles of the WHO FCTC:</b></p> <p>Indicate how these activities are in conformity with the spirit, purpose and principles of the Convention:</p> <p>Why is the organization seeking accreditation?</p> <p><i>(Include supporting documentation, such as mission statements; the organization's constitution; recent publications; organizational core values; strategic plans; etc.)</i></p>
<p><b>8. Membership and governance of the organization</b></p> <p>Provide information as to whether membership is primarily organizational or individual:</p> <p>Provide membership criteria and policies and procedures employed to screen members for tobacco industry affiliations:<sup>1</sup></p> <p><i>(Include relevant documentation for membership, governance, structure and finance, such as copies of annual reports, organizational structure charts; by-laws, charters, statutes, constitution or articles of association for the organization; internal policies and procedures)</i></p>
<p><b>9. Locations of regional offices/representatives (if any):</b></p>
<p><b>10. Structure and human resources of the organization:</b> <i>(Briefly indicate the organization's human resources capacity including type and number of personnel and volunteers)</i></p>
<p><b>11. Financial information and sources of funding of the organization:</b></p>

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<sup>1</sup> "There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests." (Guiding principle 1, Guidelines for implementation of Article 5.3 of the WHO FCTC.)

**12. Declarations**

- This organization declares that it does not receive, has not received, and will not receive in the future, either directly or indirectly, any financial or other contributions or assistance from the tobacco industry or its affiliates.
- This organization declares that it is not, either directly or indirectly, affiliated with members of the tobacco industry or any of its affiliates.
- This organization declares that it has made reasonable efforts to ensure that none of its members receive, have received, or will receive in the future, either directly or indirectly, any financial or other contributions or assistance from the tobacco industry or its affiliates.
- This organization declares that it has made reasonable efforts to ensure that none of its members, are, have been or will be, either directly or indirectly, affiliated with members of the tobacco industry or any of its affiliates.

**A breach of any of the above declarations will lead to a suspension of the organization's observer status pending a formal review by the Secretariat and the Conference of the Parties.**

**13. Please indicate whether the organization is in formal relations with other organizations and bodies of the United Nations system:**

*(Provide supporting documentation)*

**Signed by:** *(full name and title)*

**Date:**

**Signature:**

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