

**FCTC**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**Seventh session
Delhi, India, 7–12 November 2016
Provisional agenda item 7.12**FCTC/COP/7/33**
7 July 2016**Relationship of the Convention Secretariat with other
international entities: observer status****Report by the Convention Secretariat****BACKGROUND**

1. Article 24.3(e) of the WHO Framework Convention on Tobacco Control (WHO FCTC) requires the Secretariat, “to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies”. Article 34.2(e) of the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) requires the same under the guidance of the Meeting of the Parties (MOP). The Bureau elected at the sixth session of the Conference of the Parties (COP6) considered this matter and concluded that accreditation of the Secretariat as an observer to the governing bodies of organizations with overlapping areas of work may be a useful way of enhancing cooperation with these organizations.
2. While the Rules of Procedure (RoP) of international intergovernmental organizations differ on the details, observers may generally take part in meetings that are not declared closed; make interventions (in some organizations being given the floor after the members or parties); circulate written statements; and have access to the documentation. Access to meeting sites also allows observers to engage in awareness raising, and to hold informal discussions with participants. Observer status thus allows a significant level of interaction with an organization at the governance level.
3. The RoP of each organization define the entities that may be accredited as observers to their governing bodies, and the process to be followed for accreditation. A common practice is for the application to be submitted to the Secretariat of the organization, and for the body itself to decide on each application. Different organizations have different definitions of the types of entities eligible for accreditation as observers: while in some organizations only entities with a legal personality can be accredited, others are also open to entities without a legal personality.
4. Whereas the Convention Secretariat is cooperating with most of the organizations enumerated in Annex 1 at a technical level, more formalized cooperation would provide a number of benefits. These include direct access to information and data collected by the organization, higher exposure of the WHO FCTC and the Protocol, and the facilitation of intersectoral cooperation at both national and international levels.
5. Annex 1 contains a matrix providing information that may be relevant in considering the possibility of application by the Convention Secretariat for observer status, in respect of 12 organizations identified by the Secretariat as having overlapping or complementary areas of work. A draft decision for consideration by the COP appears in Annex 2.

ACTION BY THE CONFERENCE OF THE PARTIES

6. The COP is invited to consider the draft decision contained in Annex 2 to this document.

Annex 1

Information relevant to observer status with selected International Organizations

Organization	Categories of observers (other than States) in accordance with RoP	Observer to WHO FCTC COP	Current relationship with the Convention Secretariat	Key areas of possible overlap with the WHO FCTC and the Convention Secretariat ¹
United Nations Development Programme * (UNDP)	1. International Intergovernmental Organizations (IGOs) ² 2. Nongovernmental Organizations (NGOs) ³	Yes ⁴	<ul style="list-style-type: none"> • Statement of intent signed in 2012. • UN Agency to UN Agency Contribution Agreement signed to accelerate support to implementation of Article 5. • Cooperation on various matters, including south-south cooperation, needs assessment missions, joint technical reports. • Joint work on the economics of tobacco use and implementation of the WHO FCTC. 	<ul style="list-style-type: none"> • Article 4.2(d) (Tobacco and Gender). • Article 5 (General obligations). • Articles 17 and 18 (Provision of support for economically viable alternative activities). • Article 22: international cooperation, including South-South and triangular cooperation. • WHO FCTC in the SDG agenda.

* Member of the UN Interagency Task Force on NCDs (UNIATF). In February 2016, the Convention Secretariat initiated two projects involving all members of the UNIATF. One aims at establishing internal policies for the UNIATF members on their dealings with the tobacco industry. The other project aims at furthering information and data exchange with a view to its utilization when assessing global progress in implementation of the Convention. The latter also relates to an earlier project of the Convention Secretariat on the preparation of the WHO FCTC Indicator Compendium to which several agencies provided inputs by identifying data sources to be shared with Parties via a reference in the Compendium.

¹ More details are available in document E/2016/53 of the Economic and Social Council of the United Nations. *United Nations Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases: Annex "Updated matrix of planned work for the members of the United Nations Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases for the implementation of the World Health Organization Framework Convention on Tobacco Control"*, http://www.un.org/ga/search/view_doc.asp?symbol=E/2016/53&referer=/english/&Lang=E.

² See Rule 16.2, http://web.undp.org/execbrd/pdf/Rules_of_Procedure_E.pdf. The Executive Board may also invite IGOs and NGOs in consultative status with the Economic and Social Council to participate in deliberations for questions that relate to their activities, see Rule 16.3.

³ See Rule 16.3, http://web.undp.org/execbrd/pdf/Rules_of_Procedure_E.pdf.

⁴ Under United Nations

World Bank *	The Board of Governors of the World Bank does not provide procedures for the admission of observers	Yes	<ul style="list-style-type: none"> • Statement of intent signed in February 2014. • Invitation of World Bank to Protocol workshops. • Participation in needs assessment missions and in follow-up projects. • Sharing resources and information on projects. • Joint work on the economics of tobacco use and implementation of the WHO FCTC. 	<ul style="list-style-type: none"> • Article 6 (Price and tax measures to reduce the demand for tobacco). • Article 15 (Illicit trade in tobacco products).
United Nations Children's Fund (UNICEF)*	1. IGOs and NGOs ⁵	Yes		<ul style="list-style-type: none"> • Article 8 (Protection from exposure to tobacco smoke). • Article 16 (Sales to and by minors)
United Nations Population Fund (UNFPA) *	1. IGOs ⁶ 2. NGOs ⁷	Yes		<ul style="list-style-type: none"> • Article 8 (Protection from exposure to tobacco smoke).
United Nations Conference of Trade and Development (UNCTAD) *	1. Specialized agencies, the International Atomic Energy Agency (IAEA) and other	Yes	<ul style="list-style-type: none"> • Preparation of joint technical documentation on trade and investment matters related to tobacco control. 	<ul style="list-style-type: none"> • Article 11 (Packaging and labelling of tobacco products). • Articles 17 and 18 (Provision of support for economically viable alternative activities). • Trade and investment.

⁵ See Rule 51, http://www.unicef.org/about/execboard/files/Rules_of_Procedure-English.pdf.

⁶ See footnote 2. The same Rules of Procedure apply as for UNDP. The Executive Board of the United Nations Development Programme, the United Nations Population Fund and the United Nations Office for Project Services is mandated to support and supervise the activities of the three organizations.

⁷ See footnote 3.

	intergovernmental bodies ⁸ 2. NGOs ⁹			
World Customs Organization (WCO)	WCO Council: Rules of procedure not publicly available. ¹⁰	Yes	<ul style="list-style-type: none"> • Statement of intent signed on 20 March 2014. • Regular meetings of senior management. • Invitation of WCO to Protocol workshops. • Ad-hoc invitation of Convention Secretariat to WCO governing bodies meetings (as part of the WHO delegation). 	<ul style="list-style-type: none"> • Protocol to Eliminate Illicit Trade in Tobacco Products. • Article 15 (Illicit trade in tobacco products).
Food and Agriculture Organization of the United Nations (FAO)*	1. IGOs and NGOs ¹¹	Yes	<ul style="list-style-type: none"> • Initiated discussions of cooperation opportunities on implementing the Article 17 and 18 recommendations and policy options. • Upon request of the Convention Secretariat, the Food and Agriculture Organization of the United Nations (FAO) has updated its 2003 study “Projections of Tobacco Production, Consumption and Trade”, considering the impact of the implementation of the WHO FCTC. 	<ul style="list-style-type: none"> • Articles 17 and 18 (Provision of support for economically viable alternative activities).

⁸ Representatives of specialized agencies, the IAEA and intergovernmental bodies may participate, without the right to vote, in the deliberations of the Board and its subsidiary organs, upon the invitation of the President or Chairman, on questions within the scope of their activities. See Rule 76.1, http://unctad.org/en/Docs/tdb16rev4_en.pdf.

⁹ Non-governmental organizations concerned with matters of trade as related to development may designate representatives to sit as observers at public meetings of the Board, its sessional committees and subsidiary organs. See Rule 77.1, http://unctad.org/en/Docs/tdb16rev4_en.pdf.

¹⁰ <http://www.wcoomd.org/en/about-us/wco-working-bodies/council.aspx>.

¹¹ IGOs that do not have an agreement with FAO and non-governmental organizations in liaison status with FAO may be invited to send observers to Conference and Council sessions if, in the judgement of the Director-General, there are concrete reasons for inviting them which would forward the work of the Organization. See Basic texts of FAO, 2015 edition, Vol. II, part N. Granting of Observer Status (In respect of international governmental and non-governmental organizations), Resolution No. 44/57, <http://www.fao.org/3/a-mp046e.pdf>.

International Labour Organization (ILO)*	1. IGOs ¹² 2. NGOs ¹³	Yes	<ul style="list-style-type: none"> • Initiated discussions of cooperation opportunities on implementing the Article 17 and 18 recommendations and policy options. • The International Labour Organization has updated data on jobs related to tobacco production and manufacturing (Tobacco Sector - Employment Statistical Update). • ILO will continue collecting relevant employment data for the tobacco sector in order to monitor changes in employment trends and working conditions. 	<ul style="list-style-type: none"> • Article 16 (Sales to and by minors). • Articles 17 and 18 (Provision of support for economically viable alternative activities).
United Nations University (UNU)*	1. NGOs and academic bodies ¹⁴	No		<ul style="list-style-type: none"> • Article 12 (Education, communication, training and public awareness). • Article 20 (Research, surveillance and exchange of information).
World Trade Organization*	1. For Ministerial Conference: IGOs ¹⁵	Yes	<ul style="list-style-type: none"> • Participation of the Convention Secretariat in meetings of the TRIPS Council and the TBT Committee and interventions in support of WHO 	<ul style="list-style-type: none"> • Trade and implementation of the WHO FCTC. • Article 15 (Illicit Trade in Tobacco

¹² Representatives of IGOs which have been invited by the Governing Body to be represented at its meetings shall be entitled to be present at the meetings and may participate without vote in the discussions. See Compendium of rules applicable to the Governing Body of the International Labour Office, Rule 1.9, http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/internal-administration/WCMS_429623/lang--en/index.htm.

¹³ Non-governmental international organizations may be invited by the Governing Body to be represented at any meeting during the discussion of matters of interest to them. See Compendium of rules applicable to the Governing Body of the International Labour Office, Rule 1.10, http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/internal-administration/WCMS_429623/lang--en/index.htm

¹⁴ The Secretary-General of the United Nations, the Director-General of UNESCO and the Executive Director of UNITAR shall be ex officio members of the Council. Representatives of other United Nations organs and agencies shall be invited to attend as appropriate. The Council may invite representatives of concerned non-governmental organizations and academic bodies to attend as observers. See United Nations University Charter, Article IV Council of the University (2), <http://unu.edu/about/charter#overview>.

¹⁵ Representatives of IGOs may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with the guidelines in Annex 3. See Rule 11 of the RoP for sessions of the Ministerial Conference, PDF available for download at https://www.wto.org/english/thewto_e/igo_obs_e.htm.

	2. General Council: IGOs ¹⁶ 3. Other WTO bodies ¹⁷		FCTC Parties upon request as part of the WHO delegation. • Invitation of WTO Secretariat to WHO FCTC meetings.	Products) • Protocol to Eliminate Illicit Trade in Tobacco Products.
Office of the United Nations High Commissioner for Human Rights	1. Specialized agencies ¹⁸ 2. IGOs ¹⁹ 3. NGOs ²⁰	Yes ²¹	• Initiated discussions promoting human rights through implementation of the Convention.	• Relationship between human rights and tobacco.

¹⁶ Representatives of IGOs may attend the meetings as observers on the invitation of the General Council in accordance with the guidelines in Annex 3. See Rule 11 of the RoP for sessions of the General Council, PDF available for download at https://www.wto.org/english/thewto_e/igo_obs_e.htm.

¹⁷ Annex 3 of the RoP for sessions of the Ministerial Conference and meetings of the General Council provides rules for the admission of IGOs as observers to WTO bodies. These Rules provide, inter alia, that requests for observer status shall be considered from organizations with competence and a direct interest in trade policy matters. Requests for observer status shall be considered on a case-by-case basis by each WTO body to which the request is addressed, taking into account the nature of the work of the organization, nature of membership, number of WTO Members in the organization, reciprocity with respect to access to proceedings, documents and other aspects of observing. PDF available for download at https://www.wto.org/english/thewto_e/igo_obs_e.htm.

¹⁸ Specialized agencies are entitled to be represented at meetings of the commission and subsidiary organs, and to participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the commission or of the subsidiary organ concerned. See Rules of Procedure of the Functional Commissions of the Economic and Social Council, XII. Participation of Non-Members of the Commission, Rule 71, <http://www.ohchr.org/Documents/HRBodies/CHR/RoP.pdf>.

¹⁹ IGOs accorded permanent observer status by the General Assembly and of other IGOs designated on a continuing basis by the Council or invited by the commission may participate, without the right to vote, in the deliberations of the commission on questions within the scope of the activities of the organization. See Rules of Procedure of the Functional Commissions of the Economic and Social Council, XII. Participation of Non-Members of the Commission, Rule 74; link to RoP: <http://www.ohchr.org/Documents/HRBodies/CHR/RoP.pdf>.

²⁰ NGOs in category I or II may designate authorized representatives to sit as observers at public meetings of the commission and its subsidiary organs. See Rules of Procedure of the Functional Commissions of the Economic and Social Council, XIII. Consultation with and representation of non-governmental organizations, Rule 75, <http://www.ohchr.org/Documents/HRBodies/CHR/RoP.pdf>.

²¹ Under United Nations

UN Women*	1. IGOs and NGOs ²² 2. Other ²³	No	<ul style="list-style-type: none"> • Initiated discussions on tobacco and gender. 	<ul style="list-style-type: none"> • Article 4.2(d)
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²² IGOs and NGOs in consultative status with the Economic and Social Council. See Rule 16.3, <http://www2.unwomen.org/~media/headquarters/attachments/sections/executive%20board/eb-2011-s1-unw-2011-06-rulesofprocedure-en.pdf?v=1&d=20141013T121541>.

²³ The Executive Board may invite, when it considers it appropriate, representatives of the United Nations Secretariat, specialized agencies, any other organizations of the United Nations system. See XIII Participation of non-members, Rule 16(2), <http://www2.unwomen.org/~media/headquarters/attachments/sections/executive%20board/eb-2011-s1-unw-2011-06-rulesofprocedure-en.pdf?v=1&d=20141013T121541>.

Annex 2

Draft decision: Observer status of the Convention Secretariat

The Conference of the Parties (COP),

Recalling Article 24.3(e) of the Convention and Article 34.2(e) of the Protocol, which define coordination with competent international and regional intergovernmental organizations and other bodies as a function of the Convention Secretariat,

Recognizing that accreditation of the Convention Secretariat as an observer to the governing bodies of relevant organizations may be an effective means of furthering such coordination,

REQUESTS the Convention Secretariat to initiate discussions with the secretariats of the following organizations, with a view to considering application for observer status to their governing bodies, subject to the applicable Rules of Procedure, and taking into account Article 5.3:

1. United Nations Development Programme (UNDP);
2. World Bank;
3. United Nations Children's Fund (UNICEF);
4. United Nations Population Fund (UNFPA);
5. United Nations Conference of Trade and Development (UNCTAD);
6. World Customs Organization (WCO);
7. Food and Agriculture Organization of the United Nations (FAO);
8. International Labour Organization (ILO);
9. United Nations University (UNU);
10. World Trade Organization (WTO);
11. Office of the United Nations High Commissioner for Human Rights (OHCHR);
12. UN Women.

REQUESTS the Convention Secretariat to report to the COP, at its eighth session, on the outcome of these discussions.