



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

Eighth session
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Provisional agenda item 2

**FCTC/COP/8/3
8 August 2018**

Applications for observer status to the Conference of the Parties

Report by the Convention Secretariat

Purpose of the document

This report presents to the Conference of the Parties (COP) the pending application of one international intergovernmental organization deferred from the Seventh session of the Conference of the Parties and new applications for the observer status to the COP.

Action by the Conference of the Parties

The COP is invited to note this report and decide whether the pending application and the new applications for observer status should be granted or rejected. The COP is also invited to review an indicative list of criteria for denying applications for observer status. In addition, the COP is invited to consider adopting the annexed draft Decision.

Contribute to the Sustainable Development Goals (SDGs), if applicable: SDG 3 and Target 3.a.

Link to the workplan and budget item: 1.

Additional financial implications if not included in the workplan and budget: N/A.

Author team(s): Governance and International Cooperation Team.

Related document(s): Rules of Procedure.

BACKGROUND

1. New applications by international intergovernmental organizations (IGOs) are governed by Rule 30.1 of the Rules of Procedure (ROP) of the Conference of the Parties (COP), which states: “Any international intergovernmental organization may apply, in accordance with its internal rules, to the Secretariat for observer status, which may be granted by the Conference of the Parties, based on the report from the Secretariat, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. Such applications, duly endorsed by the governing body of the organization concerned, should be submitted to the Secretariat not later than ninety days before the opening of the session.”

2. New applications by international and regional nongovernmental organizations (NGOs) are governed by Rule 31.2 of the ROP that stipulates: “Other international and regional nongovernmental organizations 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. Such applications should be submitted to the Secretariat not later than ninety days before the opening of the session.”

3. At the deadline of 30 June 2018, the Convention Secretariat had received, through the online submission portal for observer status to the COP, two IGO applications, five NGO applications and four applications by organizations that are neither an IGO nor an NGO.

APPLICATION DEFERRED BY COP7 TO COP8

East African Community (EAC)

4. EAC applied for observer status to the COP at Sixth session of the Conference of the Parties (COP6) in 2014. COP6 decided to defer its consideration of the application for observer status until the Seventh session of the Conference of the Parties (COP7) due to the lack of a decision from the EAC governing body pertaining to its application. COP7 decided to further defer consideration of the application for observer status submitted by EAC until the Eighth session of the Conference of the Parties (COP8) to allow the EAC to submit additional information on its governing body decision.¹

5. As of 25 July 2018, the Convention Secretariat has not received additional information from EAC. Therefore, and based on the above, the Bureau recommends to the COP that it reject the application from EAC for observer status.

¹ The Convention Secretariat addressed a letter to the Deputy Secretary-General of EAC on 17 November 2017.

NEW APPLICATIONS BY INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

African Capacity Building Foundation (ACBF)

6. According to the application and website, the ACBF is the African Union's Specialized Agency for Capacity Development. It operates with four different types of partners (African partners,² multilateral partners,³ non-regional partners⁴ and technical partners⁵).

7. As stated in the application, the ACBF's purposes "are to create a consultative forum in which Africans may participate as full partners in the establishment of priorities and the development of policies and programs to promote capacity building in policy analysis and development management; establish processes for coordinating capacity building efforts in policy analysis and development management that would lead to greater efficiency and effectiveness of ongoing donor efforts; provide funding and resources to enhance new and ongoing capacity building and capacity utilization activities in policy analysis and development management in Africa; provide funding and resources to support institutions carrying out activities designed to reverse the brain drain and to utilize, to the maximum extent, available African talent; establish systematic links between economic research and training institutions, and governments, to foster greater understanding and communications between such entities; and mobilize financial and technical resources for increased investment in human capital and manpower institutions (research and training) in Africa on a consistent, sustainable and long-term basis. The Organization is working on supporting countries in developing tobacco control policies".

8. In a letter addressed to the Head of the Convention Secretariat dated 23 March 2018, the Chair of the ACBF Executive Board confirms the Executive Board's endorsement for the ACBF application for observer status to the COP of the WHO Framework Convention on Tobacco Control (WHO FCTC). This confirmation of endorsement complies with the requirements established in Rule 30.1 of the ROP of the COP.

9. Based on the information provided by the applicant and based on Rule 30.1, the Bureau recommends to the COP to grant observer status to ACBF.

NEW APPLICATIONS BY NONGOVERNMENTAL ORGANIZATIONS

Tobacco Free Portfolios (TFP)

10. TFP is a not-for-profit organization that is registered in Australia. The objectives of the TFP are, according to its application, to prevent and control tobacco use and support work to achieve a society free of tobacco diseases. According to the organization, it provides effective advocacy and disseminates information and advice on tobacco diseases to government, business and health leaders; establishes effective collaborations between government, business and health leaders; and raises public awareness and community involvement.

² See <https://www.acbf-pact.org/partners>

³ See <https://www.acbf-pact.org/partners>

⁴ See <https://www.acbf-pact.org/partners>

⁵ See <https://www.acbf-pact.org/partners>

11. In addition, the organization actively promotes the WHO FCTC, drawing particular attention to Article 5.3 as well as Articles 4.7 and 7.2 of the Guidelines for Implementation, which are relevant to the issue of tobacco-free investment.

12. In line with the above, the Bureau recommends to the COP that observer status be granted to TFP based on Rule 31.2 of the ROP.

Cancer Research UK (CRUK)

13. The Convention Secretariat received the application of CRUK on 21 June 2018. The website of the organization can be found at: <https://www.cancerresearchuk.org/>.

14. CRUK is entered in the Register of Charities of the Government of the United Kingdom of Great Britain and Northern Ireland. Although the organization is predominantly focused on health outcomes in the United Kingdom of Great Britain and Northern Ireland, it has an interest in international cancer prevention and control. It also aims to ensure that three in four people survive cancer in 2030.

15. CRUK is already making a significant investment in international tobacco control. The organization is making an annual investment of over 1 million pounds sterling to support the implementation of the WHO FCTC. Under its international tobacco control programme, it is providing grant funding to the Convention Secretariat's Knowledge Hub on Tobacco Taxation, based at the University of Cape Town in South Africa. It is also funding policy research in 24 low- and middle-income countries, focused on Article 6 of the WHO FCTC, and providing funding support to the Framework Convention Alliance. In March of this year, the organization hosted the Second Meeting of the Working Group to Strengthen the Implementation of the Convention through Coordination and Cooperation.

16. Based on the information provided by the applicant, the Bureau recommends to the COP that observer status be granted to CRUK.

APPLICATIONS BY ORGANIZATIONS THAT THE BUREAU RECOMMENDS BE REJECTED

17. The Bureau reviewed applications from the following organizations and concluded that the applications should be rejected under one of the following criteria: 1) have a national or subnational geographical scope or their main activities are mainly conducted at the national or subnational level; 2) have a conflict of interest or are tied to the tobacco industry or tobacco front groups; 3) have no tobacco-control activities; or 4) are neither an IGO nor a NGO, as defined in the ROP.

- Common Market for Eastern and Southern Africa (COMESA)
- Equal Right to Life (ERL)
- Indo-OIC Islamic Chamber of Commerce and Industry (IICCI)
- International Network of Nicotine Consumer Organisations (INNCO)
- International Tax Stamp Association (ITSA)
- Makerere University School of Public Health – Centre for Tobacco Control in Africa (MakSPH-CTCA)
- New World Hope Organization (NWHO).

INDICATIVE LIST OF CRITERIA FOR THE BUREAU OF THE COP TO ANALYSE APPLICATIONS FOR OBSERVER STATUS

18. Since the last COP session, there have been an increasing number of applications for observer status to the COP from NGOs or private-sector entities linked to or working to further the interests of the tobacco industry. The Convention Secretariat staff engaged in time-consuming research in reviewing the applications for entities that have ties with the tobacco industry and are not aligned with the spirit of the Convention.

19. The Convention Secretariat also receives applications from entities that are neither IGOs or NGOs.

20. The Bureau in its third meeting, in April 2018, considered the issue outlined above and proposed an indicative list of criteria for denying the applications for observer status to organizations that meet at least one of the criteria. The list of criteria is available in Annex 1.

ACTION BY THE COP

21. The COP is invited to adopt the draft Decision in Annex 2.

Annex 1

Indicative list of criteria for the Bureau of the Conference of the Parties to analyse applications for observer status

In accordance with Rules 30.1 and 31.2 of the Rules of the Procedures (ROP) to the Conference of the Parties (COP), only international intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs) can apply for observer status to COP.

For such purposes, the procedure and requirements established in Rules 30.1 and 31.2 of the ROP to COP shall be complied with.

Any organization that meets at least one of the following criteria, will not be granted observer status to the COP:

A. For international intergovernmental organizations

A.1 When the work of the IGO does not contribute to the implementation and purpose of the WHO FCTC.

A.2 Where there is evidence that the organization has accepted funding from and/or has a vested interest in the tobacco industry.

B. For nongovernmental organizations

B.1 When the organization's activities are limited to national scope.

B.2 When the organization has accepted funding from the tobacco industry and/or has any vested interest.

B.3 When the NGO is affiliated with the tobacco industry, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention.

Annex 2

Draft Decision

FCTC/COP8(x) Applications for the status of observer to the Conference of the Parties

The Conference of the Parties (COP),

Having considered the applications for observer status submitted and contained in document FCTC/COP/8/3,

Recalling decision FCTC/COP7(1) point (b), which deferred consideration of the application for observer status submitted by the East African Community until the Eighth session of the Conference of the Parties,

1. DECIDES, in accordance with Rules 30 and 31 of its Rules of Procedure:
 - (a) to grant observer status to:
 - African Capacity Building Foundation (ACBF)
 - Tobacco Free Portfolios (TFP)
 - Cancer Research UK (CRUK);
 - (b) to reject the application for observer status of the following organizations:
 - East African Community (EAC)
 - Common Market for Eastern and Southern Africa (COMESA)
 - Equal Right to Life (ERL)
 - Indo-OIC Islamic Chamber of Commerce and Industry (IICCI)
 - International Network of Nicotine Consumer Organisations (INNCO)
 - International Tax Stamp Association (ITSA)
 - Makerere University School of Public Health – Centre for Tobacco Control in Africa (MakSPH-CTCA)
 - New World Hope Organization (NWHO);
2. DECIDES to adopt the indicative list of criteria.
3. MANDATES the Bureau, in accordance with Rule 24ter of the ROP, to use the list of criteria to recommend to the COP whether to grant or reject applications from organizations for observer status.

(XX plenary meeting, October 2018)

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