



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

FCTC/COP/9/4
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Provisional agenda item 2

Applications for the status of observer 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 applications for the status of observer to the COP and the related recommendation of the Bureau elected by the Eighth Session of the COP.

Action by the Conference of the Parties

The COP is invited to note this report and consider adopting the annexed draft decision on whether the applications for observer status should be granted or rejected.

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.

Related document(s): Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

BACKGROUND

1. 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) to the WHO Framework Convention on Tobacco Control (WHO FCTC), 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. 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. In decision FCTC/COP8(1), the COP adopted an indicative list of criteria to guide the COP Bureau in analysing applications for observer status and mandated the Bureau to use that criteria in recommending to the COP whether to grant or reject applications from organizations applying for observer status. In accordance with the COP decision, any organization that meets at least one of the following criteria, will not be granted observer status.

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 the national scope.
- B.2 When the organization has accepted funding from and/or has a vested interest in the tobacco industry.
- B.3 When the organization is affiliated with the tobacco industry, taking into account the 17th and 18th preambular paragraphs, as well as Article 5.3 of the WHO FCTC.

4. By the deadline of 8 August 2021, the Convention Secretariat received through the online submission portal on WHO FCTC website, 11 NGO applications and one application by an organization under the IGO category, but the status of which was considered by the Bureau elected by the Seventh Session of the Conference of the Parties (COP7) as neither an IGO nor an NGO. Two applications were discarded as one was from an NGO already accredited as an observer and the other was a personal website.

NEW APPLICATIONS BY NONGOVERNMENTAL ORGANIZATIONS

African Tobacco Control Alliance (ATCA)

5. Registered in Togo, ATCA is a non-profit NGO comprising a pan-African network of over 120 civil society organizations that promote health by building a tobacco-free Africa. Its main activities are tobacco industry monitoring (Article 5.3 of the WHO FCTC); support and advocacy for tobacco control policy development, adoption and implementation; and capacity-building and communication.

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

Action on Smoking and Health (ASH)

7. Operating under the laws of the United States of America, ASH is an international NGO that focuses on and supports the guiding principles of the WHO FCTC, and ASH fully aligns its activities with the objective of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. It also aims to advocate for innovative legal and policy measures to end the global tobacco epidemic.

8. Considering the information above, the Bureau recommends to the COP that observer status be granted to ASH.

Smoke Free Partnership (SFP)

9. Registered in Belgium, SFP is an NGO working at the European level, particularly focused on tobacco taxation and illicit trade. Its activities support the WHO FCTC implementation at the national and regional levels, with a special attention on smoke-free policies; combating tobacco industry interference, promoting plain packaging; and banning tobacco advertising, sponsorship and promotion.

10. Considering the above information, the Bureau recommends to the COP that observer status be granted to SFP.

Tobacco Control Research Group (TCRG)

11. Based within the University of Bath (United Kingdom of Great Britain and Northern Ireland), TCRG is a multidisciplinary research group with an international focus on tobacco industry interference, contributing to implementation of Article 5.3 of the WHO FCTC. It aims at monitoring and exposing tobacco industry tactics to influence public health policy through high-quality, peer-reviewed research. Its research relates to the evaluation of the impact of public health policy and the impact of broader policy changes, including investment and trade liberalization, on health.

12. Considering the information provided by the applicant, the Bureau recommends to the COP that observer status be granted to TCRG.

Vital Strategies Inc.

13. Registered within the United States of America, Vital Strategies Inc. is a global public health non-profit organization that works closely with the World Health Organization (WHO) and partners to advance implementation of Goal 3 of the Sustainable Development Goals. This includes a target with a

special focus on how to best implement the critical aspects of the WHO FCTC, including in-country prevention measures. It is also part of the STOP project, a global tobacco industry watchdog, whose aims and activities are in conformity with the spirit, purpose and principles of the Convention.

14. In line with the above, the Bureau recommends to the COP that observer status be granted to Vital Strategies Inc.

APPLICATIONS BY ORGANIZATIONS THAT THE BUREAU RECOMMENDS BE REJECTED

15. The Bureau reviewed applications from the following organizations and concluded that the applications should be rejected under one of the following criteria, as per decision FCTC/COP8(1) and the ROP: (1) the activities are limited to national scope; (2) has accepted funding from and/or has any vested interest in the tobacco industry; (3) is affiliated with the tobacco industry, taking into account the 17th and 18th preambular paragraphs and Article 5.3 of the Convention; (4) has no tobacco control activities; or (5) is neither an IGO nor a NGO, as defined in the ROP.

- ASH Finland
- Common Market for Eastern and Southern Africa (COMESA)
- International Network of Nicotine Consumer Organisations (INNCO)
- New Nicotine Alliance (NNA) UK
- Parlement Africain de la société civile
- Science for Democracy
- Think Tank Africa WorldWide Group

MEASURES TAKEN BY IGO OBSERVERS

16. In addition, in decision FCTC/COP8(3), the COP requested the Convention Secretariat, in consultation with the Bureau, to report to the Ninth Session of the COP (COP9) on the measures that IGOs that are observers to the COP have taken to protect their policies and activities from commercial and other vested interests of the tobacco industry, as well as on efforts to ensure their governing bodies have endorsed their status as an observer to COP and to include recommendations of any further actions that may be required. The Convention Secretariat has engaged on this matter on a case-by-case basis in the frame of its international cooperation activities, as reported in document FCTC/COP/9/12, namely in coordination focused on international and regional IGOs accredited to the COP and as part of the coordination with the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF) and the promotion of the WHO global noncommunicable diseases (NCD) agenda. The Convention Secretariat has continued to promote the *Model Policy for Agencies of the United Nations System on Preventing Tobacco Industry Interference* and has reminded IGO observers accredited to the COP of decision FCTC/COP8(3), requesting an update, if any, on measures undertaken to be reported to COP9.

ACTION BY THE COP

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

ANNEX

DRAFT DECISION

FCTC/COP9(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/9/4,

1. DECIDES, in accordance with Rules 30 and 31 of its Rules of Procedure:
 - (a) to grant observer status to:
 - Action on Smoking and Health (ASH)
 - African Tobacco Control Alliance (ATCA)
 - Smoke Free Partnership (SFP)
 - Tobacco Control Research Group (TCRG)
 - Vital Strategies Inc.;
 - (b) to reject the application for observer status of the following organizations:
 - ASH Finland
 - Common Market for Eastern and Southern Africa (COMESA)
 - International Network of Nicotine Consumer Organisations (INNCO)
 - New Nicotine Alliance (NNA) UK
 - Parlement Africain de la société civile
 - Science for Democracy
 - Think Tank Africa WorldWide Group.

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