

**FCTC**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

CSF/NV/16/05

Parties' nominations of delegates to the Conference of the Parties and its subsidiary bodies

The Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) presents its compliments to the Parties to the WHO FCTC and has the honour to inform them of the following.

The Seventh session of the Conference of the Parties (COP) will take place from 7-12 November 2016 in Delhi, India. In this regard, the Convention Secretariat will send a note verbale on registration and credentials within the next month. This raises issues which the Convention Secretariat wishes to bring to the attention of the Parties in advance.

The Convention Secretariat is aware that several Parties to the Convention have nominated representatives of partially or wholly state-owned tobacco companies to their delegations at previous sessions of the COP. The inclusion of such representatives may have prevented public health interests from prevailing in the policy positions of such delegations. In some cases these representatives directly intervened in discussions, on behalf of their delegations, and obstructed efforts to reach consensus on improved tobacco control measures to strengthen the Convention. Furthermore, the participation of tobacco industry¹ representatives prompted negative reactions from health-sector delegates representing these Parties, and from delegates of other Parties. As a consequence, the image of those Parties with tobacco industry representatives could have been damaged because all Parties have made a commitment to give priority to the protection of public health, as stated in the Preamble to the Convention.

Each Party to the WHO FCTC has a legal obligation to implement the provisions of the Convention. The Convention Secretariat refers to Article 5.3 of the WHO FCTC, which creates an obligation for all Parties to protect public health policies on tobacco control from commercial and other vested interests of the tobacco industry. In order to assist the Parties to meet the legal obligations under Article 5.3, the Conference of the Parties adopted the guidelines for its implementation by consensus in 2008. These stipulate that: "Parties should ensure that representatives of State-owned tobacco industry do not form part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties".

The Convention Secretariat respectfully requests the support of Parties to ensure the exclusion of representatives and officials² from the tobacco industry, from fully or partially state-owned tobacco industries, including state tobacco monopolies, or any organizations or individual working to advance the interests of the tobacco industry, as part of their delegations attending COP7, future COPs, any Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP) and any subsidiary body meetings organized under the auspices of the WHO FCTC. This will demonstrate Parties' sustained commitment to fulfill all their obligations under the Convention.

¹ WHO FCTC, Article 1 (e) : tobacco industry means tobacco manufacturers, wholesale distributors and importers of tobacco products

² With the broad definition to include appointed and elected officials from executive, legislative and judicial branches

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The Convention Secretariat would also like to take this opportunity to thank Parties for their efforts in safeguarding the integrity of the policymaking process at the Convention's governing body meetings and ensuring that the world's only intergovernmental body on tobacco control promotes the implementation of the Convention in a manner that is free from tobacco industry interference.

The Secretariat of the WHO FCTC avails itself of this opportunity to renew to the Parties to the WHO FCTC the assurance of its highest consideration.



Geneva, 28 April 2016