



F C T C

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Conference of the Parties

Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products

Fourth session
Geneva, Switzerland, 14–21 March 2010

FCTC/COP/INB-IT/4/2
13 January 2010

Provisional agenda item 2

Progress since the third session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products

Report by the Convention Secretariat

1. This report summarizes the main intersessional activities and related work conducted between the end of the third session of the Intergovernmental Negotiating Body (28 June – 5 July 2009) and early January 2010. The report also includes an update on the status of the WHO Framework Convention on Tobacco Control as of the end of December 2009. Further activities and progress will be included in the presentation of the Convention Secretariat to the fourth session of the Intergovernmental Negotiating Body.

STATUS OF THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

2. Since the end of the third session of the Intergovernmental Negotiating Body, in July 2009, three countries have submitted their instruments of ratification of the WHO Framework Convention on Tobacco Control to the United Nations Treaty Section, each becoming a Party to the Convention 90 days later. This will bring the total number of Parties to the Convention to 168 by 1 February 2010.

3. A total of 26 international intergovernmental organizations and 50 nongovernmental organizations are currently accredited as observers to the Conference of the Parties.

ACTIVITIES SINCE THE THIRD SESSION OF THE INTERGOVERNMENTAL NEGOTIATING BODY ON A PROTOCOL ON ILLICIT TRADE IN TOBACCO PRODUCTS

4. The third session of the Intergovernmental Negotiating Body was attended by representatives of 130 Parties, 7 States non-Parties, 3 intergovernmental organizations and 15 nongovernmental organizations accredited as observers to the Conference of the Parties.

5. At the close of its third session, the Intergovernmental Negotiating Body agreed on a negotiating text to form the basis for further negotiations on a draft protocol to eliminate illicit trade in tobacco products. The Intergovernmental Negotiating Body established two drafting groups, each to work on a number of articles between its third and fourth sessions. It also requested the Convention Secretariat to prepare a document outlining options for the institutional and financial arrangements addressed in Parts VI and VII of the negotiating text, and the financial implications of implementing those options, in consultation with Permanent Missions of Parties in Geneva.

6. The Convention Secretariat organized the work of the above drafting groups, as requested by the Intergovernmental Negotiating Body. The process of nominating members of the drafting groups was organized in coordination with the members of the Bureau of the Intergovernmental Negotiating Body, between mid-July and mid-September 2009.

7. Drafting Group 1¹ covered Articles 5, 6, 7, 10 and 11 of the negotiating text, and met twice in Geneva (30 September – 2 October and 23–25 November 2009). Representatives of 28 Parties participated in the work of Drafting Group 1. Dr M. Anibueze (Nigeria) was elected Chair. The outcome of the work of Drafting Group 1 is presented in document FCTC/COP/INB-IT/4/3.

8. At the request of Drafting Group 1, the Convention Secretariat also prepared a report on the available technology for unique markings, in view of the proposed global track and trace regime in the protocol.²

9. Drafting Group 2³ covered Articles 12–14 and 30–33 of the negotiating text and met twice in Geneva (7–9 October and 26–28 November 2009). Representatives of 25 Parties participated in the work of the drafting group. Mrs I. Demuni de Silva (Sri Lanka) was elected Chair, and Mr P. Larkin (European Community) Vice-Chair. The outcome of the work of Drafting Group 2 is presented in document FCTC/COP/INB-IT/4/4.

10. The Convention Secretariat prepared a document outlining options for institutional and financial arrangements addressed in Parts VI and VII of the negotiating text, and the financial implications for implementing those options, as requested by the Intergovernmental Negotiating Body. The draft

¹ Algeria, Armenia, Australia, Bangladesh, Brazil, Cameroon, Canada, China, Cook Islands, Djibouti, European Community, India, Iran (Islamic Republic of), Jamaica, Japan, Kenya, Malaysia, Maldives, Mexico, Mongolia, Nigeria, Pakistan, Panama, South Africa, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Turkey and United Arab Emirates.

² Document FCTC/COP/INB-IT/4/INF.DOC./1.

³ Australia, Bahrain, Brazil, Canada, Chile, China, Congo, European Community, India, Israel, Japan, Jordan, Lebanon, Libyan Arab Jamahiriya, Maldives, Mexico, Nepal, Niger, Panama, Philippines, Russian Federation, Saudi Arabia, Senegal, Seychelles, Sri Lanka, Swaziland, Sweden, Thailand and Turkey.

document was shared with Permanent Missions of Parties in Geneva in late October 2009, and the amended draft, taking into account the comments received, was discussed in a meeting with the representatives of Permanent Missions in Geneva on 11 December 2009. The document incorporating the additional input received from Parties is submitted to the fourth session of the Intergovernmental Negotiating Body.¹

11. The Bureau of the Intergovernmental Negotiating Body convened a teleconference on 30 July 2009 to review the outcome of the third session of the Intergovernmental Negotiating Body and plan the work ahead. A face-to-face meeting of the Bureau was planned in January 2010 to review the outcome of the intersessional work and preparations for the fourth session of the Intergovernmental Negotiating Body. The results of this meeting will be communicated to Parties at the fourth session of the Intergovernmental Negotiating Body.

12. The Bureau of the Conference of the Parties reviewed the outcome of the third session of the Intergovernmental Negotiating Body at its meeting held on 23 and 24 July 2009. The Chairperson of the Intergovernmental Negotiating Body, Mr I. Walton-George, was invited to present the outcome and share his views on progress made so far and the work ahead. The Bureau of the Conference of the Parties also briefly reviewed further progress made in intersessional work during its meeting held on 19 and 20 November 2009 in which the Chairperson of the Intergovernmental Negotiating Body participated via teleconference.

13. In-house coordination meetings were held with the relevant WHO departments regarding preparations for the fourth session of the Intergovernmental Negotiating Body. The Convention Secretariat also established a web site containing documents pertinent to the fourth session.²

14. Information on the fourth session of the Intergovernmental Negotiating Body, including the provisional agenda, was sent to Parties and observers in a note verbale from the Head of the Convention Secretariat in early January 2010.

INTERNATIONAL COORDINATION AND OTHER RELATED DEVELOPMENTS

15. Regular communication was maintained with the Permanent Missions of Parties in Geneva with a view to providing them with information as necessary and ensuring smooth preparations for the fourth session of the Intergovernmental Negotiating Body.

16. In response to a request by the Intergovernmental Negotiating Body, the Convention Secretariat consolidated its contacts with the United Nations Office on Drugs and Crime. In particular, comprehensive discussions and joint reviews were held with the Secretariat to the United Nations Convention against Transnational Organized Crime in order to promote synergy and complementarity in areas related to the objective of the Intergovernmental Negotiating Body. A meeting was also convened with the World Customs Organization to explore and promote synergies and complementarity in the relevant areas of the protocol.

¹ Document FCTC/COP/INB-IT/4/5.

² <http://www.who.int/fctc/inb/inb4>.

17. The Convention Secretariat organized a workshop on implementation of the WHO Framework Convention on Tobacco Control for Parties in the WHO Eastern Mediterranean Region in Cairo, Egypt (3–5 November 2009). The work of the Intergovernmental Negotiating Body and the preparations for its fourth session formed an important part of the agenda of the meeting. A similar workshop is planned in Singapore (22–24 February 2010) for Parties in the WHO South-East Asia and Western Pacific Regions.

18. Other related activities included presentations made and discussions facilitated on implementation of the WHO Framework Convention on Tobacco Control at international meetings, such as the Global Conference on Health Promotion held in Nairobi, Kenya (26–30 October 2009).

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