Review of accreditation of observers to the Conference of the Parties

Report by the Convention Secretariat

Purpose of the document

This report presents a review of the accreditation of international intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs) with the status of observers to the Conference of the Parties.

Part (a) on IGOs focuses on the survey conducted by the Convention Secretariat in accordance with decision FCTC/COP7(17). Part (b) focuses on the results of the standard online questionnaire in accordance with decision FCTC/COP6(23).

Action by the Conference of the Parties

The Conference of the Parties (COP) is invited to note this report, provide further guidance and consider for adoption the annexed draft decision.

Contribute to the Sustainable Development Goals (SDGs), if applicable: SDG 17 and Target(s) 17.16 and 17.17.

Link to the workplan and budget items 3.1 and 5.1.

Additional financial implications if not included in the workplan and budget: None.

Author team(s): Governance and International Cooperation and Reporting and Knowledge Management teams.

Related document(s): Draft decision.
a. Review of accreditation of international intergovernmental organizations with the status of observer to the Conference of the Parties

BACKGROUND

1. This report has been prepared with reference to the decision FCTC/COP7(17) that requested the Convention Secretariat to survey international intergovernmental organizations (IGOs) with observer status to the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC), using the questionnaire in Annex 2 of document FCTC/COP/7/29. The survey aimed to “identify governing body endorsements, relevant action in supporting the implementation of the treaty, unresolved, real or perceived conflicts of interests with the tobacco industry, and direct or indirect involvement with the tobacco industry, which could lead to potential interference from the tobacco industry in the implementation of the Convention”.

2. In accordance with the process adopted by the COP, the Secretariat issued an electronic invitation to 27 IGOs with observer status to submit reports via the online questionnaire. The deadline was 1 August 2017. Due to the low response rate, multiple follow-up actions were undertaken, including electronic reminders, in-session reminders and telephone calls.

SURVEY CONDUCTED BY THE CONVENTION SECRETARIAT

3. The Convention Secretariat received a total of eight responses out of 27 IGOs with observer status to the COP. The survey responses were from the following respondents: League of Arab States, South Centre, Pacific Community, World Bank, World Trade Organization (WTO), United Nations (UN), United Nations Children’s Fund (UNICEF) and the Food and Agriculture Organization (FAO) of the United Nations.

4. All respondents have stated that their activities are in line with Article 5.3 of the WHO FCTC and its guidelines; some with explicit policies to protect against tobacco industry interference, including, United Nations Development Programme (UNDP) and UNICEF, but most of them stating that no contact with the tobacco industry takes place, in any case.

5. Furthermore, most of the organizations have stated that they have conducted activities to further the implementation of the WHO FCTC. For example, the World Bank supports countries, particularly with the development of tobacco taxation policies, the UNDP most notably provided assistance to the FCTC2030 project, and the FAO is an active partner in the advancement of Article 17 and 18 implementation.

6. It should also be noted that IGO observers that have a more regional membership, such as the League of Arab States, South Centre and the Pacific Community have very active policies in place to collaborate on implementation of the WHO FCTC.

7. From the eight surveys received, none of the respondents had an endorsement from their respective governing body.

8. The current survey, consistent with COP attendance records, shows that the attendance of IGOs at each COP has been very low, with a majority of observers having attended only one session of the COP.

9. The Convention Secretariat is concerned by the general lack of endorsement from the IGOs governing bodies and the reported threat of tobacco industry interference in IGO projects. The Convention Secretariat will therefore continue to make all efforts to strengthen the involvement of the observers IGOs in the implementation of the treaty by both promoting their attendance at the COP and engaging in collaboration in the intersessional period in areas of their mandate, taking in due
account the potential interference from the tobacco industry as per the United Nations Economic and Social Council (ECOSOC) model policy recommendations, see here.¹

10. Parties may want to consider additional measures to promote IGO involvement in line with the multisectoral nature and spirit of the WHO FCTC. These organizations include, but are not limited to, United Nations agencies and programmes, as well as regional economic integration organizations.

11. Finally, Parties might wish to consider engaging in promoting the treaty’s agenda in the IGOs in which they have membership.

b. Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

BACKGROUND

12. This report has been prepared in compliance with decision FCTC/COP5(22)² and, in particular, with FCTC/COP6(23) that adopted the standard questionnaire to be used by NGOs to report on activities in support of WHO FCTC implementation.

13. In accordance with the process adopted by the COP, the Convention Secretariat issued an electronic invitation to all 20 NGOs with observer status to the COP to submit reports via the online questionnaire. The deadline was 23 February 2018.

REPORTS RECEIVED BY THE CONVENTION SECRETARIAT

14. As 11 June 2018, a total of 19 NGOs (out of the 20 that are accredited as observers to the COP) have responded to the online questionnaire, as follows:


15. The one remaining NGO that has not submitted a report (Vision mondiale de la santé) was sent several reminders asking them to comply with their reporting obligations, with only partial success. The Secretariat continues to reach out to them to get their report.

---


² Requesting the Convention Secretariat to analyse the reports received from the NGOs and prepare a report for the Bureau for its review, with a view to the Bureau making recommendations to the COP at its next regular session on whether to maintain, suspend or discontinue the observer status of accredited NGOs.
SUMMARY OF THE CONVENTION SECRETARIAT’S ANALYSIS OF THE REPORTS RECEIVED AND EXAMPLES OF RECENT WORK OF NGO OBSERVERS

16. All 19 NGOs that submitted a report wished to retain their status of observer to the COP. All of them convene regular meetings or conferences of their memberships, and all 19 organizations reported that tobacco control is covered in their gatherings.

17. The Convention articles attracting the strongest contributions from NGOs, based on the reports received, include Articles 5, 12, 8, 6 and 13 (Figure 1). The overall distribution of the NGOs contribution has not changed significantly since 2016, although a higher number of NGOs now show interest in assisting Parties in the area of tobacco taxation. Still, less attention is accorded by the NGOs to Articles 9 and 10, 15, 16, 17, and 18, and 19.

Figure 1. Number of NGOs that reported working on a particular article

18. NGOs were requested to report on their work related to the 14 substantive articles of the Convention, ranging from Article 5 (General obligations) to Article 22 (Cooperation in the scientific, technical and legal fields and provision of related expertise). The Framework Convention Alliance on Tobacco Control (FCA) and the European Network for Smoking and Tobacco Prevention work on a wide range of topics and provide support to the Parties on most of articles of the WHO FCTC. Additionally, the InterAmerican Heart Foundation, International Alliance of Women, International Council of Nurses and World Federation of Public Health Associations also reported having addressed in their work more than ten of the 14 substantive articles of the Convention, which indicates that the agenda they are advocating is quite comprehensive.

19. Some examples of strong contributions by NGOs to the implementation of the Convention by the Parties are presented below. This is not an exhaustive list of all actions NGOs are taking, they only represent a few example that were selected in the areas or actions where the implementation of the Convention needs to be scaled up.

- The International Union Against Tuberculosis and Lung Disease (the Union) has supported, by matching funds provided by the Convention Secretariat, the establishment and operation of tobacco-industry monitoring centres (observatories) in Brazil, South Africa and Sri Lanka, in line with Article 5.3 of the Convention.
Related to Article 8, the World Heart Federation’s Emerging Leaders Projects focused on enforcement. The project, called KOMPLY, aimed to ensure full compliance with the new 100% smoke-free law in cars and restaurants in Kampala, Uganda.

Campaign for Tobacco Free Kids, together with other partners, developed a plain packaging legal “toolkit” and provided technical assistance on litigation cases challenging Article 11-compliant laws in six countries.

The American Cancer Society (ACS) funds a large research project evaluating the livelihoods of current and former tobacco farmers (relevant to Articles 17 and 18).

RETAINING AND DISCONTINUING OBSERVER STATUS

20. Of the 19 respondent NGOs that expressed their wish to retain their status as observer to the COP, the Bureau, upon proposal by the Convention Secretariat, agreed to propose the retention of the observer status of 18 of the 19 NGOs.

21. There remains one outstanding observer, Vision Mondiale de la Santé, which had not submitted a report by the deadline of 28 February 2018 despite follow-up communication by the Convention Secretariat. The Convention Secretariat reviewed the previous practice for such cases. Based on those cases, the Convention Secretariat would like to recommend that a decision on whether to maintain or discontinue the observer status of Vision Mondiale de la Santé be deferred, pending receipt of a report during the next NGO reporting cycle, which will precede the Ninth session of the Conference of the Parties (COP9). Should a report from Vision Mondiale de la Santé not be received in that period, with a final deadline of six months before the opening of the session, the Convention Secretariat will propose to the Bureau that the observer status of this organization be automatically discontinued.

22. One of the NGOs, the World Self-Medication Industry (WSMI) Association, reported a conflict of interest. One of its member companies has the Chief Executive of a trans-national tobacco company sitting as a Non-Executive Director on their corporate board. Although the WSMI does not believe that this situation represents a conflict of interest, the organization brought the matter to the attention of the Convention Secretariat.

23. WSMI was reminded by the Convention Secretariat that as an observer to the COP it needs to operate in the spirit of Article 5.3 of the Convention, and requested WSMI to take action and remove the respective official from the board of their member company. This has not occurred.

24. The Bureau discussed the matter and suggested that the observer status of WSMI be discontinued. The Convention Secretariat would like to note that seventh session of the Conference of the Parties (COP7), in decision FCTC/COP7(16), discontinued the observer status of the International Federation of Pharmaceutical Manufacturers and Associations, in part on the basis of a reported conflict of interest.
Annex

Draft decision on Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

The Conference of the Parties (COP),

Recalling the 17th and 18th preambular paragraphs and Article 5.3 of the Convention,

Recalling also decisions FCTC/COP2(6), FCTC/COP4(23), FCTC/COP5(22), FCTC/COP6(23) and FCTC/COP7(16),

1. DECIDES, in accordance with Rule 30 of its Rules of Procedure:
   a. to request the Convention Secretariat to report to the Ninth session of the Conference of the Parties (COP9) and all following sessions of the Conference of the Parties on the measures international intergovernmental organizations (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 endorse their status as an observer to the Conference of the Parties;

2. DECIDES, in accordance with Rule 31.3 of its Rules of Procedure:
   a. to maintain observer status of the following nongovernmental organizations (NGOs) that submitted a report:

   b. to discontinue the observer status of one NGO (World Self-Medication Industry Association) as they reported a conflict of interest.

====