



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL



PROTOCOL
TO ELIMINATE
ILLCIT TRADE IN
TOBACCO PRODUCTS

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

Tenth session (*de minimis*)

Geneva, Switzerland, 23–24 November 2023

FCTC/COP/10/INF.DOC./2

**MEETING OF THE PARTIES TO THE PROTOCOL
TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

Third session (*de minimis*)

Geneva, Switzerland, 29–30 November 2023

FCTC/MOP/3/INF.DOC./2

14 November 2023

Decision-making and procedural issues on the virtual system

A practical guide

1. Decision-making at the *de minimis* sessions of the Tenth session of the Conference of the Parties (COP10) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Third session of the Meeting of the Parties (MOP3) to the Protocol to Eliminate Illicit Trade in Tobacco Products is governed by the Rules of Procedure of the Conference of the Parties (COP), and respectively, of the Meeting of the Parties (MOP), as modified by the special procedures to regulate the conduct of the *de minimis* virtual sessions of COP10 and MOP3.¹ Paragraphs 8 and 9 of the special procedures provide as follows:

DECISION-MAKING

8. *As already provided for by the Rules of Procedure, in accordance with Rule 50, decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 23.4 of the Convention/Article 33 of the Protocol. For all other decisions, the COP/MOP shall make every effort to reach agreement by consensus.*

9. *If all efforts to reach consensus on decisions referred to in paragraph 8 have been exhausted and no agreement has been reached, the COP/MOP shall proceed as a last resort as follows:*

(a) in the event that a vote is required, voting shall take place by roll call conducted through the virtual system; and

(b) during a roll-call vote, should any delegate fail to cast a vote for any reason during the roll call, that delegate shall be called upon a second time after the conclusion of the initial roll call. Should the delegate fail to cast a vote on the second call, the delegation concerned shall be recorded as absent.

VOTING – WHO CAN VOTE?

2. All Parties have one vote, except as provided for in paragraph 2 of Article 32 of the Convention/Article 42 of the Protocol, and as equally provided for in the Rules of Procedures of the COP/MOP.

3. In accordance with the Rules of Procedure of the COP/MOP, each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require. An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

4. As part of the registration process, the delegates will be identified in the title that appears on screen in the Zoom system.

5. Those identified in the system as a head of delegation (“H”), accredited representative (“R”), alternate representative (“AR”) and adviser (“A”), as designated, in order of precedence may cast the vote on behalf of the delegation. As in a physical meeting, the matter of internal authorization within the delegation is a matter for the delegation itself; if for example an alternate representative presents themselves to cast a vote, internal authorization within the delegation is presumed.

¹ The special procedures to regulate the conduct of the *de minimis* sessions of COP10/MOP3 are contained in documents FCTC/COP/10/27 and, respectively, FCTC/MOP/3/18, subject to adoption by the COP/MOP.

6. Before the vote begins, delegations are asked to identify which member of the delegation will cast the vote for the delegation. This person should then signal this to the Convention Secretariat by using the “raise hand” function in Zoom to identify themselves as soon as voting is opened.

7. All other delegates are requested to refrain from raising their hands for any reason during voting so that only those actually casting votes will have their hands raised in the Zoom platform. The moderator will use the raise-hand function to identify to whom to give the floor when each delegation is called to cast the vote.

8. Please ensure that the person who is going to cast the vote is connected to the Zoom platform by the time the vote begins. They must have both audio and video¹ enabled, such that they can clearly be seen on camera as well as be heard when they cast the vote. (In some cases, the video function may need to be enabled centrally, in which case this will be done after the person casting the vote raises their hand in the platform.)

VOTING PROCEDURE

9. The voting procedure will be outlined by the Legal Team of the Convention Secretariat before voting opens.

10. Parties will be called one by one to vote. They will be called in alphabetical order, starting with a letter to be drawn by lot.

11. If more than one member of a delegation has raised their hand, the delegation concerned should take action to ensure the hands of all but one member of the delegation are lowered. If, when the floor is to be given to the delegation, more than one member of the delegation’s hand remains raised, the floor will be given to the member of the delegation with the highest ranking on the credentials submitted.

12. The Convention Secretariat will call the name of delegations to vote in turn. When the name of a delegation is called, the person casting the vote should unmute themselves and, if they have not already done so, activate their video camera. They should pause to ensure that they can be both seen and heard. They should then clearly state the name of their delegation.

13. The Convention Secretariat will ask for the delegation’s vote and the person casting the vote should again state the name of the delegation and add their vote (YES/NO/ABSTENTION). The Convention Secretariat will repeat this information and the vote will be recorded.

Example:

Convention Secretariat: *Country X,*

Delegation member: *This is Country X,*

Convention Secretariat: *May we have your vote please, Country X?*

Delegation member: *Country X, abstention,*

Convention Secretariat: *Country X, abstention.*

¹ If it becomes clear during the session that there are substantial problems with video connections of multiple delegations, the Chair may propose before voting begins that votes cast through the audio connection only on the virtual system be accepted.

14. If the person casting the vote cannot be clearly seen¹ and heard, the Convention Secretariat will call the name of the delegation a second time. Unless there are obvious audio or video problems that can be immediately resolved, the name of the delegation will usually be called only twice on the first round before the roll call progresses to the next Party.

15. When all Parties have been called on in the first round, a second round will be called. Those Parties whose votes were not cast on the first round will be called, in the same order, on the second round.

16. Those delegations that, for whatever reason, do not cast a vote in the first or second round of the roll call, will be recorded as absent.

WHAT WILL HAPPEN IF A VOTER CANNOT BE REACHED?

17. If a voter has raised their hand on the Zoom platform but cannot be reached when the floor is given to them or if the connection is not sufficient to allow the vote to be cast, the delegation is invited to consider identifying a different member of the delegation to cast the vote on the second call. If on the second call, the person cannot be reached, the delegation will be given an opportunity to have an alternative member of the delegation raise their hand on the platform and be given the floor to cast the vote.

18. Delegations are invited to follow carefully the guidance provided separately on maximizing connectivity in order to avoid problems.

19. Technical support can be obtained as follows:

Email: FCTC-IT-Support@who.int

20. Because visual identification is being used as an additional safeguard to promote confidence in the integrity of the vote, a vote may not be cast if there is no video connection on which the person voting can be clearly seen.¹ For the same reason, a vote cannot be accepted by chat or by a telephone connection. In an extreme instance, a vote may be cast over a video connection with inadequate or no audio by writing the vote on a piece of paper and holding it to the camera.

WHAT STEPS ARE TAKEN TO MAKE THE VOTE SECURE?

21. Every registered delegation member will be provided with personal links to attend the virtual rooms. The personal links for each delegation member will be sent to the unique email address provided during the registration process.²

22. Delegation members are advised to ensure the security of the personal links that they receive. They should not share their personal links with anyone else.

¹ If it becomes clear during the session that there are substantial problems with video connections of multiple delegations, the Chair may propose before voting begins that votes cast through the audio connection only on the virtual system be accepted.

² Decisions FCTC/COP8(12) and FCTC/MOP1(15) apply.

23. Delegation members should also secure their personal mailbox with a strong password and two-factor authentication. Links for enabling two-factor authentication on common email services will be included in the guidance provided.

24. It is important that each delegate follows these instructions carefully in order to ensure the greatest possible security of the system.

25. The requirement for those voting to be seen on video when casting their votes, combined with the open and transparent nature of the vote, provides an additional safeguard for the security of the vote.¹

PROCEDURAL ISSUES

26. In order to raise a point of order, request a right of reply or make a procedural motion, a delegation member should send a message to the following telephone number **by SMS text or by WhatsApp: +41 79 595 9743**.

27. This number is staffed during meetings and may be used for points of order, requests for rights of reply or other procedural motions only. It may not be used for any other matter. The message will be relayed to the presiding officer promptly.

28. Once the beginning of voting has been announced, no delegate may interrupt the voting except on a point of order in connection with the actual conduct of the vote. Any concerns relating to the conduct of a vote should be raised, through a point of order, before the results of the vote are announced.

29. Subject to the discretion of the presiding officer, it is envisaged that rights of reply will be taken at the end of proceedings of each day.

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¹ If it becomes clear during the session that there are substantial problems with video connections of multiple delegations, the Chair may propose before voting begins that votes cast through the audio connection only on the virtual system be accepted.