



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

FCTC/COP/10/3
19 September 2023

Tenth session
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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

The present document provides information to the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control on applications for the status of observer to the COP and the related recommendation of the Bureau elected by the Ninth session of the COP.

Action by the Conference of the Parties

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

Contribution to the Sustainable Development Goals (SDGs): All SDGs; in particular, SDG 3 and Target 3.a.

Link to Workplan and Budget item: 2.1.4.1 and 2.2.1.1.

Additional financial implications if not included in the Workplan and Budget: None.

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 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 Rules of Procedure of the COP, which states: “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 accordance with Rules 24ter.1(f) and 24ter.1(g) of the Rules of Procedure of the COP, the Bureau of the COP shall review the applications of NGOs and IGOs that apply for observer status and make recommendations in that regard to the COP.
4. In decision FCTC/COP8(1), the COP adopted an indicative list of criteria to guide the Bureau of the COP 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 exclusionary 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.

5. By the deadline of 22 August 2023, the Convention Secretariat received, through the online submission portal on WHO FCTC website, 15 applications for NGO observer status. One application was considered by the Bureau elected by the Ninth session of the COP (COP9) as having been submitted by an entity that is neither an IGO nor an NGO, but rather a time-limited, regional project. Four applications that were received through the online submission portal were discarded.¹

6. In addition, one organization that had applied for IGO observer status was considered by the COP9 Bureau as neither an IGO nor NGO. The Bureau kept with the assessment of the Bureaus elected by the Seventh session of the COP (COP7) and the Eighth session of the COP (COP8) in respect of this organization, which had previously also applied for observer status to the COP. At the recommendation of the COP7 and COP8 Bureaus, the COP had rejected the observer status to the applicant in decisions FCTC/COP8(1) and FCTC/COP9(3).

APPLICATIONS BY NONGOVERNMENTAL ORGANIZATIONS

Coalición América Saludable (CLAS)

7. CLAS is a regional NGO representing organizations and individuals in Latin America and the Caribbean working to prevent and control noncommunicable diseases (NCDs), their risk factors and determinants of health. CLAS is a non-State actor in official relations with the Pan American Health Organization, and tobacco control is a priority on the organization's agenda. CLAS activities focus on tobacco control advocacy in Central America to strengthen action against interference of the tobacco industry in public health policies, supporting countries with implementation of Articles 6 and 8 of the WHO FCTC, and raising awareness about the negative impact of tobacco products on the environment.

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

International Federation of Medical Students' Associations (IFMSA)

9. Founded in 1951, IFMSA describes itself as one of the world's oldest and largest student-run organizations and is a non-State actor in official relations with the World Health Organization (WHO). The organization supports implementation of national activities addressing tobacco consumption and advocates against tobacco consumption, as well as builds the capacity of its members to lead by example and advocate in their own communities against tobacco consumption. Its programmes include a focus on healthy lifestyles and NCDs, health systems, ethics and human rights in health, and the environment and health.

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

NCD Alliance (NCDA)

11. NCDA is an international NGO and a non-State actor in official relations with WHO. As a membership organization, it counts over 400 member organizations in more than 60 countries and a

¹ One submission in the NGO category was discarded as it was from an accredited NGO observer. Three submissions under the IGO category were discarded, as follows: one was submitted by a national NGO under the wrong category; one was already considered under the NGO category (double application); and one was submitted by a private company.

large network of national and regional NCD alliances. NCDA uses targeted advocacy and outreach, across the United Nations Member States and United Nations agencies, to ensure that NCDs and NCD risk factors, including tobacco use, are recognized as a major cause of poverty, a barrier to economic development and a global public health emergency. It promotes the attainment of SDG Target 3.a to strengthen implementation of the WHO FCTC.

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

APPLICATIONS BY ORGANIZATIONS THAT THE BUREAU RECOMMENDS BE REJECTED

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

- A Non Smoking Generation
- Common Market for Eastern and Southern Africa (COMESA)
- Elizka Relief Foundation
- Energy Action Partners
- International Network of Nicotine Consumers Organisations (INNCO)
- International Tobacco Growers' Association (ITGA)
- Joint Action on Tobacco Control 2 (JATC2)
- No More Butts
- Somali Youth Development Foundation (SYDF)
- The Volunteer Team Foundation for Humanitarian Action
- Turkish Green Crescent Society
- Work for a Better Bangladesh (WBB) Trust
- Youth Foundation of Bangladesh (YFB)

ACTION BY THE CONFERENCE OF THE PARTIES

14. The COP is invited to note the present report and consider adopting the annexed draft decision, as recommended by the Bureau.

ANNEX

**DRAFT DECISION:
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/10/3,

DECIDES, in accordance with Rules 30 and 31 of its Rules of Procedure and pursuant to decision FCTC/COP8(1):

- (a) to grant observer status to:
 - Coalición América Saludable (CLAS)
 - International Federation of Medical Students' Associations (IFMSA)
 - NCD Alliance (NCDA)
- (b) to reject the application for observer status of the following organizations:
 - A Non Smoking Generation
 - Common Market for Eastern and Southern Africa (COMESA)
 - Elizka Relief Foundation
 - Energy Action Partners
 - International Network of Nicotine Consumers Organisations (INNCO)
 - International Tobacco Growers' Association (ITGA)
 - Joint Action on Tobacco Control 2 (JATC2)
 - No More Butts
 - Somali Youth Development Foundation (SYDF)
 - The Volunteer Team Foundation for Humanitarian Action
 - Turkish Green Crescent Society
 - Work for a Better Bangladesh (WBB) Trust
 - Youth Foundation of Bangladesh (YFB)

(XX plenary meeting, November 2023)

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