



**BRIEFING PAPER:**  
**FINANCIAL RESOURCES AND MECHANISMS OF**  
**ASSISTANCE**

**Second Session of the Conference of the Parties to the WHO FCTC**  
**Bangkok, Thailand**  
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## **Recommendations**

- 1. The second session of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (FCTC) should initiate a process to establish a subsidiary body/working group to oversee, on an ongoing basis, issues relating to financial resources and mechanisms of assistance for the achievement of the objective of the Convention. The body/group should:**
  - be mandated to meet twice a year, and to present a report and recommendations to each subsequent session of the COP;**
  - be open to all Parties to the FCTC and to observers; and**
  - be overseen by a Bureau elected on the basis of equitable geographical representation and balanced representation of developing country Parties and Parties with economies in transition and developed country Parties.**
  
- 2. The second session of the COP should decide that Parties' reports on the provision and receipt of technical and financial assistance, and on gaps between resources available and needs assessed (as required under Article 21 and contained in the provisional questionnaire adopted by the COP at its first session) should be submitted annually, and at least 60 days in advance of one of the two meetings of the subsidiary body/working group on financial resources.**

## **Background**

The negotiation, ratification and entry into force of the WHO Framework Convention on Tobacco Control (FCTC) represent a remarkable achievement in global public health. The FCTC has the potential to save millions of lives across the globe. If it is to live up to its promise, however, it must be fully implemented by its Parties as quickly and as effectively as possible.

While comprehensive and effective tobacco control laws, policies and programmes, such as price and tax measures (including measures to combat illicit trade), comprehensive advertising bans, graphic health warnings, public education campaigns and cessation programs are highly cost-effective, their implementation nevertheless requires a combination of financial resources, technical expertise and policy and programme infrastructure. For many developing countries and countries with economies in transition, FCTC implementation faces real challenges. The result is that lives are lost unnecessarily and economies suffer heavy and avoidable losses.

The FCTC recognizes both the importance of financial resources and the particular needs of developing countries and countries with economies in transition. In the preamble, the Parties acknowledge 'that tobacco control at all levels and particularly in developing countries and in countries with economies in transition requires sufficient financial and technical resources commensurate with the current and projected need for tobacco control activities'. One of the Convention's guiding principles is that: 'International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and

implement effective tobacco control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention' (Article 4.3). Under Article 22.1, Parties agree to 'cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition'.

In Article 26.1, Parties 'recognize the important role that financial resources play in achieving the objective of this Convention'. Parties agree under Article 26.3 to 'promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition'. Parties represented in relevant regional and international intergovernmental organizations agree to 'encourage these entities to provide financial assistance for developing country Parties and Parties with economies in transition to assist them in meeting their obligations' (Article 26.4).

In its Decision FCTC/COP1(13) (Financial resources and mechanisms of assistance) the first session of the COP recognized 'the urgent need for all Contracting Parties to implement the Convention to the maximum level' and 'the urgent need for assistance to developing country Parties and Parties with economies in transition to support them in their implementation'. The Decision:

- called upon developing country Parties and Parties with economies in transition to conduct needs assessments and communicate their prioritized needs to development partners;
- recognized the responsibility of developed country Parties to provide assistance, calling upon them 'in accordance with their obligations under the Convention, to provide technical and financial support to developing country Parties and Parties with economies in transition for this purpose, through bilateral, regional, international or nongovernmental channels';
- urged developed countries, international financial institutions, international organizations and other development partners 'to channel resources, based on specific requests, to developing country Parties and Parties with economies in transition for the implementation of the Convention, without which full implementation of the Convention will not be achieved'; and
- requested the Secretariat to provide assistance to developing country Parties and Parties with economies in transition in the conduct of needs assessments and in securing technical and financial assistance and to 'launch an awareness-raising campaign among potential development partners to mobilize financial and technical support for developing country Parties and Parties with economies in transition, to assist them in implementing the Convention'.

### **The need for a subsidiary body/working group**

Since the first session of the COP, the establishment of the Bloomberg Global Initiative to Reduce Tobacco Use has introduced a significant new source of funding for global tobacco control activities. Among its other elements, the Initiative has created a competitive grants program for activities to reduce tobacco use in low- and middle-income countries. While this funding has made an enormous difference to

tobacco control efforts in developing countries and countries with economies in transition, it cannot alone fully meet the resourcing and technical assistance needs of these countries. Nor should the availability of private funding be seen to relieve developed country Parties – many of whom profit from sales of tobacco products in developing countries and countries with economies in transition by multinational companies located within their territory – of their responsibilities to provide developing country Parties and Parties with economies in transition with financial and technical assistance. The urgency of addressing the needs of developing country Parties and Parties with economies in transition remains.

Decision FCTC/COP1(13) called for a number of activities to be undertaken by Parties, the Convention Secretariat, and other bodies and organizations, but it did not consider the kinds of institutions which may be needed at the international level to ensure that the needs of developing country Parties and Parties with economies in transition can be monitored and addressed in a comprehensive, ongoing way. The position of the Framework Convention Alliance (FCA) is that issues relating to financial resources and mechanisms of assistance for the achievement of the objective of the FCTC should be addressed on an ongoing basis in an open, multilateral forum in which both needs and opportunities can be identified and discussed and concrete steps agreed and then acted upon. For this purpose, the FCA recommends the establishment of a subsidiary body or working group on financial resources and mechanisms of assistance.

The functions that could be performed by a subsidiary body/working group on financial resources and mechanisms of assistance cannot adequately be performed either by the Convention Secretariat or by the COP itself. The Convention Secretariat is likely to have limited capacity and to be pressed in trying to meet the wide range of demands of inter-sessional work. Nor can the work of the Secretariat genuinely provide the kind of open forum that is required for the multilateral discussion of needs and opportunities. While the Secretariat has an important role to play in providing advice and assistance with respect to financial and technical assistance, the Secretariat cannot manage these issues alone. The COP is also unlikely to be able to give issues relating to financial and technical resources the attention they require: its meetings are likely to be attended by a large number of countries – the FCTC already has 147 Parties – to be held only annually or every two years, and to have a number of issues packed into a tight time-limited agenda.

A subsidiary body / working group on financial resources and mechanisms of assistance should meet twice a year and be mandated to discuss the full range of issues relating to financial resources and mechanisms of assistance, present reports and recommendations to each session of the COP, and to work cooperatively with the Secretariat, any other subsidiary bodies established under the Convention and with other relevant bodies including intergovernmental organizations and nongovernmental organizations. The body / group would be able to provide Parties with necessary ongoing assistance and to facilitate informed discussion on financial resource and assistance issues by the COP. The subsidiary body/working group should be open to all Parties to the FCTC and to observers, and should be overseen by a Bureau elected on the basis of equitable geographical representation and balanced representation of developing country Parties and Parties with economies in transition and developed country Parties.

The meetings of the body / group should be held in conformity with Article 5.3 of the Convention, which requires Parties to protect their policies ‘from commercial and other vested interests of the tobacco industry’.<sup>1</sup>

### **Reporting to the COP on technical and financial assistance**

Parties to the FCTC are required by Article 21 to submit reports to the COP on their implementation of the Convention. The frequency and format of such reports are not specified in the Convention but are to be determined by the COP. In its Decision FCTC/COP1(14) (Reporting and exchange of information) the first session of the COP decided that each Party would be required to submit reports two years, five years and eight years after entry into force of the Convention for that Party.

The provisional questionnaire adopted in Decision FCTC/COP1(14) includes a section on technical and financial assistance. As explained in the Decision, Parties should report on: ‘their ability to provide assistance, both financial and technical, in the case of development partners, as well as assistance already provided’ or ‘their assessed areas of need and the extent to which these are being met (or otherwise), and estimates of assistance, both technical and financial required to enable them to move to the next reporting group, in the case of developing economies and economies in transition. This could also include relevant information about any constraints or barriers to implementation as well as the assistance already received/provided.’

In the FCA’s view, if the challenges faced by developing country Parties and Parties with economies in transition are to be effectively addressed on an ongoing basis, it is imperative that all Parties be required to report on these matters annually. The reporting arrangements adopted at the first session of the COP create two separate difficulties. The first is the relative infrequency of the reports – reports must be submitted only every two or three years. The second is that because Parties will be reporting at different times in different years – based on when the Convention entered into force for each Party – no up-to-date ‘snapshot’ will ever be available. This will make a comprehensive understanding and treatment of existing needs and opportunities impossible.

The FCA’s position is that Parties’ reports on matters relating to technical and financial assistance should be required to be submitted annually, at least 60 days in advance of one of the two meetings of the subsidiary body/working group on financial resources and mechanisms of assistance (as specified either by the COP or the subsidiary body/working group). This procedure would enable the work of the subsidiary body/working group to be meaningfully informed by Parties’ reports on the provision and receipt of technical and financial assistance, and on gaps between resources available and needs assessed, so that these issues can be given detailed and ongoing attention. In accordance with Article 24.3(c) of the FCTC, the Convention Secretariat should provide support to developing country Parties and Parties with economies in transition in the preparation of their reports to ensure that reporting achieves its objective and does not become burdensome for these Parties.

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<sup>1</sup> Rule 27.2 of the Rules of Procedure of the COP so provides for meetings of subsidiary bodies.