

Briefing 12: Budget and workplan of the Conference of the Parties

**Third session of the Conference of the Parties to the
WHO Framework Convention on Tobacco Control
17-22 November 2008, Durban, South Africa**

Recommendation

The third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control should revise the Budget and workplan 2008-2009 adopted by the second session of the Conference of the Parties to ensure the provision of sufficient resources for all necessary work to be carried out between the third and fourth sessions of the Conference of the Parties.

Background

Article 23.4 of the WHO Framework Convention on Tobacco Control (FCTC) requires the Conference of the Parties (COP), at each ordinary session, to adopt a budget for the financial period until its next ordinary session. The budget adopted by the COP is critical to its ability to perform its functions as set out in Article 23.5 – to ‘keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation’ – and to the ability of the Convention Secretariat to perform its central role in facilitating the effective performance of these functions, as set out in Article 24.

The Convention Secretariat’s note for the third session of the COP (COP-3), ‘Next budget and workplan of the Conference of the Parties’ (Document FCTC/COP/3/20), states that: ‘The current budget and workplan, which were adopted by the Conference of the Parties at its second session in 2007 (decision FCTC/COP2(11)),¹ already covers the period 2008–2009, so that the next budget will be considered at the fourth session’ (para 1).

The note further states that: ‘In accordance with Rule 4 of the Rules of Procedure of the Conference of the Parties, the regular sessions of the Conference of the Parties will enter into a two-year cycle after the third session unless the Conference decides otherwise’ (so that the fourth session would be in 2010, adopting a budget for 2011-2012, the fifth in 2012, adopting a budget for 2013-2014, and so forth) (para 2). In view of the operational advantages of aligning the COP’s budgeting cycle with the biennial planning

¹ ‘Budget and workplan 2008-2009’ (World Health Organization, Conference of the Parties to the WHO Framework Convention on Tobacco Control, second session, decision FCTC/COP2(11)).

cycle of WHO (2010-2011, 2012-2013, and so forth), the note proposes that the fourth session of the COP (COP-4) be held in either late 2009 or early 2010, so as to allow for adoption of a 2010-2011 budget (paras 3-4).

The Secretariat's note does not appear to contemplate the need for COP-3 to revise the budget and workplan adopted by COP-2 to provide funding for the COP's programme of work until COP-4, as required under Article 23.4 of the Convention. The note implies that the budget and workplan for the period until the end of 2009 was decided at COP-2 and will not be further considered.

Revision of the 2008-2009 budget and workplan

Because each session of the COP takes critical decisions on the work needed in the intersessional period to facilitate and monitor effective implementation of the Convention, Article 23.4 requires each session of the COP to adopt a budget to provide for this work to be carried out in the financial period until the next session.² In adopting a budget to cover the financial period 2008-2009, while also deciding that COP-3 would be held in 2008, COP-2 appears to have failed to follow the requirements of Article 23.4. If COP-3 does not rectify this oversight, it will have serious consequences for the COP's work between COP-3 and COP-4.

The 2008-2009 budget adopted at COP-2 was based on the workplan agreed to by COP-2. The major line item in the budget was \$3.365M for 'Elaboration of guidelines and protocols and other activities'. Most of the activities provided for – including sessions of the working groups elaborating guidelines on Article 5.3, Articles 9 and 10, Article 11, Article 12, and Article 13, a meeting of the study group on economically sustainable alternative livelihoods, and a session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products³ – took place in the period between COP-2 and COP-3. COP-3 will need to revise the workplan to provide for further work agreed to by COP-3, including further work on the development of guidelines and on the elaboration of a protocol on illicit trade in tobacco products, in the period between COP-3 and COP-4. The Framework Convention Alliance (FCA) would be deeply concerned if COP-3 did not fully review and revise the 2008-2009 budget to provide all the additional funds necessary for this work to be carried out.

FCA is also deeply concerned that the budget adopted by the COP thus far has not matched the importance of its role, and the role of the Convention Secretariat, in ensuring that the FCTC achieves its objective. Though the COP has indicated its commitment to its role by adopting an ambitious programme of work, the resources provided for the work programme have not matched that ambition.

² Note that under the Financial Regulations and Rules of the World Health Organization, adopted by the Conference of the Parties at its first session as the financial rules of the Convention in accordance with Article 23.4 (decision FCTC/COP1(9) ('Adoption of Financial Rules of the Conference of the Parties')), 'financial period' means 'two consecutive calendar years beginning with an even-numbered year' (Regulation 2.1).

³ While two sessions of the Intergovernmental Negotiating Body have been held since COP-2, only one session was provided for in this line item.

To enable the COP to 'keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation', sufficient resources must be provided to allow the Convention Secretariat to perform a range of supportive functions, including the following:

- convening regular sessions of the COP (and any necessary extraordinary sessions) and meetings of subsidiary bodies established by the COP, and providing the technical and administrative support necessary to make these sessions and meetings successful;
- supporting the COP in the elaboration of guidelines and protocols, including through provision of both technical and administrative support;
- providing assistance to Parties, particularly developing country Parties and Parties with economies in transition, to facilitate effective implementation of their obligations under the Convention, including technical assistance and support in accessing sources of funding and other forms of assistance;
- raising awareness of the need for financial and technical support in implementing the Convention for developing country Parties and Parties with economies in transition;
- facilitating an effective implementation reporting system, including through development of the necessary instruments, assistance to Parties in completing reports, and review of Parties' reports;
- facilitating cooperation between Parties in implementation of their obligations under the Convention; and
- liaising and coordinating with relevant intergovernmental and nongovernmental organizations.

The effective performance of these functions is particularly critical in the early years of the Convention's life, during which decisions and arrangements necessary to guide implementation in the years ahead must be put in place.

In its 'Performance report for the 2006-2007 budget and workplan (decision FCTC/COP2(11))' (Document FCTC/COP/3/18), the Convention Secretariat notes a number of areas in which actions are 'required to improve performance' (para 20). These include:

- 'strengthening support for working groups that are drawing up guidelines for implementation of various articles of the Convention, including providing information and assisting them in identifying synergy, interaction and cross-cutting elements in different documents';
- 'strengthening and streamlining support to Parties for assessing their needs and gaining access to available resources for implementation of the Framework Convention, in line with the decisions of the Conference of the Parties on financial resources and mechanisms of assistance';
- 'launching awareness raising campaigns among potential development partners to mobilize financial and technical support in implementing the Convention for developing country Parties and Parties with economies in transition';

- 'further improving the reporting system under the Convention, through the second phase of the reporting instrument, standardization of data (particularly on the prevalence of tobacco use), and intensified support to Parties in complying with their reporting obligations'; and
- 'responding to Parties' needs for intersessional coordination at regional and subregional levels during negotiations for a protocol on illicit trade in tobacco products'.

The Performance report also notes that: 'The rapid increase in the number of Parties during the biennium (151 at the end of 2007 compared with 87 at the end of 2005) demonstrates the importance that countries attach to the Framework Convention, but it also increases the volume of and expectations from the work of the Conference of the Parties and the Convention Secretariat' (para 19). FCA fully agrees with this statement, noting that the number of FCTC Parties has now reached 160. The swift embracement of the FCTC by countries across the globe shows the critical importance being placed on protecting present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke. It also places a responsibility on the COP to ensure that this objective is achieved. To fulfill this responsibility, the COP must match its commitment to work on facilitation and monitoring of effective implementation of the Convention with the resources needed to enable this work to be carried out.