



This document relates to item 8.6 of the provisional agenda.

Fifth Session of the Conference of the Parties to the
WHO Framework Convention on Tobacco Control, 12-17 November 2012, Seoul, South Korea

FCA Policy Briefing
The Role of the FCTC Bureau

Key recommendations:

- **COP5 should formalize procedural matters regarding Bureau meetings and encourage the Bureau to provide regular updates on its activities;**
- **Bureau members should receive a formal mandate to regularly communicate and act as a liaison with Parties in their respective regions;**
- **The COP should further explore the appropriateness of increasing the membership of the Bureau and review the matter on a regular basis.**

Introduction:

The Bureau of the Conference of the Parties (COP) represents one element of the governing structure of the Framework Convention on Tobacco Control (FCTC). Officers elected by the COP constitute the Bureau, and support the COP and the Convention Secretariat through the provision of advice and guidance regarding the ongoing work of the Convention.

The Bureau's responsibilities are determined by the FCTC Rules of Procedure of the COP, as well as by various decisions adopted by the COP. At the fourth session of the Conference of the Parties (COP4), the Bureau identified several areas where further clarity of its mandate may be needed. Report FCTC/COP/5/24, which was prepared by the Convention Secretariat in consultation with the current COP Bureau, describes the existing responsibilities of the Bureau and identifies several ways in which the COP should enhance and formalize its mandate.

FCA considers the COP Bureau to be an important component of the FCTC and one of the instruments to ensure Parties' engagement in the FCTC process, particularly between sessions of the COP. FCA believes that additional functions of the Bureau, such as regular communication with Parties, would contribute to effective and coherent intersessional work of the Convention. Since the Bureau increasingly plays an important role in the intersessional process of the Convention, the COP should regularly review its mandate and may wish to consider increasing its membership in the future.

The Bureau's mandate and responsibilities

The Bureau of the FCTC COP currently has six members, one from each WHO region, and performs numerous functions. Some of its responsibilities were established by the FCTC Rules of Procedure¹, while some were determined over time by various decisions of the COP. The report of the Convention Secretariat on this topic, FCTC/COP/5/24, lists all these responsibilities in detail.

The members of the Bureau meet between sessions of the COP to perform its intersessional duties. Four meetings usually take place during the intersessional period. Three meetings are held in Geneva, while the last meeting of the Bureau term is held at the location of the COP. This practice evolved over time and has not been institutionalized by the Rules of Procedure or by a COP decision, other than the workplan and budget.

All functions currently exercised by the Bureau to the FCTC are similar to responsibilities of bureaux of other treaties. It is worth noting that other bureaux also have certain functions formalized, while some of their responsibilities remain ad hoc and are determined by decisions of their governing bodies².

At the same time, bureaux of other treaties engage in additional activities, such as liaising with the Parties, negotiating memoranda of understanding with other organizations or selecting cases of best practice to be presented during the COP sessions³. While many of these functions are specific to individual treaty bodies, some of these activities may be acquired by the FCTC Bureau in the future.

In FCA's view, the practice of Bureau members to act as a liaison with Parties in their respective regions is very important. Through communication with the Parties prior to a Bureau meeting, the Bureau members collect a variety of information and bring a wider perspective to the discussions. The COP should follow the advice of report FCTC/COP/5/24 and institutionalize this practice at COP5.

Decisions to be taken by COP5

At COP5, Parties are expected to review the current and newly proposed functions of the COP Bureau, and decide whether adjustments to the Bureau's mandate and format would be desirable. FCA encourages Parties to review this matter carefully and consider the long-term implications of COP5 deliberations.

Certain procedures, such as the number of meetings of the Bureau and their frequency, or responsibilities to regularly communicate with Parties in respective regions, should be formalized. COP5 may also want to encourage the Bureau to provide updates on its activities to each session of the COP, and to regularly share information with Parties and official observers about Bureau meetings. For instance, under the Convention on International Trade in Endangered Species of Wild Fauna and Flora Parties (CITES), Parties and other stakeholders have access to the Bureau's agenda and documents discussed at its meetings⁴. These measures would increase awareness of the FCTC Bureau's responsibilities, and would promote the involvement of Parties and other stakeholders in the FCTC intersessional process. In this context, Parties may also wish to discuss the process leading to the election of Bureau members.

¹ Rule 6, 9, 19, 22.

² COP report, para 15-17.

³ For full list of additional functions of bureaux of other treaties see report COP5 para 18-19.

⁴ All documents presented at the sessions of the Standing Committee which performs functions similar to the Bureau of the FCTC are available at: <http://www.cites.org/eng/com/SC/index.php>.

At the same time, a proposal to increase the membership of the COP Bureau should be further explored. Currently, the Bureau has only six members and already performs many intersessional activities. FCTC implementation needs to be addressed during the sessions of the COP, but also intersessionally. A larger Bureau would allow more Parties to become directly involved in the intersessional work of the Convention and would enhance representation of regional perspectives.

Conclusions

The COP Bureau forms one of the important components of the FCTC governing structure. A Bureau with a clear and coherent mandate, accompanied by transparent practices, will enhance the effectiveness of the Convention.

In FCA's view, assigning additional functions to the Bureau, such as regular communication with Parties, as well as increasing the number of Bureau members, will benefit the FCTC in the long term and should be given serious considerations at COP5.