



# WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
Second session  
Agenda item 4

A/FCTC/INB2/WG3/Conf.Paper No.2  
3 May 2001

## WHO framework convention on tobacco control

Textual proposals made in the second meeting of Working Group 3,  
Wednesday, 2 May 2001, on sections N, O and P  
of document A/FCTC/INB2/2

[Extract from document A/FCTC/INB2/2]

### *N. Secretariat*

1. The secretariat of this Convention shall be provided by the World Health Organization.

[End of extract]

Text proposed by Sweden (on behalf of the European Community and its Member States),  
Poland and Romania

1. The secretariat of *this Convention* shall be *provided by* the World Health Organization, which should make the necessary funds available.

Text proposed by the United States of America

1. The secretariat of this Convention shall be provided by [INSERT].

[Extract from document A/FCTC/INB2/2]

### *O. Support by the World Health Organization*

[End of extract]

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**Text proposed by Senegal (cosponsored by Member States of the WHO African Region) (see note at the end of the document)**

In the title, replace "Support" by "Relations between"

(Translator's note: **Relations with the World Health Organization** would be more correct)

[Extract from document A/FCTC/INB2/2]

***O. Support by the World Health Organization***

1. The Conference of the Parties may call upon the World Health Organization to provide technical cooperation in achieving the objective of this Convention or in connection with questions falling within its mandate arising out of the application of the Convention and its protocols. The Organization shall accord such support in accordance with its programmes and within the limits of its resources.

[End of extract]

**Text proposed by Malawi**

1. Add the word "financial" after the word "technical". "The Conference of the Parties may call upon the World Health Organization and its Collaborating Parties to provide technical and financial cooperation ...".

**Text proposed by the Russian Federation**

1. The Conference of the Parties may call upon the World Health Organization to provide technical cooperation in achieving the objective of this Convention or in connection with questions falling within its mandate arising out of the application of the Convention and its protocols. The Organization shall accord such support in accordance with its programmes and within the limits of its resources, and also help to find extrabudgetary resources for countries that require them.

**Text proposed by Senegal (cosponsored by Member States of the WHO African Region) (see note at the end of the document)**

1. The Conference of the Parties may call upon the World Health Organization *and its partners* to provide technical cooperation in achieving the objective of this Convention or in connection with questions falling within its mandate arising out of the application of the Convention and its protocols. The Organization shall accord such support in accordance with its programmes and within the limits of its resources.

**Text proposed by the United States of America**

1. Delete text.

[Extract from document A/FCTC/INB2/2]

2. The World Health Organization may, on its own initiative, make proposals to the Conference of the Parties.

[End of extract]

**Text proposed by Sweden (on behalf of the European Community and its Member States), Romania, Bulgaria, Poland, Czech Republic and Turkey**

2. The World Health Organization may, on its own initiative, make proposals on this matter to *the* Conference of the Parties.

[Extract from document A/FCTC/INB2/2]

***P. Reporting and implementation***

1. In accordance with guidelines agreed upon by the Conference of the Parties, each Party shall submit to the Conference the following data:

- (a) information on tobacco control institutions, strategies, plans, programmes, policies, legislation and other measures initiated or implemented in accordance with the provisions of Articles [INSERT], together with information on enforcement, where appropriate;
- (b) information on steps to carry out actions taken in accordance with Article [Financial Resources];
- (c) information on the economic, social and other consequences of various response strategies adopted to implement this convention and its protocols;
- (d) information on measures, in addition to those described above, that the Party has taken to implement the provisions of this convention and their effectiveness in meeting its objective;
- (e) description of measures planned by the Party to implement this convention.

[End of extract]

**Text proposed by Argentina**

1. In accordance with guidelines agreed upon by the Conference of the Parties, each Party shall submit to the Conference the following data:

- (a) information on tobacco control (alternative wording in Spanish only) institutions, policies, legislative and administrative measures and all other measures initiated, implemented and/or planned in accordance with the provisions of Articles [INSERT], together with information on enforcement, where appropriate;

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**Text proposed by Australia**

2. Each Party shall make its initial communication within one year of the entry into force of the Convention for that Party, and thereafter at a frequency to be determined by the Conference of the Parties.

**Text proposed by China**

Delete the words "and each other Party" in the first line.

**Text proposed by Cuba**

2. Each developed-country Party shall make its initial report within six months of the entry into force for that Party of this Convention. Each other Party shall make its initial report within four years of the entry into force for that Party of the Convention. The frequency of a subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differential timetable set by this paragraph.

**Text proposed by Israel**

2. Each developed-country Party and each other Party included in Annex [INSERT] shall make its initial report within one year of the entry into force for that Party of this Convention. [the rest as is in the Chair's text].

**Text proposed by Panama**

2. Each signatory Party shall make its initial report within one year of the entry into force for that Party of this Convention. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

**Text proposed by Sweden (on behalf of the European Community and its Member States), the Czech Republic, Poland, Turkey and Romania**

2. Each Party shall make its initial communication within one year of the entry into force of the convention for that Party and, thereafter, every [INSERT].

[Extract from document A/FCTC/INB2/2]

3. To assist the Conference of the Parties in the monitoring, assessment and review of the effective implementation of this Convention, the Conference may establish a subsidiary body which shall report regularly to the Conference. The guidelines for participation in this body, as well as its monitoring functions, will be determined by the Conference.

[End of extract]

**Text proposed by the United States of America**

3. The Conference may establish subsidiary bodies which shall report regularly to the Conference. The guidelines for participation in these bodies, as well as their functions, will be determined by the Conference.

[Extract from A/FCTC/INB2/2]

4. In order to provide timely advice in the implementation of this Convention, the Conference of the Parties may, as it deems necessary, appoint, taking into account the rules and practices of the World Health Organization, ad hoc panels to provide it with information and advice on specific issues regarding the current state of fields of science and technology relevant to the objective of the Convention. The members of these panels shall be appointed by the Conference on the recommendation of the Director-General of the World Health Organization, and shall serve in their personal capacity. The Conference shall decide on the terms of reference and the modalities of work of these panels.

[End of extract]

**Text proposed by Canada**

4. In order to provide timely advice in the implementation of this convention, the Conference of the Parties may, as it deems necessary, appoint, ad hoc panels to provide it with information on specific issues regarding the current state of fields of science and technology relevant to the objective of the convention. The members of these panels shall be appointed by the Conference and shall serve in their personal capacity. The Conference shall decide on the terms of reference and the modalities of work of these panels.

**Text proposed by Panama**

4. In order to provide timely advice in the implementation of this convention, the Conference of the Parties may, as it deems necessary, appoint, taking into account the rules and practices of the [World Health Organization] [Conference of the Parties], ad hoc panels to provide it with information and advice on specific issues regarding the current state of fields of science and technology relevant to the objective of the convention. The Conference shall decide on the terms of reference and the modalities of work, and shall appoint the members of these panels.

**Text proposed by Sweden (on behalf of the European Community and its Member States) the Czech Republic, Poland, Turkey and Romania**

4. In order to provide timely advice in the implementation of this convention, the Conference of the Parties may, as it deems necessary, appoint, according to the rules and practices of the World Health Organization, ad hoc panels to provide it with information and advice on specific issues

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regarding the current state of fields of science and technology relevant to the objective of the Convention. The Conference shall decide on the terms of reference and the modalities of work of these panels.

**Text proposed by the United States of America**

4. In order to provide timely advice in the implementation of this convention, the Conference of the Parties may, as it deems necessary, appoint *ad hoc* panels to provide it with information and advice on specific issues regarding the current state of fields of science and technology relevant to the objectives of the convention. The members of these panels shall be appointed by the Conference, and shall serve in their personal capacity. The Conference shall decide on the terms of reference and the modalities of work of these panels.

[Extract from A/FCTC/INB2/2]

5. Starting at its first session, the Conference of the Parties shall arrange for the provision to developing-country Parties of technical support, on request, in compiling and communicating information under this Article. Such support may be provided by other Parties, by competent international organizations and by the Secretariat, as appropriate.

[End of extract]

**Text proposed by Sudan**

5. Starting at its first session, the Conference of the Parties shall arrange for the provision to developing-country Parties of technical support in compiling and communicating information under this Article.

**Text proposed by Tunisia**

5. Starting at its first session, the Conference of the Parties shall arrange for the provision to developing-country Parties of technical support, on request, in compiling and communicating information under this Article.

**Text proposed by the United States of America**

5. Existing text "... by competent international organizations or by the Secretariat within its existing resources, as appropriate".

N.B. Member States of the WHO African Region present at INB2: Algeria, Angola, Benin, Burkina Faso, Botswana, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Togo, United Republic of Tanzania, Uganda, Zambia and Zimbabwe.

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# WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

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3 May 2001

Second session  
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## WHO framework convention on tobacco control

Textual proposals made in the fourth meeting of Working Group 1,  
Thursday, 3 May 2001, on sections I.8, I.9-12, K.2, D.1-2,  
and E.1-2 of document A/FCTC/INB2/2

[Extract from document A/FCTC/INB2/2]

### *I. Measures related to the supply of tobacco*

*(Elimination of sales to and by young persons)*

8. Each Party shall prohibit tobacco sales to persons under the age of 18. To this end, each Party shall:
- (a) require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of 18;
  - (b) prohibit tobacco vending-machines in locations accessible to any person under the age of 18.

[End of extract]

### **Text proposed by Australia**

- (a) require that all sellers of tobacco products take all reasonable steps to ensure that buyers are 18 and over;

### **Text proposed by Belarus**

- (a) require that all sellers of tobacco products, who have doubts about whether purchasers have reached the age of 18, request that they provide appropriate documentation, confirming that they have reached the age of 18;
- (b) prohibit tobacco vending-machines.

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**Text proposed by Brazil**

(b) prohibit tobacco vending machines and selling tobacco products in shelves or supermarkets, mini-markets, convenience shops and alike establishments, where the customer can freely pick up the goods (self-services);

**Text proposed by Canada**

8. Each Party shall prohibit the furnishing of tobacco products to persons under the age of 18. To this end each Party shall:

(a) require that all furnishers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of 18.

**Text proposed by Chile**

8. Each Party shall prohibit tobacco sales or gifts of tobacco products to persons under the age of 18. To this end, each Party shall:

(c) prohibit the promotion and giving of tobacco products to any persons under the age of 18.

**Text proposed by China**

(b) prohibit tobacco vending-machines in countries and territories where such machines do not presently exist, and adopt measures to gradually reduce the number of such machines until final elimination in countries and territories where they already exist;

**Text proposed by Cuba**

8. Each Party shall prohibit tobacco sales to minors. To this end, each Party shall:

(a) require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of majority;

(b) prohibit tobacco vending-machines in locations accessible to minors.

**Text proposed by the Democratic Republic of Congo**

(c) prohibit the sale and the keeping of tobacco in the street, in kiosks, shops and houses by young persons under the age of 18.



**Text proposed by the Dominican Republic**

8. Each Party shall prohibit tobacco sales to minors:
- (a) require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of majority;
  - (b) ban tobacco vending-machines.

**Text proposed by Egypt**

- (a) require each seller of tobacco products to put a clear and prominent notice indicating the prohibition of tobacco sales to persons under the age of 18, and to request that each tobacco purchaser provide appropriate evidence of having reached the age of 18;

(This provision would prevent problems for sellers of tobacco products and facilitate control of the implementation of this provision).

**Text proposed by El Salvador**

8. Each Party shall adopt appropriate legislative measures to prohibit tobacco sales to those recognized as minors by national legislation. To this end, each Party shall:
- (a) require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of majority as defined by national legislation;
  - (b) prohibit the installation of tobacco vending-machines and the offer of tobacco products in any other type of vending machine.

**Text proposed by Estonia**

- (b) prohibit the sale of tobacco products from automatic vending-machines.

**Text proposed by Fiji**

- (a) require that all sellers of tobacco products demand on reasonable grounds that a tobacco purchaser provide appropriate evidence of having reached the age of 18.

**Text proposed by Guatemala**

- (a) restrict distribution and sale of tobacco products, in order to ensure that they are sold only to persons over the age of 18, by requesting identification;
- (b) totally prohibit tobacco vending-machines.

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**Text proposed by India (on behalf of Member States of the WHO South-East Asia Region)**

- (b) prohibit tobacco vending-machines.

**Text proposed by Indonesia**

- (a) delete;
- (b) prohibit tobacco vending-machines.

**Text proposed by Iran**

- (a) according to responsibility of sellers, do not sell tobacco products to people under 18. They shall always ensure that the purchaser is 18 and/or above, otherwise (in case of doubt) the purchaser should provide appropriate evidence of having reached the age of 18;
- (b) prohibit tobacco vending-machines at any locations.

**Text proposed by Jordan**

- (b) prohibit all tobacco-vending machines in all locations and the sale of tobacco by street vendors and pavement stalls.

**Text proposed by the Republic of Korea**

- 8. Each Party shall prohibit any kind of supply of tobacco products to and by persons under the age of 18:

**Text proposed by Latvia**

- 8. Each Party shall decide on appropriate measures to prohibit tobacco sales to young persons and adolescents, as determined in national law. These measures may include as appropriate:

**Text proposed by Mexico**

- (c) avoid free public access to tobacco products in establishments where such products are sold or provided.

**Text proposed by New Zealand**

- 8. Each Party shall prohibit tobacco sales, and supply, to persons under the age of 18. To this end, each Party shall:

**Text proposed by Oman**

- (b) prohibit tobacco vending-machines.

**Text proposed by Pakistan**

- 8. Each Party shall prohibit tobacco sales to persons under the age of 18. To this end, each Party shall, within the means at its disposal and its capabilities, and in accordance with national law:

**Text proposed by Panama**

- (b) prohibit all types of tobacco vending-machines and withdraw from the market all existing ones within a period no greater than [3 years] following ratification of the convention by each Party.

**Text proposed by Papua New Guinea**

- 8. Each Party shall prohibit tobacco sales and supplies to minors.
  - (a) require that all sellers and suppliers of tobacco products take all reasonable steps to ensure that all buyers of tobacco products are over the minority age;
  - (b) prohibit tobacco vending-machines and street sales of tobacco products.

**Text proposed by Philippines**

- (b) prohibit sales or supply of tobacco products through vending machines.

**Text proposed by the Russian Federation**

- (a) in cases of doubt about the age of purchasers, require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of 18;
- (b) take all possible measures to gradually eliminate (prohibit) tobacco vending-machines.

**Text proposed by Saint Lucia**

- (a) each Party shall prohibit tobacco sales to persons under the age of 18 and shall adopt appropriate measures to prohibit persons under the age of 18 from purchasing tobacco products;
- (b) all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of 18;

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- (c) prohibition of vending machines in countries where they do not exist and a ban where they exist.

**Text proposed by Seychelles (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

- (b) prohibit vending machines;
- (c) post signs at the point of sale which carry a health warning and indicate that the sale of cigarettes to children under the age of 18 years is prohibited.

**Text proposed by Sweden on behalf of the European Community (and on behalf of its Member States) and Bulgaria**

8. Each Party shall decide on appropriate measures to restrict tobacco sales to young persons and adolescents, as determined in national law. These measures may include as appropriate:

- (a) requirement that all sellers of tobacco products establish that each tobacco purchaser has reached the age for purchase of such products required in national law;
- (b) prohibiting tobacco vending-machines in locations accessible to any person under the age set for purchase of tobacco products in national law, or regulate access to such machines to equivalent effect;
- (c) prohibiting tobacco sales via internet;
- (d) prohibiting the sale of tobacco products by persons under the age set for purchase of such products required in national law;
- (e) prohibiting the sale of cigarettes individually or in packets of fewer than 20 cigarettes. Vending-machines sales may be excepted under national law.

**Text proposed by Sudan**

Proposed additional paragraph:

Prohibition of the manufacture and sale to children of sweets and toys in the form of tobacco products.

- (a) We support the text proposed by India for the prohibition of all tobacco vending-machines for all age groups.
- (b) Concerning the exploitation of children in the sale of tobacco products in developing countries, it is necessary to specify that vendors of tobacco products must be over 18.

**Text proposed by Tajikistan**

8. Each Party shall, within the limits of its capabilities, take measures to prohibit the sale of tobacco products to and by persons under the age of 18:

- (a) unchanged;
- (b) prohibit tobacco vending-machines and street sales;

**Text proposed by Thailand**

- (b) prohibit tobacco vending-machines.

**Text proposed by Tuvalu**

- (a) require that all sellers of tobacco products require that each tobacco purchaser provide appropriate evidence of having reached the age of 18;
- (b) prohibit tobacco vending-machines.

**Text proposed by the United States of America**

- (a) require that all sellers of tobacco products verify that each tobacco purchaser has reached the age of 18;
- (b) prohibit all tobacco vending-machines.

**Text proposed by Uzbekistan**

- (a) require that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached the age of 18, and prohibit tobacco sales to persons under the age of 18;
- (b) prohibit retail sales of tobacco products by vending-machines.

**Text proposed by Venezuela**

- (b) prohibit tobacco vending-machines throughout its territory.

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**Text proposed by Viet Nam**

8. Each Party shall prohibit tobacco sales to persons under the age of 18 and shall take appropriate measures to implement it. To this end each Party shall:
- (a) unchanged;
  - (b) prohibit tobacco vending-machines everywhere.

[Extract from document A/FCTC/INB2/2]

9. Each Party shall take appropriate measures to prohibit the sale of tobacco products by persons under the age of 18.
10. Each Party shall, to the extent possible within the means at its disposal and its capabilities, prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.
11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraphs 8 to 10 above. Such measures shall include appropriate penalties against sellers and distributors for the violation of measures prohibiting sales of tobacco products to persons under the age of 18.
12. Each Party shall take appropriate legal and other measures to ensure that no criminal penalties are imposed against persons under the age of 18 for buying and selling tobacco products.

[End of extract]

**Text proposed by Australia**

10. Each Party shall prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.
12. Each Party shall ensure that no criminal penalties are imposed against persons under the age of 18 for buying and/or possessing tobacco products for personal consumption

**Text proposed by Canada**

9. Delete.
10. Each Party shall prohibit the furnishing of individual cigarettes or in packets containing fewer than 20 cigarettes.
11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraphs [8-10] above. Such measures shall include appropriate penalties against furnishers and distributors for the violation of measures prohibiting the furnishing of tobacco products to persons under the age of 18.

12. Each Party shall ensure that no criminal penalties are imposed against persons under 18 for buying tobacco products for personal use.

**Text proposed by China**

9. Each party shall take appropriate measures to prohibit the sale of tobacco products, including individual cigarettes, by tobacco sellers and distributors to persons under the age of 18. Appropriate penalties should be imposed for the violation of such measures.

10. Delete.

11. Delete.

12. Delete.

**Text proposed by Cuba**

9. Each party shall take appropriate measures to prohibit the sale of tobacco products by minors.

11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraphs 8 to 10 above. Such measures shall include, in accordance with national legislation, appropriate penalties against sellers and distributors for the violation of measures prohibiting sales of tobacco products to minors.

12. Each Party shall take appropriate legal and other measures to ensure that no criminal penalties are imposed against minors for buying and selling tobacco products.

**Text proposed by El Salvador**

9. Each Party shall adopt appropriate legislative measures to prohibit the sale of tobacco products by minors, as defined by national legislation.

11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraphs 8 to 10 above. Such measures shall include appropriate penalties against sellers and distributors for the violation of measures prohibiting sales of tobacco products to minors as defined by national legislation.

12. Each Party shall take appropriate legal and other measures to ensure that no criminal penalties are imposed against minors, as defined by national legislation, for buying and selling tobacco products.

**Text proposed by India**

10. Each Party shall, to the extent possible within the means at its disposal and its capabilities, implement appropriate legal and other measures to verify compliance with paragraphs 8 to 10 above. Such measures shall include appropriate penalties against sellers and distributors for the violation of

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measures prohibiting sales of tobacco products to, and by, persons under the age of 18 years, and towards this end, each Party shall take appropriate legal and other measures to ensure that no criminal penalties are imposed against persons under the age of 18 for buying and selling tobacco products.

11. Delete

12. Delete

**Text proposed by Indonesia**

10. Delete

**Text proposed by Israel**

10. Each Party shall prohibit the sale and distribution of cigarettes individually or in packets of fewer than 20 cigarettes.

12. Delete.

**Text proposed by Myanmar (on behalf of Member States of the WHO South-East Asia Region)**

10. Delete.

**Text proposed by New Zealand**

12.bis Each Party shall take appropriate measures to place tobacco products for sale at retail level largely out of sight of the consumer.

**Text proposed by Norway**

10. Each Party shall, [to the extent possible within the means at its disposal and its capabilities] prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.

**Text proposed by Oman**

10. Each Party shall prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.

12.bis Each Party shall take appropriate measures to place tobacco products for sale at retail levels largely out of sight of the consumer.



**Text proposed by Republic of Korea**

9. Each Party shall take appropriate measures to prohibit tobacco sales to young persons. To this end, each Party shall:
10. Each Party shall, to the extent possible within the means at its disposal and its capabilities, prohibit the supply of cigarettes individually or in packets of fewer than 20 cigarettes.
11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraphs 8 to 10 above. Such measures shall include appropriate penalties against providers for the violation of measures prohibiting supply of tobacco products to persons under the age of 18.

**Text proposed by the Russian Federation**

11. Each Party shall take all necessary legislative measures in relation to sellers and distributors for infringing the sale of tobacco products to persons under the age of 18.
12. Delete.

**Text proposed by the Seychelles (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

10. Each Party shall prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.

**Text proposed by Sweden (on behalf of the European Community and its Member States) and Bulgaria**

9. Delete.
10. Delete.
11. Each Party shall implement appropriate legal and other measures to verify compliance with paragraph 8 above, taking account according to national law of the position applicable in case of breaches of law by under-age purchasers and sellers of tobacco products.
12. Delete.

**Text proposed by Tajikistan**

9. Delete

**Text proposed by Trinidad and Tobago**

9. Delete

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10. Delete

11. Delete

12. Delete

**Text proposed by Tuvalu**

10. Each Party shall prohibit the sale of cigarettes and other forms individually or in packets of fewer than 20 cigarettes and other forms.

**Text proposed by the United States of America**

10. Each Party shall, taking into account the means at its disposal and its capabilities prohibit the sale of cigarettes individually or in packets of fewer than 20 cigarettes.

**Text proposed by Uzbekistan**

10. Each Party shall, to the extent possible within the means at its disposal and its capabilities, prohibit the sale and free distribution of cigarettes individually or in packets of fewer than 20 cigarettes.

**Text proposed by Venezuela**

9. Each Party shall take appropriate measures to prohibit the sale and supply of tobacco products by minors.

10. Each Party shall, [to the extent possible within the means at its disposal and its capabilities], prohibit the sale and supply of individual cigarettes.

11. Each Party shall implement appropriate measures, in accordance with its national legislation, to verify compliance with paragraphs 8 to 10 above. Such measures shall include appropriate penalties against sellers and/or suppliers for the violation of measures prohibiting sales or supply of tobacco products to minors.

12. Each Party shall take appropriate measures, in accordance with its national legislation, to ensure that no criminal penalties are imposed against minors for buying, selling and supplying tobacco products.

[Extract from A/FCTC/INB2/2]

***K. Surveillance, research and exchange of information***

2. The Parties undertake to develop, promote and coordinate as far as possible national, regional and global research programmes for the purpose of this convention. To this end, each Party shall, in accordance with the means at its disposal and its capabilities:

- (a) initiate and cooperate, directly or through competent international bodies, in the conduct of research and of scientific assessments, as detailed in Annex [INSERT];
- (b) promote and encourage research that contributes to reducing tobacco consumption and harm from tobacco use, particularly in developing countries, taking fully into account the recommendations of the Conference of the Parties.

[End of extract]

**Text proposed by Botswana (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

2. The Parties undertake to develop, promote and coordinate as far as possible national, regional and global research programmes for the purpose of this convention. To this end, each Party shall:

**Text proposed by Chile**

2. The Parties undertake to develop, promote and coordinate national, regional and global research programmes for the purpose of this convention. To this end, each Party shall, in accordance with the means at its disposal and its capabilities:

- (a) initiate and cooperate, directly or through competent international bodies, in the conduct of national multicentre research, scientific assessments, as detailed in Annex [INSERT];
- (b) promote and encourage research and research development capacity that contribute to reducing tobacco consumption and harm from tobacco use, particularly in developing countries, taking fully into account the recommendations of the Conference of the Parties.

**Text proposed by Croatia**

- (b) promote and encourage research that contributes to reducing tobacco consumption and harm from tobacco use, particularly in developing countries, and countries with transitional economies, taking fully into account the recommendations of the Conference of the Parties.

**Text proposed by the Dominican Republic**

New paragraph

- (c) promote and foster research, technical and financial assistance for alternative crops in tobacco producing countries, and advice on the profitability of new crops.

**Text proposed by El Salvador**

- (b) promote and encourage research that contributes to reducing tobacco consumption and harm from tobacco use and the evaluation of the impact of programmes designed for the control

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and prevention of tobacco addiction, particularly in developing countries, taking fully into account the recommendations of the Conference of the Parties.

**Text proposed by the Islamic Republic of Iran**

2. The Parties undertake to develop, promote and coordinate as far as possible national, regional and global research programmes for the purpose of this convention, particularly in the areas of youth, women and passive smoking. To this end, each Party shall, in accordance with the means at its disposal and its capabilities:

**Text proposed by Mexico**

(b) promote and encourage research that contributes to reducing tobacco consumption and harm from tobacco use, and the economic and social impact associated with its consumption, particularly in developing countries, taking fully into account the recommendations of the Conference of the Parties.

**Text proposed by Pakistan**

2. The Parties undertake to develop and promote national research programmes and contribute, as far as possible, to international research activities for the purpose of this convention. To this end, each Party shall, in accordance with the means at its disposal and its capabilities:

**Text proposed by Panama**

(c) develop research permitting assessment of the impact of educational activities and other preventive and treatment programmes for tobacco control and reduction of active and passive tobacco consumption and nicotine and tobacco dependence.

**Text proposed by the Russian Federation**

(c) stimulate and provide resources for research into the evaluation of the effectiveness of community and individual programmes aimed at reducing tobacco consumption.

**Text proposed by Trinidad and Tobago**

(b) promote and encourage research that contributes to the prevention of the initiation of tobacco use, reduction of tobacco consumption and exposure to second-hand smoke, assessment of media exposure to promotion and advertising of tobacco products among youth and the extent of enforcement of current legislation with respect to young persons under 18 years.

**Text proposed by the United States of America**

2. The Parties undertake to develop, promote and coordinate as far as possible national, regional and global research programmes for the purpose of this convention. To this end, each Party shall, taking into account the means at its disposal and its capabilities.

**Text proposed by Zambia (on behalf of Member States of the WHO African Region present at INB2) (see Note at the end of the document)**

- (c) promote and encourage research activities designed to accelerate diversification of alternative crops especially in developing countries;
- (d) promote research activities on behaviour and attitudes.

[Extract from A/FCTC/INB2/2]

**D. Guiding principles**

In their actions to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided *inter alia* by the principles set out below:

1. Reducing the current impact, and halting the growth, of tobacco consumption is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses.
2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

[End of extract]

**Text proposed by Australia**

1. Reducing the current impact, and halting the growth, of tobacco consumption is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses.
2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Brazil**

2. Every person should be fully informed about the environmental damages caused by tobacco production, the addictive and lethal nature of its consumption and that non-smokers shall be adequately protected from exposure to tobacco smoke.

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**Text proposed by Canada**

2. Everyone should be provided with access to information to become aware of the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Chile**

2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption, and legal minors and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by the Democratic Republic of the Congo**

2.bis. Non-smokers must be sufficiently protected against exposure to tobacco smoke.

**Text proposed by El Salvador**

2. The whole population should be fully informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by India (on behalf of Member States of the WHO South-East Asia Region)**

1. Reducing the impact and stopping the growth of tobacco consumption is crucial in protecting the health of individuals, as well as national and global public health and requires comprehensive multisectoral and coordinated national actions and international responses.

**Text proposed by the Islamic Republic of Iran**

2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption.

3. Non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Israel**

1. Reducing the current impact, and halting the growth of the tobacco epidemic and the phasing out of tobacco consumption, is crucial in protecting the health of individuals, as well as national and global health, and requires comprehensive multisectoral national actions and coordinated international responses.

2. The devastating effect of the use of tobacco products on public health requires the implementation of stringent measures, as set forth in this convention, designed to diminish tobacco use

as far as feasible, and these measures, of necessity, should prevail over commercial interests and rights.

**Text proposed by Jamaica**

1. Taking all necessary action to prevent the consumption of all tobacco products, their promotion, development and trade in order to prevent the burden of disease, disability and death caused by tobacco use, and in keeping with public health principles.
2. Reducing the current impact, and halting the growth, of tobacco consumption is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses.
3. Every person should be fully informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Lesotho**

1. Reducing the current impact, and halting the growth, of tobacco consumption is crucial for promoting the health of individuals, ...
2. The entire population should be fully informed about the addictive, harmful and lethal nature of tobacco consumption.
- 2.bis Non-smokers should be adequately protected from involuntary exposure to tobacco smoke.

**Text proposed by Mexico**

2. Every person should be fully informed about the addictive nature and lethal consequences of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by New Zealand**

- 2.bis. The importance of tobacco control research and development to accelerate the reduction of tobacco use.
- 2.ter. The impact on indigenous peoples of tobacco use which in operation with other socioeconomic factors disproportionately affects the health and well-being of those peoples, and requires targeted policies and programmes by indigenous peoples, for indigenous peoples, in response.

**Text proposed by Norway**

- 1.bis Every person has the right of smoke-free air and hence adequate protection from exposure to environmental tobacco smoke.

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2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption and about the hazards of exposure to environmental tobacco smoke.

**Text proposed by Pakistan**

1. Reducing the current impact, and halting the growth, of tobacco consumption, production and trade including international trade, is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral action and coordination international responses.

**Text proposed by Panama**

1. Reducing the current impact on the burden of disease and of mortality attributable to tobacco, and halting the growth, of active tobacco consumption, of passive exposure to tobacco and of nicotine addition and tobacco dependence is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses.
2. Every person should be fully informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke by implementing, at the national and international levels, policies, strategies, standards and protocols.

**Text proposed by Paraguay**

1. Reducing the current impact, and halting the growth, of tobacco consumption by humans in any manner that is harmful to health and involves the risk of tobacco dependence is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses.

**Text proposed by Peru**

2. The role of education in promoting the development of protective factors and of resistance to use, and as a means of ensuring everyone is informed both of the addictive and lethal nature of tobacco consumption and of its effects on passive smokers, should be recognized.

**Text proposed by the Philippines**

1. It should be the paramount concern of this convention to protect the health of all peoples, and thereby reduce the current impact, and halt the growth of tobacco consumption through comprehensive multisectoral national action and coordinated international responses.

**Text proposed by the Republic of Korea**

- 2.bis The importance of efforts and various measures to control tobacco smoking of young persons should be recognized.



**Text proposed by the Russian Federation**

Divide point 2, which is contradictory, into two parts:

- inform the population about the potential danger of smoking and inhalation of tobacco smoke, through media campaigns and school programmes with clear warning messages;
- provide for the protection of non-smoking groups, mainly through legislation.

**Text proposed by Saint Lucia**

2. Every person should be fully informed about the addiction and lethal nature of tobacco consumption and exposure to tobacco smoke, and non smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Sweden on behalf of the European Community (and on behalf of its Member States ) and Bulgaria, the Czech Republic, Latvia, Poland, Romania, Slovakia and Slovenia**

2. Members of the (general) public, at-risk target groups and individuals should be fully informed about the addictive and lethal nature of tobacco consumption. Appropriate protection from exposure to tobacco smoke should be provided.

**Text proposed by Trinidad and Tobago**

1. Preventing the initiation of tobacco use, reducing the current impact, and halting the growth of tobacco consumption and exposure to second-hand smoke, is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multi-sectoral national actions and coordinated international responses.

**Text proposed by the United States of America**

2. Every person should be informed about the addictive and lethal nature of tobacco consumption, and non-smokers should be adequately protected from exposure to tobacco smoke.

**Text proposed by Uzbekistan**

1. Reducing the current impact, and halting the growth, of tobacco consumption is crucial in protecting the health of individuals, as well as national and global public health, and requires comprehensive multisectoral national actions and coordinated international responses, taking account of the national interests of each State

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[Extract from document A/FCTC/INB2/2]

**E. General obligations**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures, such as standards, in accordance with the provisions of this Convention and, as relevant, its protocols.
2. To this end each Party shall, to the extent possible within the means at its disposal and its capabilities:
  - (a) establish or, where it already exists, reinforce, and adequately finance a national coordinating mechanism for tobacco control, with inputs from relevant government and civil society sources;
  - (b) adopt legislative, executive and administrative measures and cooperate with other Parties in harmonizing appropriate policies;
  - (c) reduce tobacco consumption and exposure to tobacco smoke in accordance with the provisions of this Convention and, as relevant, its protocols.

[End of extract]

**Text proposed by Belarus**

- (a) establish or, where it already exists, reinforce financial measures for tobacco control, with inputs from relevant government and civil society sources;

**Text proposed by Bolivia**

- (a) establish in the near future and/or, where it already exists, reinforce a national coordinating mechanism for tobacco control by adequate financing, with inputs from relevant government, civil society and financial assistance agency sources;
- (b) adopt legislative, executive, administrative measures and cooperate with other Parties in elaborating and harmonizing policies appropriate for health promotion, encouraging healthy lifestyles and habits;
- (c) delete.

**Text proposed by Brazil**

- (a) establish or, where it already exists, reinforce, and adequately finance a national coordinating mechanism for tobacco control, coordination by a government organism, preferentially by the Health Ministry with inputs from relevant government and civil society sources.

**Text proposed by Canada**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multi-sectoral national tobacco control strategies, policies, legislation and other measures, in accordance with the provisions of this convention and, as relevant, its protocols.
2. To this end, each Party shall:
  - (a) establish and financially support a national coordinating mechanism for tobacco control, with inputs from relevant government and civil society sources;
  - (b) adopt measures and cooperate with other Parties in developing appropriate policies;
  - (c) reduce the prevalence of tobacco use, tobacco consumption and exposure to tobacco smoke in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by Cuba**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures, such as standards, against tobacco consumption, in accordance with the provisions of this convention.
2.
  - (a) establish or, where it already exists, reinforce, and adequately finance a national coordinating mechanism for tobacco consumption control, with inputs from relevant government and civil society sources.
  - (c) reduce tobacco consumption and exposure to tobacco smoke in accordance with the provisions of this convention.

**Text proposed by El Salvador**

1. Each party shall develop, implement, periodically update and enforce, where appropriate, national tobacco-control strategies, policies, legislation and other measures, in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by India**

- (b) adopt legislative, executive and administrative measures and cooperate with other Parties in harmonizing appropriate policies for reducing tobacco consumption and exposure to tobacco smoke;
- (c) delete.

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**Text proposed by Mexico**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, national tobacco consumption control strategies, policies, legislation or other measures, in accordance with the provisions of this Convention and, as relevant, its protocols.

**Text proposed by New Zealand**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures such as standards, particularly appropriate to vulnerable groups, including indigenous peoples, in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by Panama**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national strategies, policies, legislation and other measures, such as standards, for the prevention and reduction of active tobacco use and passive exposure, tobacco dependence and nicotine addiction, in accordance with the provisions of this convention and, as relevant, its protocols.

2.

(a) establish and/or reinforce the development of national networks as a coordinating mechanism for tobacco control. These networks shall be coordinated by the ministries of health, and the financial inputs will be the result of management by relevant government and civil society sources.

(b) adopt legislative, executive and administrative measures and cooperate with other Parties in establishing tobacco control policies for implementing the provisions of this convention.

(c) reduce tobacco consumption and passive exposure to tobacco smoke, tobacco dependence and nicotine addiction, in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by the Republic of Korea**

1. Each Party, taking into account its specific circumstance, shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures such as standards, in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by Sweden (on behalf of the European Community and its Member States) and Bulgaria, the Czech Republic, Romania, Slovakia, Slovenia.**

1. Each party shall develop, implement, periodically review, update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures, such as standards, in accordance with the provisions of this Convention and, as relevant, its protocols.
2. To this end each Party shall, to the extent possible within the means at its disposal and its capabilities:
  - (a) establish or, where it already exists, reinforce, an adequate national coordinating arrangement for tobacco control, with inputs from relevant government and civil society sources;
  - (b) adopt legislative, executive and administrative measures and cooperate with other Parties in developing appropriate policies;
  - (c) introduce and resource measures to reduce tobacco consumption and exposure to tobacco smoke in accordance with the provisions of this convention and, as relevant, its protocols.

**Text proposed by Tunisia**

***E. General Obligations***

**Text proposed by the United States of America**

1. Each Party shall develop, implement, periodically update and enforce, where appropriate, comprehensive, multisectoral, national tobacco-control strategies, policies, legislation and other measures in furtherance of the object and purpose of this convention.
2. To this end each party shall, taking into account the means at its disposal and its capabilities:
  - (a) establish or, where it already exists, reinforce a national coordinating mechanism for tobacco control and provide an opportunity for public inputs;
  - (b) adopt legislative, executive and administrative measures and cooperate with other Parties in developing appropriate policies;
  - (c) reduce tobacco consumption and exposure to tobacco smoke in furtherance of the object and purpose of this convention.

**Text proposed by Zambia (on behalf of Member States of the WHO African Region present at INB2 (see Note at the end of this document)**

- 2 To this end each Party shall, subject but not limited to the financial mechanisms contained herein, undertake to:

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- (b) adopt legislative, executive and administrative measures and cooperate with other Parties in harmonizing appropriate policies upwards to the highest standard;

Note. Member States of the WHO African Region present at INB2: Algeria, Angola, Benin, Burkina Faso, Botswana, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, São Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Togo, United Republic of Tanzania, Uganda, Zambia, Zimbabwe.

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# WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
Second session  
Agenda item 4

A/FCTC/INB2/WG3/Conf.Paper No.3  
3 May 2001

## WHO framework convention on tobacco control

### Textual proposals made in the third meeting of Working Group 3, Thursday, 3 May 2001, on sections Q, R, D3, 4, 6, 8 and E 4-7 of document A/FCTC/INB2/2

[Extract from document A/FCTC/INB2/2]

#### *Q. Financial resources*

1. Each Party undertakes to provide financial support and incentives in respect of its national activities intended to achieve the objective of this Convention, in accordance with its national plans, priorities and programmes.

[End of extract]

#### **Text proposed by Guatemala**

1. Each Party undertakes to provide financial support and incentives to the developing countries to facilitate their national activities to achieve the objectives of this Convention, respecting their national priorities and programmes.

#### **Text proposed by Oman**

1. Each Party undertakes to provide the necessary financial support and incentives in respect of its national activities intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

#### **Text proposed by the United States of America**

1. Each Party undertakes to provide financial support and incentives in respect of its national activities intended to achieve the objective of this Convention, in accordance with its national plans, priorities and programmes.

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**Text proposed by Zimbabwe**

1. Each Party undertakes to provide financial support and incentives in respect of its national activities intended to achieve the objective of this Convention.

[Extract from document A/FCTC/INB2/2]

2. A voluntary mechanism for the provision of financial resources on a grant or concessional basis, including the transfer of technology, is hereby established to function under the guidance of, and be accountable to, the Conference of the Parties. Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this Convention, the Conference shall determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to, and use of, the financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on the arrangements to give effect to this provision after consultation with the World Health Organization.

[End of extract]

**Text proposed by Cuba**

2. A voluntary mechanism for the provision of financial resources on a grant or concessional basis, based on the principle of unconditionality by the donor, to include the transfer of technology, is hereby established. This mechanism shall function under the guidance and supervision of the Conference of the Parties, to which it shall be accountable. Its operation shall be entrusted to the World Health Organization. Pursuant ... (rest of the paragraph unchanged).

**Text proposed by the European Community (and on behalf of its Member States)**

2. Delete.

**Text proposed by Guatemala**

2. A voluntary mechanism, and a compulsory mechanism for the provision of financial resources on a grant basis by the tobacco industry, are hereby established ... (rest of the paragraph unchanged).

**Text proposed by India**

2. A mechanism, in the form of a multilateral Global Fund, for provision of financial resources on a grant or concessional basis, to developing countries, including transfer of technology, is hereby established to function under the guidance of, and be accountable to the Conference of Parties. Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this convention, the Conference shall decide the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to and use of financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on arrangements to give effect to this provision after consultation with the World Health Organization.



**Text proposed by Nepal**

2. A mechanism, in the form of a multilateral Global Fund, for provision of financial resources on a grant or concessional basis, to developing countries especially for least developed countries, including transfer of technology, is hereby established to function under the guidance of, and be accountable to the Conference of Parties. Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this Convention, the conference shall decide the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and use of financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on arrangements to give effect to this provision after consultation with the World Health Organization.

**Text proposed by Norway**

2. [A voluntary mechanism for the provision of financial resources on a grant or concessional basis, including the transfer of technology, is hereby established to function under the guidance of, and be accountable to, the Conference of the Parties. Its operation shall be entrusted to the World Health Organization. Pursuant to the objective of this Convention, the Conference shall determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to, and use of, the financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on the arrangements to give effect to this provision after consultation with the World Health Organization.]

**Text proposed by the United States of America**

2. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, voluntary funding through such channels for comprehensive tobacco-control programmes in support of this objective, taking into account the needs of developing countries.

**Text proposed by Venezuela**

2. A solidarity mechanism for the provision of financial resources on a grant or concessional basis, including the transfer and development of sustainable technology, is hereby established to function under the guidance of, and be accountable to, the Conference of the Parties. Its operation shall be entrusted to the World Health Organization. Pursuant ... (rest of the paragraph unchanged).

[Extract from document A/FCTC/INB2/2]

3. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, voluntary funding through such channels for comprehensive tobacco-control programmes in support of this objective, taking into account the needs of developing countries.

[End of extract]

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**Text proposed by Brazil**

3. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, voluntary funding through such channels for comprehensive tobacco control programmes including actions targeting alternative crops in support of this objective, taking into account the needs of developing countries.

**Text proposed by Cuba**

3. The Parties recognize the important role that bilateral, regional and other channels can play in achieving the objective of this Convention. They shall consider providing, in accordance with their capabilities and national law, unconditional voluntary funding through such channels for comprehensive tobacco-control programmes in support of this objective, taking into account the needs of developing countries.

**Text proposed by India**

3. The multilateral fund specified in 2. above shall be financed, *inter alia*, by an export tax on manufactured tobacco products. This fund shall also be voluntarily financed from parties, and in particular cases, by a decision of the Conference of Parties, non-governmental sources.

**Text proposed by Malawi (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

3. The Parties recognize that developing countries, especially those whose national economies are dependent on tobacco growing, need support to diversify into other viable options. The Conference of Parties will therefore through WHO and other UN agencies raise financial resources in order to:

- (i) assist tobacco workers in developing alternative livelihoods;
- (ii) assist tobacco growers in shifting to alternative crops or economically viable activities, paying particular attention to the protection of the environment.

**[Extract from document A/FCTC/INB2/2]**

[4. The Parties recognize that developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting tobacco products from third countries, have a special responsibility to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.]

[End of extract]

**Text proposed by Cuba**

4. The Parties recognize that developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting tobacco products from third countries, have a special responsibility to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.

**Text proposed by the European Community (and on behalf of its Member States)**

[4. It is incumbent upon the Parties to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.]

**Text proposed by India**

4. The fund shall be used to support, *inter alia*, the economic transition of tobacco growers and workers, technology transfer for tobacco cessation programmes and for creation of testing facilities required under the convention.

**Text proposed by Iran**

4. The Parties recognize that developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting tobacco products from third countries, have a special responsibility to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.

**Text proposed by Latvia (on behalf of the Baltic States)**

4. The Parties recognize that the developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting or selling tobacco products in third countries, have a special responsibility to provide technical support to developing-country Parties to strengthen their national tobacco control programmes.

**Text proposed by Malawi (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

[4. The Parties recognize that developed-country Parties that export manufactured tobacco products, or have branches of international tobacco companies exporting tobacco products from third countries, have a special responsibility to provide technical financial support to developing-country Parties to strengthen their national tobacco control programmes as well as diversify to other economically viable options.]

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**Text proposed by the United States of America**

4. Delete.

[Extract from document A/FCTC/INB2/2]

***R. Settlement of disputes***

1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention or any of its protocols, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.

[End of extract]

**Text proposed by Canada**

1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.

**Text proposed by Cuba**

- [1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention or any of its protocols, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.]

**Text proposed by Iran**

- [1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention or any of its protocols, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.]

**Text proposed by Israel**

1. If a dispute arises between two or more Parties concerning the interpretation or application of this Convention, those Parties shall consult among themselves with a view to resolving the dispute by negotiation.

[Extract from document A/FCTC/INB2/2]

2. If the parties to the dispute cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

[End of extract]

**Text proposed by Cuba**

[2. If the parties to the dispute cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.]

**Text proposed by Iran**

[2. If the parties to the dispute cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.]

[Extract from document A/FCTC/INB2/2]

3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute not resolved in accordance with paragraph 1 or 2 above, it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.

[End of extract]

**Text proposed by Belarus**

3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute not resolved in accordance with paragraph 1 or 2 of this article, it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.

**Text proposed by Cuba**

[3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute not resolved in accordance with paragraph 1 or 2 above, it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.]

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**Text proposed by Iran**

[3. Failure to reach agreement by negotiation or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depository that, for a dispute not resolved in accordance with paragraph 1 or 2 above, it accepts, as compulsory, arbitration in accordance with procedures to be adopted by the Conference of the Parties.]

[Extract from document A/FCTC/INB2/2]

4. If all the parties to the dispute have not, in accordance with paragraph 3 above, accepted arbitration, the dispute shall, unless the parties otherwise agree, be submitted to conciliation. A conciliation commission shall be established as set out in paragraph 5 below at the request of one or more parties to the dispute.

[End of extract]

**Text proposed by Cuba**

[4. [If all the parties to the dispute have not, in accordance with paragraph 3 above, accepted arbitration, the dispute shall, unless the parties otherwise agree, be submitted to conciliation. A conciliation commission shall be established as set out in paragraph 5 below at the request of one or more parties to the dispute.]

**Text proposed by Iran**

[4. If all the parties to the dispute have not, in accordance with paragraph 3 above, accepted arbitration, the dispute shall, unless the parties otherwise agree, be submitted to conciliation. A conciliation commission shall be established as set out in paragraph 5 below at the request of one or more parties to the dispute.]

**Text proposed by the United States of America**

4. Delete.

[Extract from document A/FCTC/INB2/2]

[5. Unless the parties agree otherwise:

(a) If the dispute is between two parties, each party shall appoint one member of the commission, and the two members so appointed shall appoint a third, who shall serve as chair. If within three months of the appointment of the first member the second member has not been

appointed, or within three months of the appointment of the second member the third has not been appointed, such appointment shall be made by [INSERT] at the request of either party.

(b) If the dispute is between more than two parties, the parties shall agree on three members of the commission and designate one of these as chair. If within three months of the first request for the establishment of the commission no such agreement shall have been reached, the members of the commission shall be appointed and the chair designated by [INSERT] at the request of any party.]

[End of extract]

**Text proposed by Cuba**

[5. Unless the parties agree otherwise:

(a) If the dispute is between two parties, each party shall appoint one member of the commission, and the two members so appointed shall appoint a third, who shall serve as chair. If within three months of the appointment of the first member the second member has not been appointed, or within three months of the appointment of the second member the third has not been appointed, such appointment shall be made by [INSERT] at the request of either party;

(b) If the dispute is between more than two parties, the parties shall agree on three members of the commission and designate one of these as chair. If within three months of the first request for the establishment of the commission no such agreement shall have been reached, the members of the commission shall be appointed and the chair designated by [INSERT] at the request of any party.]

**Text proposed by Iran**

[5. Unless the parties agree otherwise:

(a) If the dispute is between two parties, each party shall appoint one member of the commission, and the two members so appointed shall appoint a third, who shall serve as chair. If within three months of the appointment of the first member the second member has not been appointed, or within three months of the appointment of the second member the third has not been appointed, such appointment shall be made by [INSERT] at the request of either party;

(b) If the dispute is between more than two parties, the parties shall agree on three members of the commission and designate one of these as chair. If within three months of the first request for the establishment of the commission no such agreement shall have been reached, the members of the commission shall be appointed and the chair designated by [INSERT] at the request of any party.]

**Text proposed by the United States of America**

5. Delete.

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[Extract from document A/FCTC/INB2/2]

[6. Unless the parties agree otherwise, all matters concerning the conciliation shall be determined by the commission, acting by simple majority. The commission shall render a recommendatory award, which the parties shall consider in good faith.]

[End of extract]

**Text proposed by Cuba**

[6. Unless the parties agree otherwise, all matters concerning the conciliation shall be determined by the commission, acting by simple majority. The commission shall render a recommendatory award, which the parties shall consider in good faith.]

**Text proposed by Iran**

[6. Unless the parties agree otherwise, all matters concerning the conciliation shall be determined by the commission, acting by simple majority. The commission shall render a recommendatory award, which the parties shall consider in good faith.]

**Text proposed by the United States of America**

6. Delete.

[Extract from document A/FCTC/INB2/2]

7. The provisions of this Article shall apply with respect to any protocol, unless otherwise provided therein.

[End of extract]

**Text proposed by Cuba**

7. The provisions of this Article shall apply with respect to any protocol, unless otherwise provided therein.]

**Text proposed by Iran**

7. Delete.



**Proposed new paragraph 8.****Text proposed by Australia**

8. This Article does not preclude the application of the dispute settlement provisions of any other treaty in force between two or more of the Parties in relation to disputes covered by those provisions.

**Text proposed by Viet Nam**

8. In the case of conflict between the Convention (or any of its protocols) and the application of another international agreement to tobacco as trade agreement the FCTC shall take priority.

[Extract from document A/FCTC/INB2/2]

**D. Guiding principles**

3. The importance of technical cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized.

[End of extract]

**Text proposed by Australia**

[3. The importance of technical cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized.]

**Text proposed by Bolivia**

3. The importance of technical and financial cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized and acknowledged, based on strategies involving the participation of young people in research and preventive action.

**Text proposed by Brazil**

3. The importance of technical cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized. And it must be taken into consideration local cultural, social, economics, politics and technical expertise to establish this cooperation.

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**Text proposed by China**

3. Technical cooperation, particularly technology transfer.

**Text proposed by Cuba**

3. The importance of technical cooperation, transfer of technology and financial assistance to establish and implement effective tobacco-control programmes in Parties in which health resources are limited should be recognized.

**Text proposed by Malawi (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

3. Non-smokers should be adequately protected by involuntary exposure to tobacco smoke.

**Text proposed by Mexico**

3. Delete the word "technical".

**Text proposed by the Philippines**

3. The importance of technical and financial cooperation in helping to establish and implement effective tobacco-control programmes in Parties in which public health resources are limited should be recognized and addressed.

**Text proposed by Venezuela**

3. The importance of exchanges of technical cooperation between Parties in helping to establish and implement effective tobacco-control programmes is recognized.

[Extract from document A/FCTC/INB2/2]

4. The importance of financial assistance to aid the economic transition of tobacco growers and workers that may be displaced as a future consequence of successful tobacco-control programmes should be recognized.

[End of extract]

**Text proposed by Bolivia**

4. The importance of financial assistance to aid the economic transition of tobacco growers and workers that may be displaced as a future consequence of successful tobacco-control programmes should be recognized, with policies for the absorption of labour in alternative or other activities, depending on regional requirements.

**Text proposed by Venezuela**

4. The importance of national and/or international financial assistance to aid the economic transition of tobacco growers and workers that may be displaced as a future consequence of successful tobacco-control programmes is recognized.

[Extract from document A/FCTC/INB2/2]

6. The tobacco industry should be held responsible for the harm its products cause to public health and the environment, with each Party determining the scope of such responsibility within its jurisdiction.<sup>1</sup>

[End of extract]

**Text proposed by Australia**

[6. The tobacco industry should be held responsible for the harm its products cause to public health and the environment, with each Party determining the scope of such responsibility within its jurisdiction.<sup>1</sup>]

**Text proposed by Belarus**

6. Tobacco companies should be held responsible for the harm their products cause to public health and the environment, with each Party determining the scope of such responsibility within the framework of its national legislation.

**Text proposed by Canada**

6. Tobacco manufacturers should be held responsible for the harm its products cause to public health and the environment, with each Party determining the scope of such responsibility within its jurisdiction.

**Text proposed by Cuba**

6. Delete.

**Text proposed by Israel**

6. The tobacco industry should be held responsible for past, present and future harm its products cause to public health and the environment. Each party should consider adopting appropriate legislative measures regarding the burden of proof in relation to causation and determine the scope of such responsibility within its jurisdiction.

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<sup>1</sup> Chair's note: As announced during the first session of the Intergovernmental Negotiating Body, WHO is convening a panel of legal experts to make recommendations to the Negotiating Body on the nature and scope of potential liability and compensation provisions.

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**Text proposed by Malawi (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

6. Priority should be given to public health protection when tobacco control measures are examined for compatibility with other international agreements.

**Text proposed by Mexico**

6. The tobacco industry should be held responsible for the harm its products cause to public health and the environment, with each Party determining the scope of such responsibility within its jurisdiction, in accordance with its own legislation.

[Extract from document A/FCTC/INB2/2]

8. The provisions of this Convention should be recognized as minimum standards, and Parties are encouraged to implement measures beyond those required by the Convention.

[End of extract]

**Text proposed by Australia**

- [8. The provisions of this Convention should be recognized as minimum standards, and Parties are encouraged to implement measures beyond those required by the Convention.]

**Text proposed by Iran**

8. Add at the end “, or improve the standards enshrined therein”.

**Text proposed by Malawi (on behalf of Member States of the WHO African Region present at INB2) (see note at the end of the document)**

8. The participation of all elements of civil society excluding the tobacco manufacturers is essential in achieving the objective of this convention.

**Text proposed by New Zealand**

8. The provisions of this Convention should be recognized as minimum standards, and Parties are encouraged to implement domestic measures beyond those required by the Convention.

**Text proposed by Thailand**

8. The provisions of this Convention are minimum standards, and Parties are encouraged and authorised to implement measures beyond those required by the Convention.

**Text proposed by the United States of America**

8. The legally binding provisions of this Convention should be recognized as minimum obligations, and Parties are encouraged to implement measures beyond those required by the Convention.

[Extract from document A/FCTC/INB2/2]

***E. General obligations***

4. The Parties shall cooperate in the formulation of agreed measures, procedures and standards for the implementation of this Convention.

[End of extract]

**Text proposed by Sweden (on behalf of the European Community and its Member States), Slovenia, Slovakia, Romania, Poland, Bulgaria and Czech Republic**

4. The Parties shall cooperate in the formulation of agreed measures, procedures and standards for the implementation of this Convention and its protocols, as appropriate.

**Text proposed by the United States of America**

4. The Parties shall cooperate in the formulation of agreed measures and procedures for the implementation of this Convention.

[Extract from A/FCTC/INB2/2]

5. The Parties shall cooperate with competent international bodies in order to implement effectively this Convention and the protocols to which they are parties.

[End of extract]

**Text proposed by Bolivia**

5. The Parties shall cooperate with competent international bodies in order to implement effectively this Convention and the protocols to which they are parties, within not more than a year from the adoption of this Convention.

**Text proposed by Myanmar (on behalf of Member States of WHO South-East Asia Region)**

5. The Parties shall cooperate with appropriate international bodies in order to implement effectively this convention and the protocols to which they are parties.

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**Text proposed by the United States of America**

5. The Parties shall cooperate to assure that mutual goals on tobacco control are reinforced.

[Extract from A/FCTC/INB2/2)

6. The provisions of the Convention shall in no way affect the right of Parties to adopt domestic measures in addition to those referred to above, nor shall they affect measures already taken by a Party, provided that such measures are compatible with its obligations under this Convention and the protocols to which it is a party.

[End of extract]

**Text proposed by Argentina**

6. Delete.

**Text proposed by Egypt**

6. and 7. The provisions of this Convention shall in no way affect the right of the Parties to adopt domestic measures, nor the right of the Parties to enter into bilateral or multilateral agreements, provided that such measures and agreements are in all cases compatible with the provisions of this Convention.

**Text proposed by Papua New Guinea**

6. and 7. Delete.

**Text proposed by Sweden (on behalf of the European Community and its Member States), Slovenia, Slovakia, Romania, Poland, Bulgaria and Czech Republic**

6. The provisions of the Convention shall in no way affect the right of Parties to adopt more stringent domestic measures in addition to those referred to above, nor shall they affect measures already taken by a Party, provided that such measures aim to achieve a higher level of health protection or other public policy objectives such as the combat against fraud and illicit trade, and are compatible with its obligations under this Convention and the protocols to which it is a party.

**Text proposed by the United States of America**

6. Delete.

[Extract from A/FCTC/INB2/2)

7. The provisions of the Convention shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to this Convention, provided that such agreements are compatible therewith. Copies of such agreements shall be communicated to the secretariat of the Convention by the Parties concerned.

[End of extract]

**Text proposed by Argentina**

7. Relocate paragraph 7. in the section on D. *Guiding Principles*.

**Text proposed by China**

7. The paragraph E.7 should be moved to the section of final clauses, and "Copies of such agreements shall be communicated to the secretariat of the Convention by the Parties concerned." deleted.

**Text proposed by Sweden (on behalf of the European Community and its Member States), Slovenia, Slovakia, Romania, Poland, Bulgaria and Czech Republic**

7. The provisions of the Convention shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to this Convention, provided that such agreements aim to achieve a higher level of health protection which is compatible therewith. Copies of such agreements shall be communicated to the secretariat of the Convention by the Parties concerned.

**Text proposed by the United States of America**

7. Delete.

***Proposed new paragraph 8***

**Text proposed by Mexico**

8. The Parties undertake to report on national progress in giving effect to the different sections of the Convention, in accordance with guidelines agreed by the Conference of the Parties.

**Text proposed by the United States of America**

8. A federal State may notify the Conference of the Parties or the depository that it shall assume obligations under this Convention consistent with its fundamental principles governing the relationship between its central government and its constituent States or other similar territorial

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entities. When making a declaration, a federal State shall provide a statement regarding the nature of its federal system, and of the effect of its federal character on the implementation of the Convention.

N.B. Member States of the WHO African Region present at INB2: Algeria, Angola, Benin, Burkina Faso, Botswana, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, São Tome and Principe, Senegal, Seychelles, Sierra Leone, South Africa, Swaziland, Togo, United Republic of Tanzania, Uganda, Zambia and Zimbabwe.

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