

Implementation Review Support Mechanism

This document relates to item 7.2 of the provisional COP agenda and corresponds to document [FCTC/COP/10/14](#)

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Key recommendations

- GATC cannot support the establishment of the Implementation Review and Support Mechanism (IRSM) as currently proposed. Although the proposed voluntary IRSM could be seen as a subsidiary body aimed at the effective implementation of the WHO FCTC, in effect, it is merely a virtual desktop review of 25 volunteer Parties per biennium. It does not fulfill the transparent systematic peer review function that can assist Parties to effectively implement the WHO FCTC and therefore should be considered a Voluntary Peer Review, rather than an IRM/IRSM such as exists in other treaties.
- GATC acknowledges that the process for the initial IRM pilot project exercise was restructured and greatly impacted due to the COVID-19 pandemic. In full recognition of this context, the GATC recommends that the process for the proposed review process be assessed on a regular basis and requests the Convention Secretariat to consult with Parties and relevant stakeholders to review and propose revisions to the overall process, as necessary.
- GATC recognizes and respects the sovereignty of Parties. However, it is crucial that information derived from a review process be made publicly available. By not making finalized reports publicly available, the current proposal is a duplication of the existing Needs Assessment project. Furthermore, transparency of reports fosters civil society engagement and support, mutual assistance between Parties, and identification of the biggest collective needs to improve treaty implementation, which in turn provides valuable information to direct efficient resource allocation by the COP and can act as an excellent fund-raising tool.

Key messages

- The proposed IRSM conflates two distinct, albeit intertwined, COP mandates as contained in Article 23.5: 1) to review the implementation of the treaty and 2) take the decisions, including setting up subsidiary bodies, necessary to promote its effective implementation.
- The WHO FCTC adopts a multisectoral approach to implementation, which calls for cooperation with a variety of actors. As such, Article 4.7 highlights that the participation of civil society is essential to achieving the objective of the Convention and its Protocols. In alignment with this provision and mindful of Article 5.3, we call for the inclusion of civil society and other relevant stakeholders in review processes adopted by the COP.

What is being proposed

The Convention Secretariat is proposing to change the name of the subsidiary body from Implementation Review Mechanism (IRM) to Implementation Review and Support Mechanism (IRSM) to emphasize the non-mandatory aspect of mutual support.

The objective of the IRSM is to assist Parties to comply with their obligations under the WHO FCTC in order to achieve comprehensive implementation of the Convention. The proposed IRSM will:

- Review and report on the status of implementation of 25 volunteer Parties;
- Comprise 25 experts, one each to be appointed by a volunteer Party;
- Produce reports based on desk research and a bilateral virtual engagement between the reviewer and the country being reviewed.
- Each report will identify gaps and challenges, make recommendations, and provide a summary of best practices.

Why this is important

One of Parties' obligations under the FCTC is to submit periodic reports on implementation of the Convention (Article 21). These reports are received by the Convention Secretariat and then used in the compilation of the biannual Global Progress Report.

While the WHO FCTC is a legally binding instrument, the reality is that mechanisms to ensure governments are complying with their treaty obligations are limited.

Implementation Review systems are commonly used in other areas of international cooperation. These systems involve establishing a standing implementation or compliance committee elected by the COP, which:

- engages in transparent, non-punitive, and ongoing monitoring of the implementation of the treaty;
- facilitates implementation by working with Parties, the treaty Secretariat and relevant stakeholders to provide advice and assistance to Parties;
- addresses cases of possible non-compliance with treaty obligations, usually in consultation with the COP; and
- reports periodically to the COP to enable the COP to perform its ongoing implementation review role.

Background

Civil society has supported the creation of an Implementation Review Mechanism (IRM) since it was proposed at COP4. We believe that an IRM, similar to those found in other international treaties, is necessary to ensure the effective implementation of the WHO FCTC. However, as the creation of an IRM has progressed through subsequent COP meetings, it has been watered down and therefore the proposed IRSM will not contribute to the effective implementation of the WHO FCTC.