



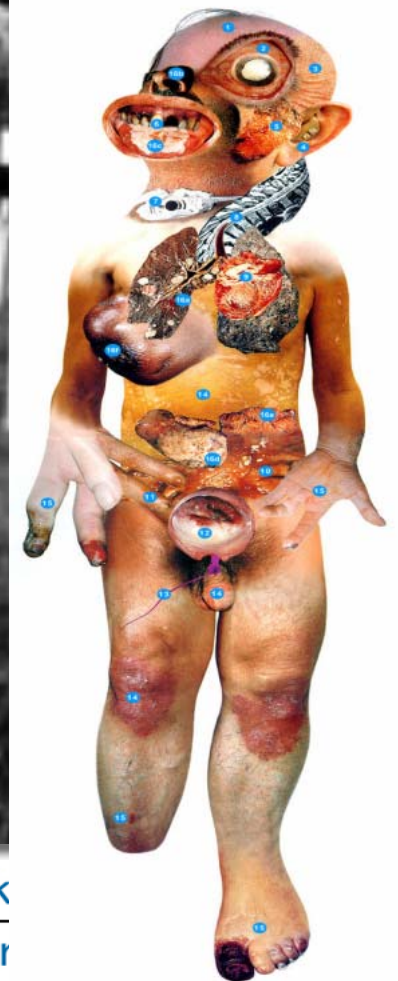
# The WHO FCTC, Next Steps and the Role of NGOs and Civil Society in the FCTC Process

APHA 2007

The Framework Convention  
*Alliance* for Tobacco Control

# The ongoing tobacco epidemic

- 5 million deaths a year
- Nearly double that by 2020
- 70% of deaths occurring in 2030 will be in developing countries



The Framework  
*Alliance* for



# The FCTC...

- **The first international public health treaty negotiated under the auspices of the World Health Organization**
- **Objective: to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke ...**
- **Roadmap that could lead to comprehensive tobacco control programs and strategies at the international, national, regional and local levels.**





# The Framework Convention on Tobacco Control (FCTC)

**Sets out the minimum action that governments must take to tackle tobacco use**

- ✓ Protection from tobacco smoke
- ✓ Tax and price measures
- ✓ Eliminating tobacco advertisement and promotion
- ✓ Health warnings and labelling, public information
- ✓ Demand reduction measures concerning tobacco dependence and cessation



## Guiding Principles:

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- Scientific evidence has unequivocally established a tobacco consumption and exposure to tobacco smoke cause death, disease and disability



**The WHO FCTC is one of the most rapidly embraced UN treaties**



**Article 4.7**  
**“The participation of civil society is essential in achieving the objective of the Convention and its protocols.”**





# The Framework Convention Alliance FCA

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1. Is a true global tobacco control coalition
2. Is comprised of over 300 Non-Governmental Organizations (NGOs) from more than 100 countries
3. Has brought together health, consumer, human rights, environmental, religious and other groups in support of the FCTC
4. Was a powerful voice in the negotiation process of the WHO FCTC





# Mission

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- The FCA mission is to carry out effectively the watchdog function for the WHO FCTC;
- to develop tobacco control capacity, particularly in developing countries to support the ratification, accession, implementation and monitoring of the FCTC;
- and to promote and support a network for global tobacco control campaigning.



# Civil Society Presence in the WHO FCTC process

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FCA NGO representatives have participated in all six treaty negotiating sessions, as well as two working group sessions, dozens of regional treaty meetings, several annual meetings of the World Health Assembly, the two Open-Ended Intergovernmental Working Group meetings, the 1<sup>st</sup> and 2<sup>nd</sup> Conferences of the Parties and Expert Working group meetings.



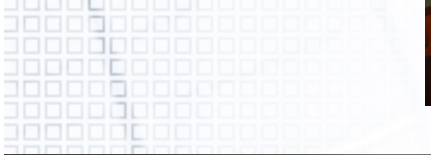
# Ensured NGO presence during the negotiations of the WHO FCTC, intercessional sessions, WHAs



*Advance* for Tobacco Control



# Ensured NGO presence during IGWG1, IGW2, Expert Working Groups, COP 1 and COP2



The Framework Convention  
*Alliance* for Tobacco Control



# OFFICIAL GOVERNEMENT





# Drafted Language/Briefing Papers/Legal Analysis

**HIGHLIGHTS OF THE FRAMEWORK CONVENTION ON TOBACCO CONTROL**  
April 2003

The Framework Convention on Tobacco Control (FCTC) is the first treaty to be negotiated and concluded by WHO. It is the first international health treaty to be negotiated and concluded by WHO. It is the first international health treaty to be negotiated and concluded by WHO.

The objectives of the FCTC is to prevent and reduce tobacco-related morbidity and mortality, encourage cessation of tobacco use, and to protect public health.

**BRIEFING ON THE CHAIR'S TEXT FOR INB6**  
JANUARY 2003

**FRAMEWORK CONVENTION ALLIANCE (FCA)**

Since the negotiations on the Framework Convention on Tobacco Control (FCTC) began in October 1999, over 13 million people have died from tobacco-related illnesses. The FCTC represents an unparalleled opportunity to formulate an international consensus on the types of initiatives necessary to reduce the alarming rates of death and disease from tobacco products.

The sixth and final round of negotiations on the FCTC is the last opportunity for governments to negotiate a convention that truly protects public health and is a proportionate response to the public health catastrophe it is intended to address. It is an opportunity that must not be missed. We respect the Chair's good faith and consensus amongst all of us; there is a danger in making only to achieve it, particularly in the light of the provisions. A consensus to the wishes of a small number of States will not advance the FCTC. It would be a disservice to us to participate in the FCTC if it is not a success. It also bears in mind that a

**THE REVISED CHAIR'S TEXT**

From a public health perspective, the revised version of the Chair's text has made progress in some areas, while going backwards in others. The text still does not reflect the expectations of the majority of delegations as expressed in previous INBs. Nor is it yet an adequate response to the scale of the problem that it aims to address. In addition, the text contains a number of weaknesses and omissions that, if not addressed, would significantly impair its effectiveness. Notable among these is very weak language on tobacco advertising, a failure to ban misleading terms like "light" and "mild", and a failure to include language to protect the decisions embodied in the FCTC from being undermined by international trade agreements. The weak provision on passive



**JOINT BRIEFING PAPER:  
PROPOSED GUIDELINES  
FOR THE IMPLEMENTATION OF ARTICLE 8 OF THE  
WHO FRAMEWORK CONVENTION ON TOBACCO  
CONTROL**

Second Session of the Conference of the Parties to the WHO FCTC  
Bangkok, Thailand  
20 June - 6 July 2007

[www.fctc.org](http://www.fctc.org)  
[www.global-smokefree-partnership.org](http://www.global-smokefree-partnership.org)



**BRIEFING PAPER:  
A PROTOCOL ON ILLICIT TRADE IN TOBACCO  
PRODUCTS**

Second Session of the Conference of the Parties to the WHO FCTC  
Bangkok, Thailand  
20 June - 6 July 2007

[www.fctc.org](http://www.fctc.org)



**FCTC COP-1 BRIEFING PAPER # 1**  
RECOMMENDED RULES FOR NGO PARTICIPATION FOR THE CONFERENCE OF THE PARTIES TO THE FCTC

### BACKGROUND

Non-governmental organizations (NGOs) have played a leading role in combating tobacco use in many countries and were instrumental in ensuring that the FCTC negotiations remained focused on public health. Recently negotiated treaties have recognized the crucial role played by civil society organizations in treaty development and implementation. It is important for the FCTC to follow this trend and welcome the involvement of NGOs not affiliated with the tobacco industry.

NGOs, including the Framework Convention Alliance – a growing coalition of more than 200 organizations from more than 90 countries – include in any of the world's leading experts on tobacco control issues. Such organizations can serve as educators, communicators and sources of new ideas and information for the COP and subsidiary bodies. Equally important, in most countries, NGOs will be working in partnership with health and other ministries to implement the FCTC.

The FCTC itself explicitly recognizes the importance of NGO involvement in the treaty's success. In the Preamble "the special contribution of non-governmental organizations and other members of civil society not affiliated with the tobacco industry" to national and international tobacco control is recognized, while Guiding Principle 4.7 states that "The participation of civil society is essential in achieving the objective of the Convention and its protocols."

The importance of, and need for, NGO participation, and the exclusion of NGOs affiliated with the tobacco industry, were the subject of consensus at IGWG-2. Nevertheless, COP-1 will need to resolve the more specific issues (as foreshadowed in Article 23.6) – which NGOs should be able to participate, and how (with what rights and responsibilities).

### NGO ACCREDITATION

COP-1 should establish clear criteria for accrediting NGOs. Most of the required administrative tasks and the examination of applications for accreditation should be performed by the Secretariat, with the final decision made by the COP after receiving recommendations from the Secretariat.

FCA shares the view out by a number of delegates at IGWG-2 that the WHO rules on official relations

**FCA FCTC COP-1 BRIEFING PAPER**  
DEVELOPING EFFECTIVE PRODUCT REGULATION UNDER THE FCTC

### SUMMARY AND RECOMMENDATIONS

Elaboration of guidelines for Article 9 (Regulation of contents of tobacco products) is on the agenda for the first COP meeting. Article 9 indicated that guidelines be proposed for testing and measuring the contents and emissions of tobacco products, and for the regulation of these contents and emissions. This briefing describes the FCA's position on Article 9 (and parts of other relevant Articles concerning tobacco product regulation, namely Article 10 governing disclosure of content and emissions, and Article 11 governing packaging and labelling) and makes recommendations for the way forward.

Most of this briefing paper focuses on cigarettes, the most dominant tobacco product internationally. However, in some countries, other forms of tobacco, such as smokeless tobacco or waterpipe are prevalent, so it is important that the FCTC Articles on product regulation encompasses these products, in addition to novel tobacco products which are being introduced in several countries.





# FCA Bulletin



## ALLIANCE BULLETIN

Framework Convention on Tobacco Control

Geneva, Switzerland

Issue 38

19 February 2003

### INB-6 Wednesday Inside this issue:

- 1 Protest in Berlin against German Obscurity
- 2 Weakening of the Text, and Ways to Fix it
- 3 US Silence Called Embarrassingly Weak by Former US Delegate
- 4 Western-Style Diplomacy
- 5 Contrabando de cigarrillos en Colombia
- 6 Chronique d'une chasse aux adoscents africains
- 7 A Few More Ways to Purchase a Government
- 8 Why the Closed Door Policy?
- 9 The US Says Yes to Child Soldiers
- 10 And the Winners Are...

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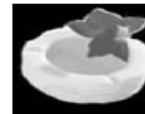
## Dirty Ashtray Award

To Switzerland: become a Party, and make Geneva smokefree and we'll be more interested in meeting there.



## Orchid Award

To OLAF, the EU anti-fraud office, for its offer of significant financial assistance towards the negotiation of the illicit trade protocol. This week a standard has been set for other Parties to follow.



### DEATH CLOCK

Each party shall, in accordance with its national constitution, prohibit all forms of direct and indirect tobacco advertising of this deadly product. - *Clare Bates*



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**ALLIANCE BULLETIN**  
Issue 37  
19 February 2003

**THE RAT in RATIFICATION**

**DEATH CLOCK**




**ALLIANCE BULLETIN**  
Framework Convention on Tobacco Control  
Bangkok, Thailand  
Issue 39  
5 July 2003

### Important decision on illicit tobacco trade

Yesterday's decision in committee A to set up an international negotiation body (INB) for an Article 15 protocol is good news for efforts to combat the illicit tobacco trade.

Two possibilities for how to continue work on a protocol were suggested yesterday morning. One would have seen a working group, with representatives from a small number of countries, while the other was the INB route.

In the afternoon, representatives of the six WHO regions agreed unanimously for an operational INB, along the lines of the FCTC DSU.

Article 15 on illicit trade was the first article of the FCTC in which an agreement was reached in October 2002. Article 15 of the Framework Convention on Tobacco Control contains obligations for countries to reduce the illicit tobacco trade.

However, the article was not sufficiently detailed and specific to be fully effective. At its first session, the Conference of the Parties reaffirmed "the international collaboration for the control of illicit trade is an important area of tobacco control" and established an expert group to prepare a template for a protocol on illicit trade in tobacco products.

The report of the expert group was made public in April 2003. The decision to start the negotiations on a protocol on illicit trade is important and should be warmly welcomed. Combating illicit trade is an important element of comprehensive tobacco control. The unanimous decision in committee A on this matter shows the dynamics of the FCTC and proves the negotiations of essential tobacco control measures at global level.

- *Luiz Cozzano*  
Senior Policy Advisor  
Framework Convention Alliance

### Progress also made on Article 13



**Dirty Ashtray Lifetime Achievement Award**

**THE UNITED STATES, For their unwavering commitment to watering down a Convention they will never ratify.**

**THIS ISSUE:**

relatives	2
inclusion	3
death	3
in FCTC	4
in Africa	5
Costa Rica	5
death	6
talk in it	6

**What's on today?**

WHO Briefing  
Product Regulation  
Ipm, Room 2, CIG

Speakers:  
WHO Tobacco Committee  
Dave Hammond, FCA




**ALLIANCE BULLETIN**  
Issue 36  
19 February 2003

**THE RAT in RATIFICATION**

**DEATH CLOCK**

Framework Convention Alliance  
Issue 37, Geneva  
7 February 2006  
Weather, outlook later

**FCA BULLETIN**

### TOBACCO PRODUCT REGULATION—WHO'S REALLY IN CHARGE?

Remarkably, for a uniquely harmful consumer product that kills approximately half of its users, what goes into and comes out of tobacco products remains virtually unregulated in most consumer markets.

Furthermore, the main bodies involved in setting standards for tobacco products, such as International Organisation for Standardisation (ISO), are dominated by the tobacco industry.

This is completely inappropriate as the industry has a vested interest in providing as little information as possible about the dangers of smoking and will be reluctant to make



**BAT in Honduras, guaranteeing quality the ISO way**

any significant changes to their products.

The industry must not be involved in establishing standards for product testing.

This ad from Honduras, tracing that BAT's cigarettes are "certificated to ISO standard 9001 and 14001", is a good example of how the tobacco industry misuses regulation to market its products. ISO standards bear little or no relationship to human exposure. (page 2)

### THAT CLOCK IS STILL TICKING...

Yesterday statistics took on a human face again — 25,726, 153 is the obscene number of people who have died unnecessarily from tobacco related diseases since work on the FCTC first began in October 1999. Speaking about the personal loss of his father from a tobacco-related illness, Dr LEE Jong-wook, Director-General of the World Health Organization unveiled the tobacco death clock in the CIGC hallway.

"This group has already changed history," Dr Lee said. "The Convention is something that we are all committed to. Its provisions are bold. They are based on knowledge of what is effective. It will make it work."

NGO advocates also urged delegates to remember the tremendous potential of their work: "Vous avez ce pouvoir entre vos mains aujourd'hui et nous comptons sur vous pour établir des mécanismes les plus performants pour sa mise en oeuvre. Ceux-ci seront essentiels pour aider à une meilleure qualité de vie dans votre pays, dans la région africaine et à plus rapidement possible." (Wenque Le Clain, Mauritius)

"You now have a treaty in your hands and you can decide to make its implementation meaningful. I urge you to devise the best possible mechanisms that will help reverse the tobacco death toll in my part of the world in the shortest time possible." (Johanna Akwari, Nigeria)

"Ahora, señores delegados, el Tratado está en sus manos — les invito a ustedes a crear el mejor mecanismo posible para la implementación, que permita a la brevedad reducir la carga de muerte y enfermedad en todas las regiones del mundo." (Dr Eduardo Blanco, Uruguay)



# BRIEFINGS FOR GOVERNMENTAL DELEGATES NEGOTIATING THE WHO FCTC







# STAGED EVENTS DURING FCTC MEETINGS



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## PERSPECTIVE FROM A MEMBER OF THE U.S. DELEGATION

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- “The NGOs in Geneva were well organized and outspoken”.
- “...an assortment of other NGOs banded together to form an umbrella organization called the "Framework Convention Alliance.”
- “...the NGOs worked the halls masterfully and, for all intents and purposes, filled the roles of deeply entrenched Washington insiders”.

**Gregory Jacob. US Delegate to the FCTC Negotiations**  
**Copyright (c) 2004 The University of Chicago**  
**Chicago Journal of International Law**  
**Summer, 2004**  
***5 Chi. J. Int'l L. 287***

The Framework Convention  
*Alliance* for Tobacco Control



# UN Secretary General during the 1998 report to the UN General Assembly:

- “the degree to which a world conference mobilizes the attention of NGOs and other organizations of civil society has become an important criterion for judging its success.
- The massive presence of NGOs...[has] increased public awareness of the conferences and the issues they dealt with and, ultimately, of the United Nations, and was a driving force for the setting of international norms and standards.”
- “determined, knowledgeable and well-organized NGOs that are willing to form caucuses and alliances can achieve successes in advocacy and lend tremendous weight to International and United Nations-led campaigns.”



# Development of guidelines on Implementation and elaboration of templates for protocols

- Involved in the expert group tasked with elaborate a template for a protocol on cross-border advertising, promotion and sponsorship
- Involved in the expert group tasked with elaborate a template for a protocol on illicit trade
- Participated in the meeting of key facilitators, experts and other interested Parties on the elaboration of guidelines on Article 8
- Meeting of key facilitators, experts and other interested Parties on the elaboration of guidelines on Articles 9 and 10
- Participation in ad-hoc study group on alternative crops



# Used the Media to Advocate in favor of the FCTC



**CBSNEWS.com**  
February 25, 2003 14:19:35

**U.S.** • Section Front

**U.S. Told To Quit Tobacco Talks**

GENEVA, Feb. 25, 2003

**(CBS)** Accusing President Bush's administration of being beholden to cigarette multinationals, a coalition of American medical groups demanded that the United States withdraw altogether from international anti-tobacco negotiations and stop sabotaging the planned treaty.

Just days away from the scheduled completion of the talks, Thailand, Saudi Arabia and other developing countries complained that the U.S. delegation was using strong-arm tactics and financial threats to try to force through its will.

**"I am ashamed of the role my government has played in the negotiations."**  
Alfred Munzer, American Lung Association

**"At this critical juncture, the United States government is working methodically to weaken virtually every aspect of this treaty,"** said John Seffrin, chief executive officer of the American Cancer Society.

**"We call on the U.S. government to observe the first rule of the Hippocratic Oath: Do No Harm."**

**"The time has come for the United States to stand aside and allow the rest of the world to complete a treaty strong enough to change the course of the tobacco epidemic,"** Seffrin said.

**INTERACTIVES**

- Showdown With Saddam
- September 11 Anniversary
- War On Terror
- Everybody Has A Story

**TIMELINE**

**Tobacco Road**

Review a history of the tobacco industry and its effect on health, Congress and the courts.

**RELATED STORIES & LINKS**

- Story: Alarming Increase in Child Asthma
- Story: Tobacco Road Gets A Toll Booth
- Story: Made In The USA
- Story: States' Budget Blues Will Linger
- Story: WHO Calls For Global Tobacco War
- Story: Cig Settlement Funds: Up In Smoke



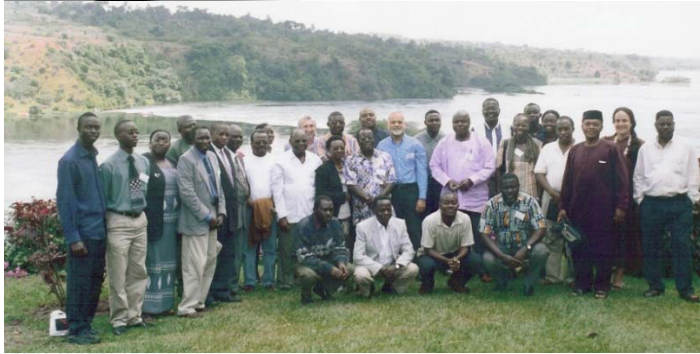
A falta de medidas urgentes, el tabaco matará mil millones de personas en el transcurso de este siglo. Apoyen el tratado sobre tabaco sin reservas. No dejen que se debilite el proyecto de Convenio Marco para el Control del Tabaco.



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# CAPACITY BUILDING WORKSHOPS



*Alliance* for Tobacco Control



The Framework Convention  
*Alliance* for Tobacco Control







# COUNTRY LEVEL ADVOCACY EVENTS IN SUPPORT OF THE FCTC



Eduardo Bianco (Uruguay) spoke at the 'Reality Check' demonstration



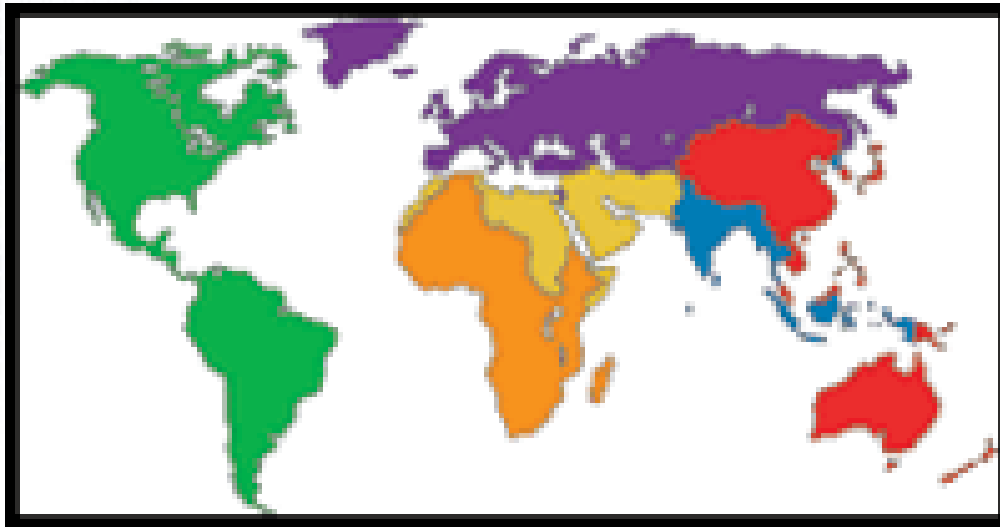
L->R Executive Director LHRD, Dr. Kalvananda Thirananaga, Ven. Maduluwawe Sobhitha Thero, Mr. Olcott





# REGIONAL/SUB REGIONAL COORDINATION

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The Framework Convention  
*Alliance* for Tobacco Control



# Advocacy Campaigns

fca - 2005-12-09 - letter from minister of health, hungary  
sent on 30 Dec 05



MINISTRY OF HEALTH  
REPUBLIC OF HUNGARY  
MINISTER

File No.: 22122-3 / 2005-0017NÜF

Ms Mary Assunta  
President  
Mr. Laurent Huber  
Director  
Framework Convention Alliance

Geneva  
Switzerland

9 December 2005.

Dear Madam,  
Dear Sir,

In your letter dated 11 October 2005, you called on Prime Minister Ferenc Gyurcsány, on behalf of the Framework Convention Alliance, to ban smoking in public places and workplaces.

As the person competent in this matter, I am writing to inform you of the following:

We are fully aware of the health damaging effects of both active and passive smoking, and of the high tobacco-related morbidity and mortality indicators of the Hungarian population.

Taking into consideration Hungary's international commitments to control tobacco use and the trends in public health indicators, it is our objective to make both public places and workplaces smoke free environments.

Based on Hungary's peculiarities, if we were to make smoking-related legislation stricter immediately, rather than gradually phasing it in, it might, in the short run and without appropriate communication, or in the lack of communication, strengthen smokers' feelings of revulsion or exclusion. Hungarian lawmaking wishes to focus on continuous legislative development, as compared to immediate total and comprehensive ban on smoking, fearing it might produce inverse impact.

Sincerely yours,

Jenő Rácz MD  
Minister of Health

Adress: Budapest, V., Arany János u. 6-8. H-1245 Budapest, P.O. Box 987.  
Telephone: (36 1) 428-4601, Telefax (36 1) 332-8128

## International Letter Campaigns for Tobacco Control

**Petition:** Hungarian political leaders should stop weakening the language of the planned smoke-free legislation

**Target:** Minister of Health, Minister of Economic Affairs, Minister of Justice, Prime Minister's office, Chief Medical Officer, Head of the Public Health Department of the Health Ministry

**Context:** The first Hungarian anti-smoking act dates back to 1999. It does contain some regulation of smoking in public places, these, however, are extremely vague. The public health commissioner is committed to amend the 1999 legislation, but there is lack of support for changes within other portfolios and even in health agencies. The plan to introduce smoke-free workplaces, schools and hospitals is going to be watered down by the Parliament not least because of the opposition of some key ministries and political leaders.

**Talking points:**

- experience with strong rules on smoking in public places and workplaces
- do smoke-free rules harm national economies?
- does the public accept and comply with strong rules?

**Sponsored by:**

- Egészségünkért a XXI. században Alapítvány/Health 21 Hungarian Foundation

### Please write your message in the space below (use the talking points above as a guide)

Hungarian political leaders should stop weakening the language

Hungary has one of the highest smoking prevalence in the EU-25. The country ranks 1st in the world based on lung cancer mortality among men and 1st among men and women as mortality from oral cancers is concerned. Every year 28,000 deaths can be attributed to smoking; that means tobacco use is the most important single cause of death in Hungary. 4% of the Hungarian GDP is currently being lost because of smoking.

Every year 3,500 Hungarians are killed by secondhand smoke. The 1999 act on the protection of non-smokers has been proved unable to provide adequate protection against tobacco smoke. ALL citizens, indifferent from their age and gender, qualifications, occupations, jobs MUST be protected against environmental tobacco smoke while they are outside their homes. The government and decision makers are responsible for providing a healthy environment for its citizens, in which no one has to inhale tobacco smoke against his/her will. There should be no reason why one citizen should be provided a higher level of protection and another.

**Started on:** 2005-09-28

Your name:  Mr.

Your email:

Organisation:

Address:

## Framework Convention Alliance

Building Support for Global Tobacco Control

Ms. Silvia Masebo  
MP,  
Minister of Health for Zambia

October 26, 2005

Dear Ms. Masebo:

The Framework Convention Alliance [FCA] calls upon the Zambian Government to swiftly ratify the WHO, FCTC. Unless this is done before 8<sup>th</sup> November 2005, the Country will not be party to the governing body for the WHO FCTC, the Conference of the Parties (CoP) when it meets for the first time early next year.

Zambia needs to deposit the instrument of ratification in New York by 8<sup>th</sup> November 2005 in order to participate with full powers in the first Conference of the Parties.

During the first CoP, Parties will take decisions in technical, procedural and financial matters relating to the implementation of the Treaty such as the establishment of the permanent Secretariate, funding and financial support and monitoring and reporting on implementation progress among others.

As a tobacco growing Country Zambia cannot afford to miss this chance. The Country needs financial assistance for diversification from tobacco to other healthy cash crops. This assistance can only be made available if the Country became a contracting party to the FCTC. Besides if the Country is not in the CoP it will not be able to take part in future decisions regarding international tobacco trade. Contrary to some views that the Country will be protecting its investments and progress made in the tobacco sub-sector by staying away from the treaty, the opposite is actually true.

Zambia's ratification of the FCTC will not have any immediate negative impact on its tobacco production or trade. Further the World Health Organization (WHO) and the World Bank have concluded, based on their comprehensive research, that tobacco trade is actually an obstacle to economic and social development. Tobacco does not contribute to the elimination of hunger, rather it exacerbates it. The benefits and the profits of tobacco do not go to the farmers, who are often very indebted. Only the tobacco industry profits from tobacco.

We call upon Honorable, Silvia Masebo to take up her custodial role as Minister of Health to protect the health and lives of the Zambian people from the risks associated with this deadly product by ratifying the WHO FCTC. Last week, Nigeria and Rwanda joined Botswana, Cape Verde, Equatorial Guinea, Ghana, Kenya, Lesotho, Madagascar, Mauritius, Niger, Senegal, Seychelles, and South Africa as some of the Countries in Africa that have ratified this historic treaty.

Mary Assunta  
Chair

Laurent Huber  
Director

Framework Convention Alliance

http://fctc.org

Rue Henri Christine 5 • Case Postale 567 • CH-1211 • Genève • Switzerland

Email: FCA@globalink.org

The Framework Convention Alliance for Tobacco Control



# Ensuring Effective Implementation



World Health Organization  
CONFERENCE OF THE PARTIES TO THE  
WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
Second session  
Provisional agenda item 5.3.1

A/FCTC/COP2/7  
26 April 2007



**A GUIDE TO  
DOMESTIC  
IMPLEMENTATION  
of the Framework  
Convention on Tobacco  
Control (FCTC)**

The Framework Convention  
Alliance for Tobacco Control

## Model Legislation for Tobacco Control: A Policy Development and Legislative Drafting Manual

Rose Norman, JD, MPH

The Manual is available at:  
[www.who.int/tobacco](http://www.who.int/tobacco)  
[www.fctc.org](http://www.fctc.org)  
[www.who.int/tobacco](http://www.who.int/tobacco)

### Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15))

#### Article 8: Protection from exposure to tobacco smoke

1. At its first session in February 2006 in Geneva, the Conference of the Parties to the WHO Framework Convention on Tobacco Control decided (decision FCTC/COP1(15)):

- (1) to adopt the templates for the elaboration of guidelines on Articles 8 and 9, as they appear in Annexes 1 and 2 to this Decision;
- (3) to accord the highest priority to guidelines on Article 8 and the first phase of Article 9, and to request the Convention Secretariat to initiate work on these guidelines, on the basis of the templates, and to present draft guidelines to the second Conference of the Parties, if possible, or progress reports;
- (5) to request the Convention Secretariat to utilize these criteria in preparing a workplan for the elaboration of guidelines on the relevant articles, for consideration by the COP at its second session;
- (6) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise in the guideline matters to actively participate and contribute to the further elaboration and development of the guidelines, as per request from the Convention Secretariat.

#### Articles 7 and 8 of the WHO Framework Convention on Tobacco Control

2. Article 7 of the WHO Framework Convention (*Non-price measures to reduce the demand for tobacco*) states, inter alia:

*Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.*

3. More specifically, Article 8 of the WHO Framework Convention (*Protection from exposure to tobacco smoke*) obligates Parties to take effective steps to provide protection from exposure to tobacco smoke. Article 8.1 acknowledges the overwhelming scientific consensus that second-hand tobacco smoke kills:

Alliance for Tobacco Control



# CLOCK IS TICKING

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- February 27, 2008- 40 original ratifying countries must have health warnings on packages
- February 27, 2010- 40 original ratifying countries must have ad ban in place



# World Health Organization Framework Convention on Tobacco Control



- **ARTICLE 6:** Price & tax of tobacco products
- **ARTICLE 8:** Exposure to tobacco smoke
- **ARTICLE 11:** Packaging and labeling
- **ARTICLE 12:** Public Education
- **ARTICLE 13:** Advertising, sponsorship, promotion
- **ARTICLE 16:** Sales to and by minors
- **ARTICLE 20:** Research surveillance
- **ARTICLE 21:** Reporting & exchange of information
- **ARTICLE 22:** Scientific & technical cooperation



# Article 21 Reporting and exchange of information

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- 1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, ....**





# MONITORING THE IMPLEMENTATION OF THE FCTC: COP DECISION

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- Parties agreed to a graduated reporting system under which they are required to report on some articles after 2 years of entry into force, other articles after 5 years and others after 8 years
- Parties agreed that their objective in reporting: “is to enable Parties to learn from each others’ experience in implementation and not to develop a checklist on implementation”



# MONITORING THE IMPLEMENTATION OF THE FCTC

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**Civil society has the responsibility to develop and implement a monitoring and reporting mechanism whose mission is to monitor the implementation and respect of the convention (a check list on implementation)**

**Examples: the Land Mine Monitor: 1997 Mine Ban Treaty**



## Next Steps: NGOs will continue to

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- Play a lead role in policy formulation and advocacy for further development of the FCTC
- Develop detailed briefing papers in advance of key meetings, send representatives to participate at key meetings, and lobby Parties in advance of COP-3
- Push countries to become Parties to the FCTC
- Assist governments in the process of implementation
- Build regional, sub-regional and national capacity by supporting civil society in its efforts to achieve ratification, implementation and monitoring of the FCTC
- Use/disseminate research to advocate for an effective, evidence based, best practice implementation of the FCTC



## Next Steps: NGOs will continue to

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- Ensure that countries go beyond the minimum FCTC requirements by adopting, implementing and enforcing effective, evidence based laws and policies
- Independently monitor FCTC implementation
- Hold governments accountable to their FCTC obligations
- Monitor Tobacco in the International Standard Organization and other regulatory bodies
- Fully engage in future COPs, Subsidiary Bodies, Guideline development, Protocols...
- Carefully monitor the status of tobacco in trade agreements
- Monitor the tobacco industry



# Conclusion

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- “The engagement of civil society in a treaty process is a key aspect of democracy and good governance”.
- Civil Society plays a critical role in the FCTC process by working collaboratively with governments, providing educational materials and tobacco control expertise, and by helping to shape the public climate to provides support for the FCTC
- As stated in Article 4.7 of the FCTC “The participation of civil society is essential in achieving the objective of the Convention and its protocols.”



# Join the FCA and help us reach:

**“A day when smoking is no longer is a sign of personal success and when tobacco no longer is a measure of national wealth or a legitimate commodity in international trade.”**

**Dr Al Munzer, FCA member**

**Website: [www.fctc.org](http://www.fctc.org)**



**To Join: [membership@fctc.org](mailto:membership@fctc.org)**

The Framework Convention  
*Alliance* for Tobacco Control