

BULLETIN

MONDAY | OCTOBER 2018



ARE WE DOING ENOUGH TO STOP ONE BILLION DEATHS?

Early in this century, epidemiologists forecast one billion deaths from tobacco in the course of the 21st century, including 500 million amongst people already alive. This staggering figure has been with us since - and no doubt many delegates at this session of the Conference of the Parties (COP) have used it in their own memos, press releases and reports.

But think about what that means in relation to the short time the WHO Framework Convention on Tobacco Control Conference of the Parties meets every two years. It works out to about a quarter of a million deaths per minute spent in plenary, Committee A or Committee B this week.

While no one expects COP8, by itself, to put an immediate end to the epidemic of tobacco-caused death, we should all be aware of the heavy responsibility on our collective shoulders. This is not a week for sterile debates or lengthy diplomatic niceties. It is a week to focus on action, and the slow-motion scandal that is our collective failure to implement the FCTC with the speed and urgency it deserves.

As Geoff Fong explains in this issue, the FCTC works well when implemented - but most Parties have substantial gaps.

A key item on the COP's agenda this week is a proposed Global Strategy to Accelerate Tobacco Control. This is our best hope to tackle the problems Parties face with implementation, from lack of financial resources- and technical knowledge to political indifference and tobacco industry interference.

A Global Strategy- if translated into an appropriate budget and workplan, into strong national plans, and into a concerted push for more resources, offers a realistic way to treat FCTC implementation with the seriousness it deserves.

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IN LOVING MEMORY OF DR. SHEILA NDYANABANGI

FORMER HEAD OF DELEGATION FROM UGANDA
A RESPECTED VOICE FOR ALL AFRICA



death came. Public health advocates from around the world have called her death a big loss for the continent and the international tobacco control community. Dr. Sheila's African region tobacco control colleagues described her as: a colossus, progressive, persuasive, dependable, bold, articulate, tireless, and fierce when it came to fighting tobacco industry interference.

Dr. Sheila was a constant presence at the WHO FCTC COP. She was the voice of reason that would relentlessly bring people back to focus during COP debates, and the conscientious voice that would remind us of the bigger picture.

Just a few months ago in March, she was speaking like a warrior against tobacco industry interference at the plenary of the 17th World Conference on Tobacco or Health in Cape Town; "We can make the tobacco industry run, we can intimidate them, we should not fear them because we have the truth, they have deception". For tobacco control advocates in Africa, Dr. Sheila was a mentor, a mother, and a friend.

AFRO has been known to champion the objectives of the FCTC, especially in terms of strong positions on countering tobacco industry interference, in large part because Dr. Sheila was there to provide support, as well as the strong voice, as needed for the occasion.

As some of her colleagues put it: The best way to remember her is to redouble our efforts in championing what she stood for.

Deborah Sy
Global Center for Good Governance in Tobacco Control

The painful news came on August 25, 2018, a little more than a month short of the WHO Framework Convention on Tobacco Control (FCTC) Conference of the Parties (COP). COP observers and delegates from all over the world expressed their shock and grief as news of her

THE GLOBAL STRATEGY: A TIMELY TOOL FOR AFRICA

Tobacco smoking causes more deaths each year than HIV/AIDS, tuberculosis, and malaria combined (WHO 2008, WHO 2015). The number of smokers in Africa is currently estimated at 77 million and the World Health Organization (WHO) expects that this figure will increase by 40 per cent by 2030. WHO projects a dramatic increase in some African countries. This calls for a concerted effort worldwide to reverse the trend.

Effective implementation of the FCTC in Africa has been impeded by a number of factors, including the severe lack of resources. Most countries in Africa, a continent which has the youngest population globally, are supportive of the adoption of the Global Strategy during this COP. The Global Strategy provides a framework that will keep discussions at the COP focused on priority issues agreed by Parties, enhance and streamline international cooperation on tobacco control, raise the international visibility of the FCTC, as well as outline the mechanisms to raise funds at the domestic and global level to support the implementation of the Convention.

In particular, we support the implementation review

mechanism (IRM), which is part of the Global Strategy, will identify barriers to progress and provide a focus for follow-up assistance. This will involve a peer review of Parties' implementation reports to identify and to share good practices that will help improve domestic policies, laws and enforcement.

As Civil Society Organisations working in tobacco control, we call upon the Parties to adopt the Strategy as is, and recommend that a plan of action be put in place for its implementation.

By investing in comprehensive tobacco control policies and strategies, the 'youthful' continent can ensure that they are spared from a harmful product that reduces workers' productivity and which cuts lives short due to chronic illness and premature mortality.

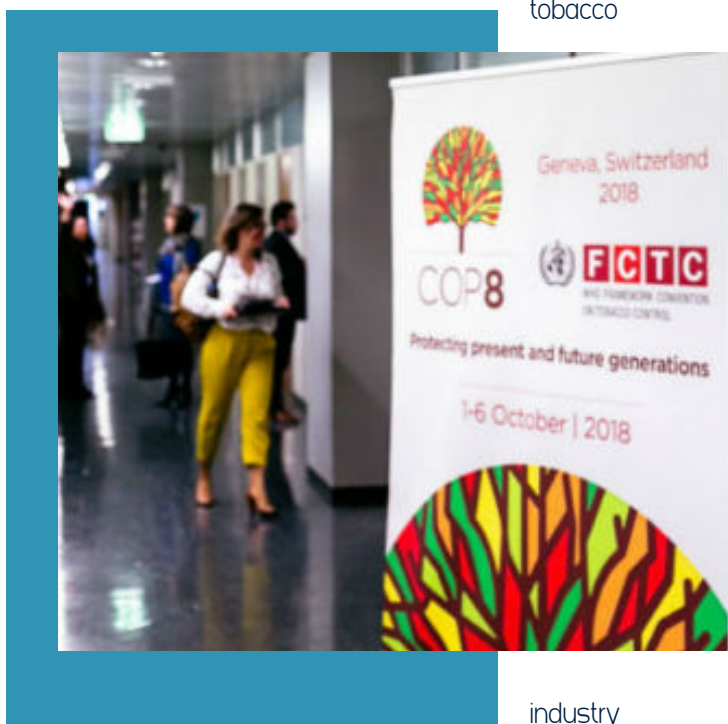
Vincent Kimosop
Tax Justice Network - Africa
Leonce Sessou
African Tobacco Control Alliance (ATCA)

YOUR GUIDE TO TRANSPARENCY DISCUSSIONS ON DAY I

The issue of transparency emerges in four separate places in the COP8 agenda. To help minimize confusion, here is an overview of the decisions delegates are being asked to make, and what the FCA recommends that you do.

1) Plenaries and committee meetings – ‘public’ or ‘open’?

The Rules of Procedure state that all COP sessions should be ‘public’ unless the COP decides to make them ‘open’ (only Parties, non-Parties, intergovernmental organisations (IGO) and non-government organisations (NGO) in the room) or ‘restricted’ (only Parties and essential Secretariat staff). The practice in recent COPs has been to decide early on Day I that the plenaries be declared ‘open’ (thus requesting media and members of the public to leave the plenary). The reason for this is that public badges and media have, unfortunately, been avenues for tobacco



industry infiltration. This time

around a decision will once again have to be made on whether the plenaries and committee meetings are ‘public’ or ‘open’.

FCA recommends: that given that there is no process for members of the public or media to screen-out tobacco industry representatives, the FCA expects the practice at previous COPs to be repeated - ie. Plenaries should be designated ‘open’ rather than ‘public’. The negative consequence of this is that legitimate media and members of the public without industry-ties will also be excluded. To help address this in the future we make recommendations for agenda point 8.8 (see below)

2) 8.2 - Maximizing Transparency of delegations from Parties and Observers to COP, its subsidiary bodies and other WHO FCTC meetings

At COP7 this issue was discussed but no decision was taken. Between COP7 and 8, the Bureau consulted extensively with Parties on how to move forward on this issue. The result was clear - that Parties would not support the mandatory declarations that were discussed at COP7. The COP will be asked to consider adopting a new draft decision and its annexes, which would call upon individual Party delegates to provide declarations of interest on a voluntary basis. A similar process would apply to IGO observers, and for the head of each NGO delegation.

The draft decision in FCTC/COP/8/I/5 also requests that, should these procedures be adopted, the FCTC Secretariat would publish a list of Parties and observer organisations from whom completed forms have been received.

FCA recommends: the adoption of the draft decision and call on Parties to complete, on a voluntary basis, Declaration of Interest forms and remember their obligations under FCTC Article 5.3.

3) 8.6 - Review of accreditation of observers to the COP

COP7 requested the Secretariat to survey IGOs with observer status to identify endorsements, actions in support of the treaty, unresolved, real or perceived conflicts of interest and direct or indirect involvement in the tobacco industry. The Secretariat reached out multiple times to all 27 IGOs to complete the survey. 8 responded. Parties will be requested to consider adopting the draft decision.

FCA recommends that: COP8 accept the decision with these modifications: mandate the Secretariat to continue their effort to survey the IGOs that did not respond. IGOs should be given until 2020 to respond and, after consulting with the Bureau, the Secretariat should report back at COP9 with recommendations as to whether these IGOs’ observer status should be maintained, suspended or discontinued.

4) 8.8 - Possible amendments to the Rules of Procedure of the Conference of the Parties

The Bureau is proposing the adoption of amendments to the Rules of Procedure, some of which touch on the issue of transparency at COP. They propose language to distinguish between members of the public and accredited media. The Secretariat also proposes to amend rule 27(2) to make meetings of subsidiary bodies ‘open’ rather than ‘public’ unless otherwise decided by the COP; and rule 32 to add that accredited media shall be entitled to attend all ‘open’ sessions unless otherwise decided - this could mean both plenary and committee meetings.

FCA recommends: a pre-screening process for members of the public (to screen out tobacco industry representatives) and the media (to ensure the tobacco industry cannot infiltrate meetings through the media) and supports the Secretariat’s proposal to amend Rules 32 and 27(2).

MORE THAN HALF OF THE WORLD'S POPULATION IS PROTECTED BY PICTORIAL HEALTH WARNINGS

There are currently 118 countries and territories that have required picture warnings on cigarette packages. This finding comes from an international report - Cigarette Package Health Warnings: International Status Report - being launched today at COP8. This new report provides an overview, ranking 206 countries/territories based on warning size, and lists those that have finalised requirements for picture warnings. Regional breakdowns are also included in the analysis as well as a global overview for plain packaging.

Copies of the report (in English and French) are available at the FCA booth. Delegates are welcome to take as many copies of the report as they would like for use in their home countries.

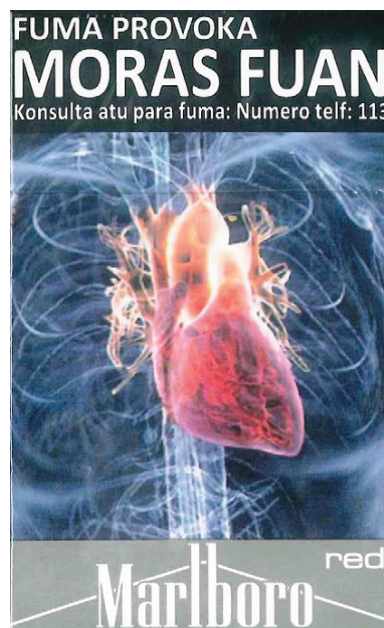
58 per cent of the world's population is now covered by final requirements for picture warnings, and many more countries are on the right track. The total of 118 is an increase from the 100 countries/territories that had implemented picture warnings by the end of 2016.

In terms of size, Timor-Leste is the new world leader with warnings that cover 92.5 per cent of the package front and back on average (85 percent front, 100 percent back). Nepal and Vanuatu are tied for second with a warning size of 90 per cent, New Zealand is the 4th at 87.5 per cent (75 percent front, 100 percent back), while Hong Kong, India and Thailand are the 5th at 85 per cent..

There are now 107 countries/jurisdictions (compared to 94 in 2016) requiring warnings to cover at least 50 per cent (on average) of the package front and back, and 148 requiring a minimum size (on average) of at least 30 per cent.

Enormous progress continues to be made around the world. Well-designed package warnings are a highly cost-effective measure to increase awareness of the health effects and to reduce tobacco use. Picture-based messages are far more effective than a text-only message. Indeed, a picture says a thousand words. Pictures attract more attention, and reach individuals who are illiterate or who cannot read the national language(s). Furthermore, the effectiveness of warnings increases with size. Larger ones allow for bigger and better pictures, additional information and/or a larger font size.

The new report, currently available in English and French, was prepared by the Canadian Cancer Society, in collaboration with the FCA. The Campaign for Tobacco-Free Kids is facilitating translations in Arabic, Chinese, Portuguese, Russian, and Spanish.



Rob Cunningham and Jennifer Kuntz
Canadian Cancer Society

TO ACCELERATE FCTC IMPLEMENTATION, PARTIES SHOULD DISCUSS (AND ADOPT) THE GLOBAL STRATEGY EARLIER

This week, Parties have a unique opportunity to usher in a new kind of COP session and to take a concrete step towards realising a world free from the tobacco epidemic. Under agenda item 7I, Parties will consider adopting the Global Strategy to Accelerate Tobacco Control - the first ever strategic plan for the treaty.

As outlined in FCTC/COP/8/II, the Global Strategy is a clear, outcome-oriented plan that is intended to guide the development of the COP's budgets and workplans, and to inform the work of Parties and the broader tobacco control community over the next several years. It highlights a small number of priority areas for action, which will help to achieve the greatest reduction in tobacco use prevalence. The plan also includes goals and targets, to enable the COP to assess progress and to inform future work.

Many other treaties have developed and implemented these kinds of plans and have experienced successes in doing so. Based on these other treaties' experiences, there is reason to believe that the WHO FCTC Strategy can help to enable better FCTC implementation and progress towards SDG target 3a in a number of ways, including by:

- Keeping discussions at COP and work between COP sessions focused on priority issues agreed by Parties
- Enhancing and streamlining international cooperation on tobacco control
- Raising the international visibility of the FCTC
- Helping to raise funds at the domestic and global level

Though we've made much progress on tobacco control in the past decade, there is still much work to be done. Large gaps in FCTC implementation remain within and between regions and Parties continue to report facing major challenges and obstacles to implementing the FCTC.

Endorsing this Strategy will be an important first step. At COP8 Parties will also need to discuss how to translate the Strategy into action and how to assist Parties to do the same thing at the national level. For one thing, it will be critical that COP8 aligns the budget and workplans with the Strategy.

This is an important topic with implications for other agenda items. For this reason, FCA recommends that Parties amend the COP8 agenda so that the Global Strategy is discussed as the first order of business in Committee A this week.

THE IMPACT OF FCTC ON REDUCING SMOKING: NEW EVIDENCE ON THE NEED FOR STRONGER AND ACCELERATED IMPLEMENTATION

Does the WHO FCTC actually reduce smoking, and if so by how much? The short answer is: yes, but it could be much, much more.

Between 2007 and 2014, FCTC implementation reduced global smoking by roughly 5 per cent, or 49 million smokers.

But this is far less than could have been achieved with full implementation of key measures: a further 30 per cent reduction, or 315 million smokers.

These new findings are striking, underscoring the importance of mobilizing efforts to strengthen and accelerate implementation of the FCTC—the objective of the Global Strategy to Accelerate Tobacco Control, which will be discussed at the COP this week.

These results are an extension from the work of the FCTC Impact Assessment Expert Group, which was created at COP6 in 2014. The EG conducted an extensive evaluation of the impact of the FCTC over its first decade.

As part of the impact assessment exercise, the International Tobacco Control Policy Evaluation Project (ITC) at the University of Waterloo in Canada and colleagues at WHO, conducted analysis of the impact of the FCTC on smoking prevalence. Analysing data from 126 countries, covering over 90 percent of the world's population, we examined the relationship between key demand-reduction policies (Articles 6, 8, 11, 13, 14) implemented at the highest level (at the level of the guidelines) by countries within the first decade of the treaty and the change in smoking prevalence among adults aged 15+.

The results, published last year in the *Lancet Public Health*, found that countries that implemented a greater number of these key FCTC articles also experienced a greater decrease in smoking rates. Specifically, on average, for each additional policy implemented, a country experienced on average a decrease in smoking prevalence of 1.57 percentage points (a relative decrease of 7 percent).

However, the problem is that very few Parties have actually implemented these policies. Fifty-five countries have implemented none of the five policies; 45 countries have implemented only one; and 20 countries have implemented only two. Overall, the average number of policies implemented by a Party in the first decade of the treaty was just 1.04 out of the five.

The conclusion and implication is clear: The FCTC works if implemented. But because the rate of implementation has been so poor, there has been a tremendous missed opportunity— which is still growing every day— to make substantial advances in global health through stronger and accelerated FCTC implementation.

*Geoffrey T. Fong, Shannon Gravely, and Lorraine Craig
International Tobacco Control Policy Evaluation Project, University of Waterloo*

IS THE TOBACCO INDUSTRY HIJACKING THE SUSTAINABLE DEVELOPMENT GOALS?

The idea for businesses to be involved in the Sustainable Development Goals (SDGs) is trending and many consumer goods companies have started to engage with the SDG framework. Tobacco corporations belong to the early adopters of SDG rhetoric even though the regulation of the tobacco industry is part of the 2030 agenda (SDG 3.a). Their products kill seven million people each year. Cutting global tobacco prevalence would significantly contribute to reducing premature mortality caused by NCDs, as stipulated in SDG 3.4.

Tobacco control is relevant for the achievement of sustainable development far beyond public health. It can help to eradicate poverty and hunger, reduce workplace-related injuries and diseases (second-hand smoke at work is responsible for 433,000 deaths each year, globally), contribute to education, protect the environment and provide billions of dollars to fund development through tobacco taxes.

Ironically all four multinational tobacco companies claim to support the SDGs. Imperial Brands announced in its 2017 Annual Report a review of the company's Corporate Social Responsibility (CSR) programs in view of the SDGs. British American Tobacco's Chief Executive Officer Nicandro Durante sees "a clear alignment between the SDGs and our own sustainability priorities". The Swiss headquartered Japan Tobacco International used the SDGs to attack the WHO. In the glossy part of its most recent annual report, Philip Morris International lists all SDGs it claims to contribute to, including health, without mentioning that the tobacco control treaty is part of the goals. A treaty that the corporation fights with whatever means available.

For decades, the tobacco industry has undermined the tobacco control efforts of the WHO and governments worldwide, using manipulated science, overt and subvert lobbying, front groups, CSR projects, as well as threats and legal action in national courts and investor-state dispute settlement tribunals. Why would they engage in the SDGs instead of ignoring them altogether?

SDG 3 explicitly identifies the WHO FCTC as an important means to achieving sustainable development. The SDGs are a threat to the tobacco industry, even more than the FCTC itself. The SDGs embed tobacco control in a broader agenda

and lead to the engagement of UN institutions and government departments beyond Ministries of Health. These other departments, for example Ministries of Agriculture and Trade, have been traditionally lobbied by tobacco companies to create conflict over tobacco control measures. The tobacco industry cannot afford to lose this stronghold. At the same time, the SDGs call for public private partnerships (SDG 17.17), a form of engagement the tobacco industry has used to block or water down regulation for decades. This perfectly lays out an avenue to re-open doors that have been shut by FCTC Article 5.3.

The truth is that the biggest impact the tobacco industry has on sustainable development is on its harmful effect to public health. While the four multinationals have started to admit to the "health concerns associated with smoking", usually in tandem with praise for e-cigarettes or heated tobacco products (which have not been proven to be nonhazardous), they continue to fail to take responsibility for the millions of deaths in the past, present and future. Not only they continue to sell combustible tobacco products, on which they spend the lion's share of their promotional budgets, but are also expanding geographically and scaling up their markets.

The only way the tobacco industry can truly contribute to the achievement of the SDGs is the immediate cessation of all marketing efforts for cigarettes and other harmful tobacco products, and to stop the manufacture and sale of these products. Yet they continue with their old strategies to deceive, block and delay tobacco control. This has nothing to do with sustainable development, except for the sustainable development of corporate profits.

Excerpted (with light edits) from the case study "Tobacco industry: Truly transformed or using SDGs as a smokescreen for old strategies?", published in "Hijacking the SDGs? The Private Sector and the Sustainable Development Goals" by German NGO Forum on Environment and Development, Unfairtobacco, Global Policy Forum, Misereor and Bread for the World. Free download: <http://www.unfairtobacco.org/highjacking-SDGs>. Or get a copy at the FCA booth.

Laura Graen
Unfairtobacco

SPOT THE FILIBUSTER - A GUIDE FOR DELEGATES AND OBSERVERS

Filibuster is a noun that refers to a tactic used by a representative of tobacco interests to delay, obstruct, block, retard, forestall, restrain, hinder, protract the decisions that need to be made at COP8.

Anne Jones
The Union and member of FCA



THERE'S SOMETHING BEHIND THE CIGARETTES YOU SEE ON SOCIAL MEDIA: A DECEPTIVE STRATEGY FROM BIG TOBACCO TO ADDICT THE NEXT GENERATION OF SMOKERS

As countries around the world continue to implement the life-saving measures called for by the WHO FCTC, tobacco companies have found a new, secret way to market their products to young people: social media.

A two-year investigation by the Campaign for Tobacco-Free Kids in more than forty countries recently revealed how the world's four largest publicly-traded tobacco companies are secretly advertising cigarettes on social media platforms like Facebook, Instagram and Twitter. Tobacco companies are engaging in the same marketing tactics they used for decades to reach kids and young people – only now deploying their strategies on social media to reach an even wider, unlimited audience of all ages to promote their brands and re-normalise tobacco use.

The investigation disclosed that Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Brands are paying or incentivising young people who have a significant online following to share images of cigarettes or smoking with billions of social media users around the world. Extensive evidence collected online and anonymous interviews with social media influencers in 10 countries revealed that paid influencers were explicitly instructed to promote particular brands of cigarettes on social media, when to post content for the maximum exposure and how to take "natural photos" that do not look like staged advertisements for cigarettes.

As a paid influencer for British American Tobacco explained: "I'm working for Lucky Strike, for their cigarettes [...] We have to publish 2 photos a week with the product, made in a subliminal way, as if right now I put the pack of cigarettes here on the table and I take a photo. Because it's obviously illegal. So they have this group of people in every city [...] They try to create this thing where they give packets of cigarettes to people with a certain number of followers, so that they post a picture with the packet. The final image they want to give is that smoking Lucky Strike is cool. Then there are the hashtags that we use for the pack - for the product - and the hashtag for the events, situations, places...#Lus for the pack of cigarettes, #Like_Us Party for the events...We are called Ambassadors."

In one country, influencers were instructed to cover up the required health warnings on packs in their social media posts.

All of the campaigns documented have been viewed more than 25 billion times around the world on Twitter alone.

These social media campaigns for Big Tobacco have been documented in countries that ban tobacco advertising on the internet. In Brazil, public health leaders filed a legal complaint against British American Tobacco last month for the companies' unlawful social media marketing campaigns promoting Kent, Lucky Strike and

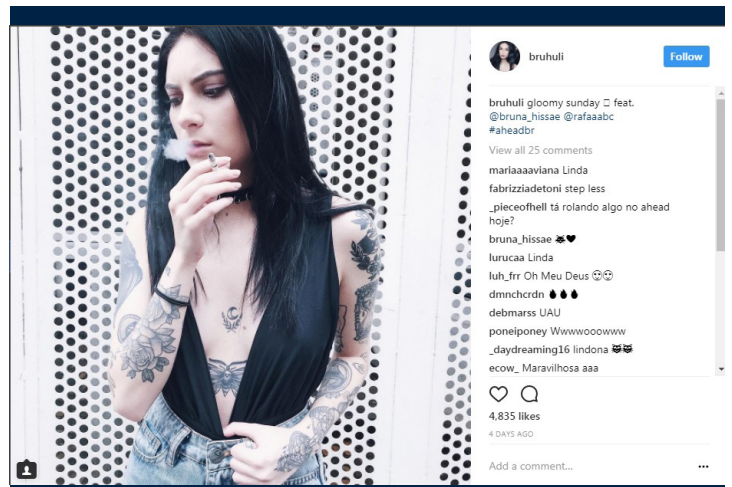


Figure 1. Instagram post from Brazil promoting #AheadBR, a social media campaign designed to advertise Kent brand cigarettes. Kent cigarettes are sold by Souza Cruz, a subsidiary of British American Tobacco in Brazil. In a three-month period (August-October 2017), just 485 social media posts using the hashtag #aheadBR reached more than 5.3 million people. The posts were viewed more than 9 million times on social media.

Dunhill cigarettes. In addition to violating national laws aimed to curb the reach of tobacco marketing, the tobacco companies' campaigns undermine the policies of social media companies like Facebook and Instagram that do not allow paid advertising for tobacco products on their platforms.

And now, following news coverage of this tactic in media outlets like the New York Times, tobacco companies are trying to cover their tracks after being caught red-handed. Companies like British American Tobacco are altering social media content by deleting hashtags known to be associated with their online campaigns for cigarettes, making it harder to track this deadly advertising tactic.

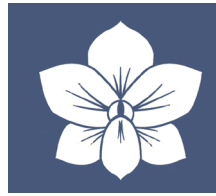
Given the unprecedented scope of these marketing campaigns and the fact that public health authorities agree that exposure to tobacco product marketing causes youth to start and keep using tobacco, Parties are encouraged to consider Framework Convention Alliance's (FCA) recommendations to: 1) Consider implementing the knowledge hub for cross-border tobacco advertising and promotion that would operate as a formal notification system so Parties can identify and share these global marketing campaign; and 2) Require the Secretariat to commission a monitoring guide from marketing and analytics experts to detail the technical means necessary to identify this covert and harmful form of tobacco marketing.

For more details, see: <https://www.takeapart.org/wheretheressmoke/>

Caroline Renzulli and Monique Muggli
Campaign for Tobacco-Free Kids



WATCH THIS SPACE. WE'LL BE LOOKING OUT FOR ORCHID AWARD



STRATEGIC APPROACH TO THE TREATY AND ITS IMPLEMENTATION

DIRTY ASHTRAY



ARTIES ACTING ON BEHALF OF BIG TOBACCO AND OTHER BAD BEHAVIOUR

JOIN US EVENING RECEPTION

HOSTED BY



DATE AND TIME

Monday, 1 October, 2018

1815 - 1915

CICG Exhibition Hall

KEYNOTE PRESENTATIONS

Where There's Smoke: How Big Tobacco is Taking Over Social Media

Highlights: Global Strategy for Tobacco Control

Refreshments and hors d'oeuvres provided



The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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BULLETIN

TUESDAY 2 OCTOBER 2018

GLOBAL STRATEGY AND IRM - LET'S SHIFT GEARS

Amid the excitement of yesterday's opening ceremonies, the WHO FCTC Secretariat presented its 2018 report on global progress in implementing the FCTC.

A shocking statistic from the report that was not mentioned in the Secretariat's presentation is that just 13 per cent of Parties to the FCTC are likely to achieve the agreed global targets to reduce tobacco use prevalence by 30 per cent by 2025.

In the past two years, 9 per cent of Parties actually saw increases in tobacco use in their countries, and 60 per cent identified specific gaps in implementation of the treaty. It is fifteen years now since the FCTC was endorsed, and these trends are just not acceptable.



The good news is that today, as the first order of business in Committee A, Parties will be invited to adopt a plan that will allow us all to shift gear. The proposed Global Strategy to Accelerate Tobacco Control calls for coordinated action on a small number of high-impact interventions in order to reduce tobacco use prevalence between now and 2025. If endorsed, it will be an important tool to raise the visibility of the treaty and to help mobilise funding for tobacco control at the global and national levels.

The Implementation Review Mechanism, as proposed in Objective 3.1.2 of the Strategy, is critical to the success of the Global Strategy. A peer-led Implementation Review Committee would look at Parties' existing implementation reports, identify where they face problems, and make suggestions about what can be done to help fix them.

The Committee would report back to the COP every two years - allowing the COP to develop a clearer picture of what the most common challenges to FCTC implementation are. The report back would also inform a broader discussion about how best to overcome these challenges, and what support should be provided to Parties.

This kind of problem-solving and knowledge exchange is truly valuable and will support implementation of the FCTC. We encourage Parties to adopt the Global Strategy as it is, and to give the proposed pilot of the IRM a chance to prove its worth.

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TOBACCO CONTROL FACES A US\$ 27 BILLION RESOURCE GAP

Governments have consistently reported that a major obstacle to progress on tobacco control has been a lack of sustainable resources to implement key measures. National budgets for tobacco control are often miniscule, particularly in low-income countries. In recent years some philanthropies and development agencies have made substantial contributions of international assistance for tobacco control efforts, though it is clear these are not yet adequate in scale to respond to the enormous need.

Though tobacco control measures are among the most cost-effective public health interventions, an analysis conducted by RTI International on behalf of Cancer Research UK and the Framework Convention Alliance suggests that these measures are chronically under-resourced.

Our study estimates that the size of the gap between the amount of domestic and international funding spent on tobacco control and what would be required to fully implement a subset of core WHO FCTC policies - those focused on demand-reduction- is a huge US\$ 274 Billion.

The analysis also found that:

- The estimated average cost per country to scale up a subset of tobacco control policies to FCTC-compliant levels is US\$ 34 million
- The average amount of existing domestic funding for tobacco control per country is US\$ 15 million - less than half of what's needed
- At the domestic level, the funding gap is largest for low and middle-income countries
- International funding (from philanthropic sources and overseas development assistance) provides just four per cent of the overall resources that would be needed

The Global Strategy provides an opportunity to shift gear. At the global level, the Global Strategy can help to make a more convincing case for investment in FCTC implementation by providing funders with a clear, outcome-oriented plan for how funds will be used and what results they will help to achieve.

At the national level, Parties can use the Global Strategy to help in the development of their own national tobacco control plans and strategies. It will help to articulate and cost out key priorities. Tobacco control efforts have been under-resourced for far too long. The time is now to address the funding gap!

**Ryan Forrest, Framework Convention Alliance
and
Laura Hucks, Cancer Research UK**



WHAT'S ON TODAY: COP8 SIDE EVENTS AT CIGG

TUESDAY, 2 OCTOBER,
13:30 - 14:30

ROOM 3

THE MEDIUM-TERM STRATEGIC FRAMEWORK

The purpose of this side event is to present the Global Strategy to accelerate tobacco control and its implications for the Parties to the WHO FCTC. Discussion will also determine the next steps for the implementation of the Strategy.

ROOM 4

GENDER-RESPONSIVE TOBACCO CONTROL POLICIES

The event will highlight evidence-informed policies and strategies - in line with the mandates of the WHO FCTC - that will accelerate progress on gender-responsive tobacco control policies. Examples will be used to illustrate concrete actions that policymakers, NGOs, women and youth groups, health professionals and other stakeholders can take.

DEMYSTIFYING THE IMPLEMENTATION REVIEW MECHANISM

Today Parties at COP8 have the opportunity to take a significant step towards shifting the WHO FCTC towards results-based management.

The proposed Medium-Term Strategic Framework – also known as the Global Strategy to Accelerate Tobacco Control – would allow for greater alignment between the FCTC and national tobacco control efforts, as well as help raise funds for national activities. If adopted, the Global Strategy will also leverage funding from international agencies and civil society to further advance towards full implementation.

However, the Global Strategy cannot be successful without a review mechanism. That is why the proposed two-year pilot of the Implementation Review Mechanism (IRM) is so vital.

Implementation review processes are common among multilateral treaties—for good reason. They allow systematic reviews of implementation activities, contribute to learning about challenges and identify strong points in treaties' operations. They provide a basis for maximizing the effectiveness of a treaty.

The proposed pilot of the IRM would provide these same benefits to the Global Strategy. It would allow parties to

assess the success of the Strategy and revise key indicators as necessary. It also allows the COP to experiment with implementation review without burdening Parties that are undecided about the utility of such mechanisms. Only Parties that volunteer for the IRM will participate.

As Parties embark on this exciting step of adopting the Global Strategy and moving towards stronger result-based management, it is crucial to make sure these efforts are effective at furthering FCTC implementation. Approval of the pilot IRM is an opportunity not to be missed.

**Tom McInerny, Director of the Treaty Effectiveness Initiative
University of Illinois, Chicago**

MAKING THE MOST OF COP'S SCARCE RESOURCES

In yesterday's opening plenary a number of WHO regions and Parties requested that the discussion on the proposed Global Strategy to Accelerate Tobacco Control (Agenda item 7) be the first item considered by Committee A. This makes very good sense because, if adopted, the Global Strategy will have implications for many other agenda items discussed here in Geneva – in particular, the discussion on budgets and workplans in Committee B.

Committee B will review two budget documents this week: an interim progress report on the 2018-19 Budget and Workplan; and a proposed Budget and Workplan for 2020-21.

One of the main benefits of the proposed Global Strategy is that it can help to ensure effective use of limited funds. It can inform decisions about spending, ensuring that resources are being directed to agreed priority, high-impact activities, and away from non-priority activities. The Global Strategy should determine the key functions and activities of the Convention Secretariat.

The Working Group that developed the Global Strategy made it clear that, if adopted, it should be the basis for making choices about how to allocate existing funds. Committee B will therefore need to ensure that the agreed priorities outlined in the Global Strategy are reflected in the proposed 2020-2021 workplan and budget. The workplan and budget for the remaining period of the 2018-19 biennium also needs to be re-worked to align with the Global Strategy.

A number of COP8 agenda items will consider ways in which additional funds can be raised. This is welcome, but in the meantime, adoption of the Global Strategy and alignment of pre-existing workplans and budgets provide a unique opportunity to make the best of the scarce resources we have.

Cancer Council Victoria, Australia

DRIVING NATIONAL TOBACCO CONTROL PROGRAMMES IN AFRICA

The Global Strategy to Accelerate Tobacco Control is a great opportunity for the African region. The African region is currently the most vibrant region in tobacco control, blessed with a good dose of political will, some external financing and a vibrant civil society. On the downside, Africa has also seen an increase in the tobacco industry interference driven by the potential offered by a young population and increasing incomes.



Although many African countries have ratified and signed the WHO FCTC and have gone ahead to enact tobacco control laws, most of the countries have weak policy implementation characterized by piecemeal, disjointed, and uncoordinated activities, weak human resource capacity, and limited domestic financing. National tobacco control programmes would need a more

comprehensive approach and greater impact.

The Global Strategy is therefore timely in driving the African continent towards establishing national tobacco control programmes that will support Ministries of Health to:

1. Integrate tobacco control in national development agendas
2. Build the essential human resource capacity
3. Secure sustainable domestic financing for tobacco control
4. Oversee and track progress

African civil society is in support of the Global Strategy as an important step change in the implementation of the FCTC.

Kellen Nyamurungi
Center for Tobacco Control in Africa (CTCA)

TRANSPARENCY, TRANSPARENCY, TRANSPARENCY!

Most countries are moving at a glacial pace when it comes to implementing WHO FCTC Article 5.3 guidelines. The first Asian Tobacco Industry Interference Index released recently by the Southeast Asia Tobacco Control Alliance (SEATCA) showed that tobacco industry interference is blocking effective tobacco control.

There is a need for much greater transparency in dealing with the industry. Article 5.3 guidelines recommend that when governments must interact with the industry regarding regulation, these meetings shall be publicly disclosed. The guidelines also recommend that governments establish rules for the disclosure or registration of industry entities, affiliate organisations and individuals acting on their behalf, including lobbyists.

Most countries do not have mechanisms in place to disclose their meetings and interactions with the tobacco industry. In general, non-health sectors appear to view the tobacco industry as a 'stakeholder', just like any other industry. While minutes of these meetings may exist, they are not made public.

The Philippine Civil Service Commission - Department of Health Joint Memorandum Circular requires officials to report their meetings with the industry, but no such reports were filed for 2017. However, news reports suggested that the Department of Agriculture collaborated and participated in programmes sponsored by Philip Morris Fortune Tobacco Corporation and the American Chamber of Commerce in 2017.

In the case of Thailand and Vietnam, since the Tobacco Authority of Thailand (formerly the Thai Tobacco Monopoly) and VINATABA are state-owned enterprises, meetings and interactions with government officials and these entities are regarded as normal.

No Asian country has a register of industry affiliates and organisations, nor is there any record of the lawyers and consultants who act on their behalf, even though the latter increasingly communicate with governments.

Civil society groups, both national and international have already identified some of these individuals and groups, and governments can start by referring to information that organisations like SEATCA provide.

Big Tobacco won't give up ambitions to undermine health policy any time soon. A whole-of-government approach is vital for FCTC Article 5.3 implementation. Governments need to be proactive and vigorous in putting in place safeguards and measures to prevent unnecessary interactions with the tobacco industry and limit the necessary ones. Establishing and enforcing disclosure procedures will help protect public health policies.

See here for full report on 2018 Asian Tobacco Industry Interference Index: <http://seatca.org/dmdocuments/SEATCA%20T1%20Interference%20Index%202018.pdf>

Mary Assunta
Southeast Asia Tobacco Control Alliance (SEATCA)

WOLVES IN SHEEP'S CLOTHING: THE NEED FOR TRANSPARENCY IN DELEGATIONS



The discussions at the beginning of the session yesterday highlighted interesting tensions between the desire to be transparent and the need to protect health policy from the tobacco industry.

On the agenda for discussion today are measures proposed by the WHO FCTC Secretariat to improve the transparency of COP sessions, including voluntary declaration of interest forms.

The guidelines of Article 5.3 are clear in stating that delegations of Parties to COP sessions must not include persons who have affiliations with the tobacco industry or with any entity that promotes their interests. This practice weakens the capacity of the COP to make effective decisions.

The tobacco industry and its front groups have consistently infiltrated the meetings of the COP. Industry representatives manipulate, intimidate and lobby delegates while collecting information on proposed policies. Tobacco industry representatives infiltrate COP meetings not only by obtaining 'public' and 'media' accreditation, but also by using tactics to ensure that official delegations are supportive of industry interests.

In the third round of negotiations on the Protocol to Eliminate Illicit Trade in Tobacco Products in 2009, civil society discovered that representatives of British American Tobacco, Japan Tobacco International, Philip Morris International and Imperial Tobacco were observing the negotiations with 'public' accreditation. Twenty-three of these 28 people who identified

as the 'public' and observed negotiations, were tobacco industry employees.

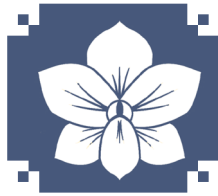
This kind of interference in tobacco control policies violates Article 5.3. There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policies. This has been further emphasised by the United Nations Economic and Social Council (UNESCO) and the UN Inter-Agency Task Force on non-communicable diseases to develop and implement policies to prevent industry interference.

From COP9 onwards, FCA encourages all Parties to complete voluntary declarations to confirm that they are not affiliated with the tobacco industry. In this way, we can ensure that policy decisions are driven by public health interests alone.

(Translated and edited from Spanish)

Gianella Severini
Campaign for Tobacco Free Kids

ORCHID AWARD



ALL PARTIES WHICH
STATED THEIR SUPPORT
FOR ADOPTION OF THE
GLOBAL STRATEGY

DIRTY ASHTRAY



TO ALL PARTIES WITH
TOBACCO INDUSTRY
INTERESTS ON THEIR
DELEGATIONS

BRITISH AMERICAN TOBACCO KENYA WINS BEST EMPLOYER AWARD...

During the 2018 annual award ceremony by the Federation of Kenyan Employers (FKE), British American Tobacco (BAT) was recently fêted as the best employer of the year. The event was reported by a popular newspaper, Business Daily (Wednesday, 26 September 2018). This was the conclusion of Price Waterhouse Coopers - a global accounting firm - which considered 127 firms in Kenya. Apparently, BAT excelled in the workplace environment and industrial relations category. This is all well and good, but what FKE has failed to realise is that the award supports the normalisation of the industry.



BAT is currently at the Supreme Court challenging the tobacco control regulations that were proposed by the Ministry of Health and approved by the Parliament to protect the health of Kenyans. When the tobacco control law was being discussed in Parliament, it is widely known that the industry took legislators to a luxurious hotel on the Kenyan coast to lobby them to water down the provisions.

A recent study conducted by Centre for Tobacco Control Africa in partnership with other organisations, unmask the strategies that have been deployed by the tobacco industry to delay, dilute, and defeat domestic tobacco control measures.

While FKE cannot be condemned for its initiative to promote best corporate practices, it is critical that such initiatives provide the full picture of an industry that undermines productivity and the Kenyan economy through disease and death caused by its products.

Vincent Kimosop
Tax Justice Network-Africa

The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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BULLETIN

WEDNESDAY 3 OCTOBER 2018

HAVE YOU SEEN THIS DELEGATE?



DESCRIPTION:

- Repeatedly proposes amendments which gut the essence of draft decisions
- Grossly misrepresents past COP deliberations
- Painfully obfuscates and prolongs discussions
- Tediously pushes for lowest common denominator
- Speaks in legalese
- Looks regularly at phone for instructions
- Frequently insists he must consult with his 'capital'
- Wears expensive suit
- Creates echo chamber with similarly suited friends causing further delays

One has to ask – is this delegate paid by the hour? Will his country be completing a declaration of interest form?

These typical industry delay tactics have occurred COP after COP, cost millions of lives, and have wasted precious Party resources. We call on all other delegations exasperated by this conduct to stand up to these delegates, call out this unacceptable behaviour and hold them to account.

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ARTICLES 9 AND 10: SUPPORT THE CANADIAN DRAFT DECISION

The FCA urges Parties to support the Canadian draft decision to suspend the Working Group on Articles 9 and 10, and replace it with an Expert Group to support implementation. The Working Group was set up in 2006, and in the 12 years since it was established has held at least nine meetings, more than needed for the development of guidelines on

smokefree environments, packaging and labelling, and banning advertising put together.

Progress has been made and guidelines have been developed and adopted, such as recommending banning flavourings, including menthol. However, while some Parties have implemented the guidelines, many more have not. Now is not the time to continue to work on new guidelines, especially while existing guidelines remain unimplemented.

We are also pleased to see the draft decision includes participation of a representative of civil society in the expert group, but concerned that the participation is limited to only one person. Civil society, with access to academic and policy expertise, has played a significant role in supporting the working group in the development of the guidelines. FCA believes that we continue to have an important role to play in facilitating the implementation of the guidelines by Parties.

FCA is also concerned that we are hearing suggestions that the draft decision should be amended to include the adoption by COP of Tobacco Laboratory Network (TobLabNet) methods on contents and emissions. The COP has not been given advance notice of such a decision, and so this possible amendment would be a breach of due process.

Furthermore it is widely recognized that the International Organisation for Standardisation (ISO) test method for cigarette emissions, as well as the modified ISO “intense” method which are the basis of the TobLabNet methods, are flawed. Endorsing TobLabNet methods, is endorsing the ISO test method. The ISO and “intense” ISO methods do not replicate human smoking behavior and are poor predictors of human exposure. Research carried out over many years has shown that smokers smoke cigarettes very differently from machines and take in far higher levels of tar, nicotine, and carbon monoxide than shown by test methods. It is well established that so called “light” and “low-tar” cigarettes based on machine tests are not less harmful.

Recognising these problems with emissions testing methods the Working Group on Articles 9 and 10 has previously evaluated this issue and has not recommended that these test methods be included in the guidelines. Indeed, if the COP adopted the ISO methods, that would amount to the adoption of a guideline by the back door and contrary to the outcome of the Articles 9 and 10 Working Group deliberations. This would be completely inappropriate for a COP decision.

Canada, the EU, and some other Parties have passed legislation prohibiting the publication of emissions data on packs because it is misleading to smokers who would believe that lower numbers mean less risky cigarettes. If the COP endorses these test methods in a decision it can and will be used by the transnational tobacco companies to persuade governments to keep the numbers on the packs or even to put numbers on, when previously this was not the case.

In the opening plenary the Health Secretary from the Netherlands stated very clearly that he wanted to convince Governments to stop using the ISO test methods. Endorsing the ISO test methods, as validated by TobLabNet in a COP decision, would be completely contrary to this advice.



WHAT'S ON TODAY: COP8 SIDE EVENTS AT CIGC

WEDNESDAY, 3 OCTOBER

13:30 – 14:30

ROOM 3

FCTC 2030: DEVELOPMENT ASSISTANCE FOR TOBACCO CONTROL

This side event will be an opportunity to learn about the progress that is being made through the FCTC 2030. This project, generously funded by the United Kingdom and Australia, supports the implementation of the WHO FCTC in low and middle-income countries.

ROOM 4

TOWARDS A #TOBACCOFREEGENERATION: STRATEGIES AND CHALLENGES

This side event will present different strategies adopted by countries in implementing the Tobacco-Free Generation proposal, as well as the challenges they encounter. The Tobacco-Free Generation proposal advocates legislation precluding the sale and supply of tobacco to individuals born after a certain year.

Deborah Arnott ASH (UK)
and

Rob Cunningham Canadian Cancer Society

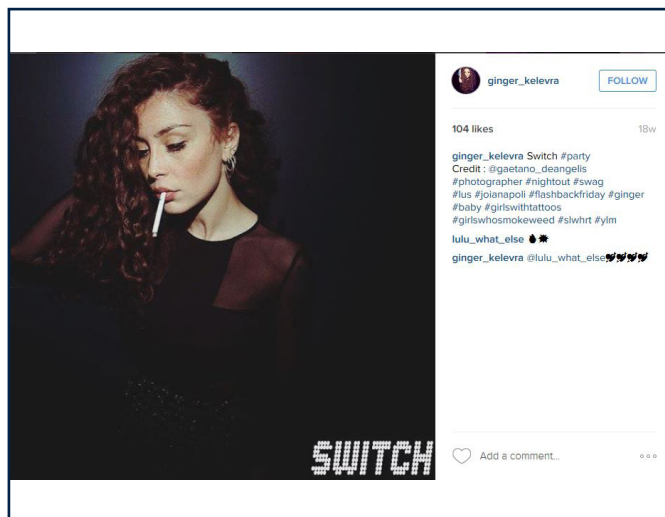
ARTICLE 13 IN THE DIGITAL AGE

A comprehensive ban on Tobacco Advertising, Promotion and Sponsorship (TAPS) as laid out in Article 13 of the FCTC remains key to reducing the uptake of tobacco and reducing tobacco-related harm.

Changing patterns of media consumption shifting towards internet and social media have presented new challenges for effectively banning TAPS, particularly cross-border TAPS.

Looking to the future of how to tackle TAPS, might require looking back to previous recommendations developed by the Working Group on TAPS established by COP2. This Working Group examined the possibility of a protocol concerning TAPS (even developing a template for such), but ultimately advised that there were more efficient ways to address the issue. A Protocol would be a lengthy and expensive option and it would be unlikely that all countries would participate. In this regard, little has changed.

A knowledge hub was proposed at COP3 as a practical solution to tackle cross-border TAPS. This knowledge hub would function as an official notification mechanism for Parties to record and track instances of cross-border TAPS. Although patterns of cross-border TAPS have changed in the social media age, the knowledge hub remains a sensible option that would provide a clear and useful function to Parties.



The added value of an addendum to Article 13 guidelines is less clear, as there would only be a limited body of regulatory experience concerning new forms of cross-border TAPS for a Working Group to examine. A knowledge hub for cross-border TAPS, would be more beneficial for improving implementation of Article 13. To supplement this, Parties can mandate the Secretariat to commission a guide to support the monitoring and analysis of TAPS on new forms of media.

Cassandra Morris
Framework Convention Alliance

IS SWITZERLAND HOSTAGE TO THE TOBACCO INDUSTRY?

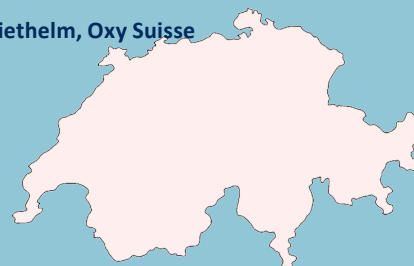
The World Health Organisation, FCTC negotiations, the Convention Secretariat, COP1, Protocol negotiations, COP8: much of the FCTC's history is tied to Switzerland. And yet, Switzerland is not a Party to the FCTC.

Switzerland's domestic tobacco control efforts lag behind. The new draft tobacco product law (LPTab) in Switzerland has a goal of maintaining smoking rates in Switzerland at the current level at least until 2060. The result will be 9,500 deaths and over 300,000 people seriously ill each year because of tobacco.

Switzerland is held hostage by an industry that takes advantage of the political system's vulnerabilities. Three major tobacco companies, JTI, BAT, and PMI have large factories in Switzerland. JTI and PMI have their global headquarters here. Executives in those offices make decisions about their deadly products which are then sold globally.

Over 100 organisations from around the world have signed a letter to the President, calling on Switzerland to ratify the FCTC and the Illicit Trade Protocol without further delay and to change its relationship with tobacco companies. It's time for Switzerland to join the rest of the world in the fight against tobacco.

Pascal Diethelm, Oxy Suisse



BIG TOBACCO'S LATEST TRICK

In September 2017, Philip Morris International – the world’s largest publicly traded tobacco company – announced that it had established the Foundation for a Smoke-Free World with funding of US\$80 million dollars per year over 12 years. The stated aim of the foundation is “Ending smoking in this generation.”

How can a foundation that is solely funded by a tobacco company like Philip Morris – and whose mission statement mirrors the language used by the tobacco giant – be trusted as part of the solution to smoking? Many reputable public health experts don’t believe it can.

Soon after Philip Morris launched the foundation, the world’s leading public health champions – including the WHO, the FCTC Secretariat, Johns Hopkins University with 17 leading public health schools, Framework Convention Alliance and many others – spoke out to urge institutions around the world to beware when the foundation comes calling to offer funding and partnership opportunities. In a letter to public health schools, the deans at Johns Hopkins and the 17 other public health schools said that Philip Morris has “a long history of funding “research” in ways meant to purposefully confuse the public and advance their own interests, aggressively market cigarettes globally, including to children, and persist in their relentless opposition to evidence-based tobacco control interventions.”

The Foundation for a Smoke-free World and other tobacco-funded organizations are part of a formidable smoke screen meant to divert attention from the fact that Philip Morris and the other members of the Big Tobacco club continue to push cigarettes on the world’s next generation. Just this year investigations from Campaign for Tobacco-Free Kids have exposed tobacco companies to be secretly paying popular influencers to advertise cigarette brands on social media platforms, and they have surrounded elementary schools in low and middle-income countries with cigarette ads.

These nefarious tactics to addict new customers to tobacco should serve as a harsh wake-up call to anyone tempted to believe the rhetoric of tobacco-funded organizations. This cautionary note is especially relevant this week as Parties gather to advance the goals of the FCTC in Philip Morris’ backyard. An organisation funded by the Foundation for a Smoke-free World released yesterday a report touting the virtues of e-cigarettes and heated tobacco products like those sold by Philip Morris; Philip Morris itself is hosting an information booth in a Geneva hotel to share information on its “smoke-free portfolio”; and an article was published in a tobacco trade news source calling the WHO and the FCTC “the sworn enemies of innovation”, as if Parties to the FCTC – and not tobacco companies – are somehow responsible for all the death and misery caused by tobacco use.

It’s no coincidence that the Philip Morris-funded foundation has been established at the same time the company is looking ahead to establish long-term profits from products like IQOS. Derek Yach, the foundation’s president, has said “What [Philip Morris] want to do is have a product that is less risky and that makes them profits. That is the beginning and end of it.”

Though the foundation claims a strict firewall between itself and Philip Morris, the messages from the foundation and Mr. Yach’s own words strongly endorse the company’s product lines.

Individuals and organisations in the sectors being targeted by the Philip Morris-funded foundation must consider the consequences of accepting funding that originates with a tobacco company absolutely devoted to pushing cigarettes. FCTC Parties can consider action this week including endorsing the WHO’s and FCTC Secretariat’s statements against the Foundation for a Smoke-free World, and taking steps to ensure that policy-making in their countries – including when it comes to electronic cigarettes and heated tobacco products - is firmly insulated against interference from tobacco-funded organisations.



For more information on the public health community’s reaction to the PMI-funded foundation, visit:

<https://www.tobaccofreekids.org/what-we-do/industry-watch/pmi-foundation>

Mark Hurley
Campaign for Tobacco-Free Kids

THE CASE FOR INVESTMENT

In Georgia, male smoking prevalence is among the highest in the world; at approximately 57 per cent; female smoking prevalence despite still being relatively low, has almost doubled in recent years and now is around 14 per cent. The good news, however, is that domestic financing to tackle the tobacco scourge has more than quadrupled this year from US\$70,000 to US\$300,000.

Being clear about the costs of tobacco and the return on investment has helped the Ministry of Health articulate the case for increased domestic funding. Tobacco costs the Georgian economy US\$300 million each year, equivalent to 2.43 per cent of Georgia's GDP in 2016. If Georgia implements all the provisions of the FCTC, 53,000 lives, and US\$1.5 billion, will be saved over the next 15 years.

Up for discussion in the coming days is the WHO FCTC Secretariat's proposal for an Investment Fund. This is a good proposal, but the concept needs to be linked to an investment case, not unlike the Georgian example. This investment



case would serve to: define and prioritise funding needs in line with the Global Strategy, identify the financial resources that would be required to implement the Strategy (including the costs of the Secretariat), identify all potential sources of revenue (i.e. national budgets, official development assistance, corporate taxes, taxes on consumers) and determine strategies and mechanisms that could be used to raise additional revenue to close the financing gap for FCTC implementation.

Such an investment case would also demonstrate to funders the potential return on their investment, not just in terms of

health outcomes, but also the wins in terms of economic productivity and progress toward commitments under the Sustainable Development Goals.

Lastly, it would also need to take into account Parties' current levels of expenditure and financing gaps at the national level. As per the Global Strategy, this would require Parties to develop costed national plans.

This clear rationale for investment must be developed before any working group considers what kinds of mechanisms could be used to manage funds - the investment fund described in FCTC/COP/8/11 being one such potential mechanism.

Financing FCTC implementation is arguably the most urgent of the challenges facing countries like Georgia. We cannot afford to wait another two years for progress to be made. FCA is calling for a progress report to the Bureau in 2019.

George Bakthuridze, Georgian Tobacco Control Alliance & Laura Hucks, Cancer Research UK

ASSESSED CONTRIBUTIONS: COMPENSATING FOR NOMINAL DECREASES

If past COP sessions are any indication, the proposal to increase the budget of the Convention that is covered by Parties' Assessed Contributions will be met with some resistance at COP8.

The COP budget has remained virtually unchanged since COP3 in 2008. For ten years the budget has seen no nominal increase, despite 21 additional countries becoming Party to the treaty, and the increased cost of carrying out the work to further FCTC implementation that comes along with that. The unchanged budget also means, in practice, that we have seen a nominal decrease in assessed contributions over the past decade. Between COP3 and COP8, out of the 23 Parties with contributions above or around US\$100,000, two-thirds have seen their assessed contributions reduced, some by more than a quarter compared to 2008 and others by even more than that.

It could be easy to shrug this off as a logical result of a fixed budget based on a fixed scale of assessments. However, the Treaty has grown. It has more Parties, and the core

budget has so far failed to recognise the needs for support for both on-the-ground implementation and participation in treaty processes. For a decade, the FCTC budget has relied increasingly on extra-budgetary contributions, i.e., the goodwill of a handful of donor countries and non-state donors to support the essential work of the Convention. For instance, most of the implementation assistance in recent years has been funded through extra-budgetary contributions, and the negotiating bodies for the Illicit Trade Protocol relied on millions of dollars' worth of extra-budgetary funding. That type of essential FCTC implementation work should be funded through the core budget.

The proposed increase is not excessive. An additional US\$800,000 to the core budget could be put to use by supporting the implementation of the Global Strategy. The budget increase can thus support providing assistance to Parties in implementing the strategy and developing national costed plans, operationalising a review mechanism or updating the reporting instrument to facilitate data collection and measuring progress on Global Strategy indicators. We hope the Parties will support this modest increase in light of the important work ahead.

Anca Toma Friedlaender, Smoke Free Partnership and Alice Grainger Gasser

CONFRONTING THE ENVIRONMENTAL IMPACT OF THE TOBACCO INDUSTRY - NEW REPORT



Photo credit: Human Rights Watch (HRW)

Tobacco is a major source of injustice. Because of the shift in production from richer to lower income countries, the environmental impacts of cigarettes are now mostly borne by people in those countries, whereas the profits are mostly realised by transnational corporations.

Tobacco's environmental footprint, together with its negative health, social and economic implications, make it incompatible with achieving the global sustainable development goals (SDG), in particular SDGs 12 – responsible consumption and production, 13 – climate action, 14 – life under water, and 15 – life on land.

The high level segment of Monday's plenary addressed the environmental impact of tobacco, which is only just beginning to be fully appreciated. To address this gap, with funding from the Government of Australia under the FCTC 2030 Project, the Convention Secretariat commissioned a report by researchers at Imperial College London.

Published today, the report sets out the full cradle-to-grave life cycle assessment of the global environmental consequences of the production and consumption of cigarettes.

Substantial land use, water consumption, pesticides and labour are involved in the cultivation of 32.4 million tonnes of green tobacco used for the production of 6.48 Mt of dry tobacco in the six trillion cigarettes manufactured worldwide each year.

The curing and processing of tobacco leaves to produce dry tobacco is energy intensive with use of coal or wood contributing to greenhouse gas emission and deforestation. Additional inputs and waste production occur with the transport and manufacture of cigarettes as well as their final use and disposal. These impacts include water and soil depletion; fossil fuel depletion; human toxicity; ecosystem eutrophication and acidification; and climate change.

Taking these impacts together, each year cigarette smoking causes over 22.2 billion cubic metres in water depletion, almost 21 million tonnes oil depletion equivalent and 3.3 million tonnes equivalent in fossil and metal depletion, respectively, and requires a total of almost 5.3 million hectares of agricultural and urban land. Tobacco also causes significant deforestation with at least 6,500 hectares of forest land cleared annually to make way for tobacco farming, and over 8 million tonnes of wood required for tobacco curing. The sector's annual climate change impact, at 84 million tonnes CO₂ equivalent, is comparable to entire countries' emissions and amounts to 0.2 per cent of the global total.

The report recommends a series of policy measures to support delivery of the SDGs including: ensuring the tobacco companies are made accountable for the environmental externalities they cause; raising awareness

“ AS WELL AS THE DEATH AND DISEASE CAUSED BY ACTIVE AND PASSIVE SMOKING, THE PUBLIC NEED TO BE AWARE OF THE ENVIRONMENTAL IMPACT OF THE TOBACCO INDUSTRY. CIGARETTES SHOULD BE THOUGHT OF AS AN UNETHICAL PRODUCT, NOT JUST AS ONE THAT IS HARMFUL TO INDIVIDUAL CONSUMERS.

”

of the issue among smokers, civil society, and policy makers; and assisting tobacco farmers to switch to alternative crops.

Dr Nicholas Hopkinson
National Heart and Lung Institute, Imperial College London
and board member ASH (UK)



THE ILLICIT TRADE PROTOCOL AND THE THREAT OF BIG TOBACCO

With the Illicit Trade Protocol (ITP) on the COP agenda and with MOP in the horizon, understanding the industry's role in illicit trade is crucial.

The ITP has a particular focus on securing the supply chain of legally manufactured tobacco products. Latest estimates suggest that approximately 60 per cent – 70 per cent of the illicit market is tobacco industry product. Tobacco companies are failing to control their supply chain.

The ITP requires a global track and trace system and stipulates that this 'shall not be performed by or delegated to the Tobacco Industry', given the industry's vested interest in controlling measures aimed at controlling its supply chain.

However, tobacco companies have collectively promoted PMI's adapted pack marker system Codentify to governments using front groups and third parties, despite the system being ineffective as a track and trace solution.

In 2016 the system was sold to a company called Inexto, with PMI claiming this complied with WHO requirements. Yet Inexto's staff list features long-time PMI employees credited with creating Codentify and a complex web of shared intellectual property interests exists between these individuals and the two companies.

Tobacco companies are also a major funding source of data on illicit tobacco.

A systematic review of assessments of industry-funded data found that such data are not reliable- consistently overestimating the scale of illicit trade when compared with independent sources and frequently failing to meet the standards of peer-reviewed research.

Such data enables the industry to promote false conclusions about the scale and nature of illicit trade. The industry emphasises the role of counterfeit cigarettes, arguing that public health measures rather than the industry's supply chain failures fuel illicit trade.

Parties to the ITP must reject the industry's track and trace system and be aware that industry data on illicit trade serve as a platform for the industry's lobbying and PR strategies. When fighting illicit trade, we shouldn't look to the industry fuelling the problem to tell us how to understand or solve it.

BANGLADESH - TOBACCO FARMING VIOLATES HUMAN RIGHTS

A recently published study puts a spotlight on tobacco farming, its threat to food security, the environment and human health. A particularly worrying aspect of tobacco farming that this study illuminates is the practice of indentured bondage, known as 'Company Card'.

A Human Rights approach to Tobacco Control requires us to respect, to protect and to fulfill the affected human rights that are indivisible, interrelated and interdependent to all human rights.

Article 25 of the 1948 Universal Declaration of Human Rights states "the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

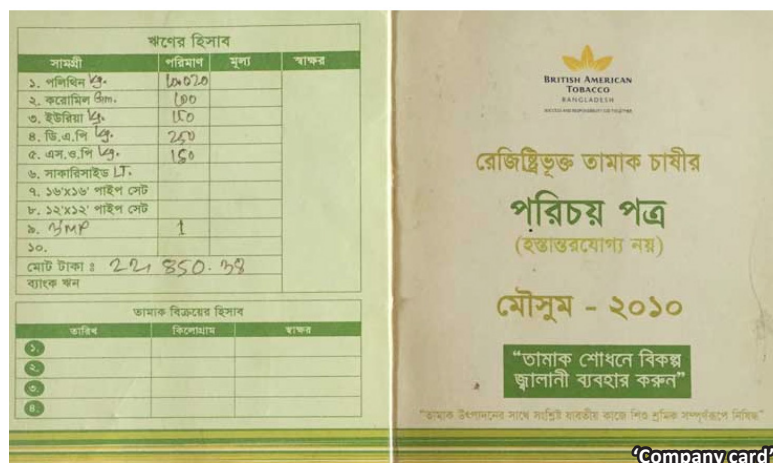
In Bangladesh, the tobacco industry controls agricultural contracts and pricing, keeping tobacco farmers in perpetual poverty. Bangladesh is Party to the International Convention on Economic, Social and Cultural Rights (ICESR), which enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This should protect Bangladeshis from exposure to harmful substances or detrimental environmental conditions that directly or indirectly impact upon their health. It can be reasonably argued that tobacco farmers and agricultural workers - including children - are therefore at risk of having their rights violated through their exposure to pesticides, herbicides, and 'Green Tobacco Sickness' when tending or harvesting tobacco leaves.

Although the Tobacco Industry may be content to have children working for their profit, Bangladesh is party to the Convention on the Rights of the Child. Under this Convention, Bangladeshi children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or harmful to their health or development.

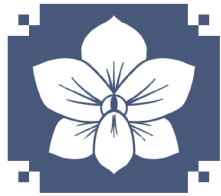
The ICESCR also addresses the right to work and states that work must be decent and respects the fundamental rights of the human person, as well as the rights of workers in terms of conditions of work safety and remuneration.

Very clearly, Bangladesh needs to consider carefully these Conventions and can use them to regulate, limit or eliminate the human right abuses that are caused by the Tobacco Industry's 'Company card'.

Farida Akhter
Ubiniq, Bangladesh



ORCHID AWARD



Nigeria for making a strong statement on its intent to fully implement the FCTC, including its support for the Global Strategy, the IRM pilot project, and transparency of delegations.

DIRTY ASHTRAY



Zimbabwe for setting an impossible record of no cases of green tobacco sickness.

PREVENTING YOUTH UPTAKE IN EGYPT



In Egypt, young people love sports, but tobacco use is on the rise. Approximately 21 per cent of the Egyptian population is within the age range of 15 to 24 years, and so a particular concern for the tobacco control community is youth uptake of tobacco products.

One clear message that the civil society organisation, Haya Belah Tadkheen is sending to young people is that tobacco use will hamper your athletic performance. The campaign is successfully using sport to encourage cessation and prevent uptake, and is being delivered by a multi-disciplinary team with support from local athletes.

Nesreen Dabous and Salma Mokbel
Hayah Bela Tadkhen, Egypt

THE HIDDEN TRUTH: PRICE FIXING IN SRI LANKA

Taxation is one of the most cost-effective measures to reduce tobacco consumption, especially among the youth and the poor while raising government revenues.

During the Cabinet discussion on the proposal to ban the sale of loose cigarettes held on 11 September 2018, the Sri Lankan Ministry of Finance objected to the measure, arguing that tobacco control measures had caused the Government to lose approximately US\$ 107 million.

But the Ministry of Finance's very own data shows that the tax collected from tobacco increased from approximately US\$ 155 million to US\$ 600 million from 2015 and 2017, a significant and historic increase of 32 per cent. While other studies show that the economic loss to Sri Lanka due to tobacco is significantly greater than the tax collected.

In Sri Lanka, the pro-tobacco media promotes a key misunderstanding about cigarette prices: that price increases are driven exclusively by tax increases. In reality, over the last decade, the net-of-tax price charged by Ceylon Tobacco Company (CTC) per cigarette stick, has grown faster than the tax charged by the government.

When the taxes per cigarette are increased by the government, CTC has three choices: (1) absorb some of the tax increase, so that the price increase is less than the tax increase; (2) pass on only the tax increase to the consumer and increase the price by only the amount of the tax increase and (3) increase the price by more than the tax increase, so that the CTC plus wholesale and retail revenues per stick (known as the net-of-tax price) is also increased. CTC has consistently chosen the third option, and has scheduled the net-of-tax price increase to happen at the same time that the government increases taxes.

Contrary to public understanding, the think tank, Verite, points out that the tax percentage of cigarettes has been decreasing, not increasing since 2005. For the most-sold brand, the tax rate was 82.5 per cent in early 2005 but was down to 67.9 per cent by the first half of 2016. The Finance Ministry has not made any increase to tax rates – not even in line with inflation– for the last 20 months.

The media continues to spread misunderstanding about cigarette prices and taxes. It is important that the Sri Lankan government heeds expert analysis, rather than industry propaganda.

Manjari Peiris
Jeevaka Foundation - Sri Lanka

The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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BULLETIN

THURSDAY 4 OCTOBER 2018

CELEBRATE OUR VICTORIES – BUT THE WORK IS ONLY PARTLY DONE

Many delegates likely left Committee A yesterday feeling a mixture of relief and frustration.

Despite the obvious and shocking delaying tactics of a few delegates, the Committee took a gigantic step forward for FCTC implementation by endorsing the first ever Global Strategy for Tobacco Control.

That's a big deal: identifying priorities from now until 2025, with a clear and ambitious objective of reducing prevalence sharply, will help the COP, the Secretariat and individual Parties organise their work and raise funds.

Parties should take a moment to celebrate this important achievement, but should remember that this week's work is not yet finished. Adopting the Strategy was a first step, but only a first step.

As we head into budget and workplan discussions, it's critical to prioritise activities and funding to reflect our newly agreed Global Strategy – activities that will actually help to close the gap between where we currently stand and the desired future – a world free from tobacco-caused death and disease.

And lest anyone forget: the Global Strategy will go nowhere if we do not make significant progress on closing the global resource gap. That requires a collective effort by Parties to put money where their mouth is.



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WHAT'S ON TODAY: COP8 SIDE EVENTS AT CIGG

THURSDAY, 4 OCTOBER
13:30 – 14:30

ROOM 3

Exchange of experiences among the Parties on progress in compliance with Article 20 of the FCTC, research, monitoring and information exchange, in the context of scientific technical cooperation and communication

ROOM 4

THE IMPACT OF INDUSTRY INFLUENCE AND HOW WE CAN COUNTER IT

This side event is co-sponsored by Thailand, Costa Rica, Ecuador, and Panama in collaboration with Corporate Accountability International and the WHO FCTC Secretariat's Knowledge Hub on Article 5.3 at the Global Center for Good Governance in Tobacco Control, Thailand. This session aims to expose tobacco industry interference at the international level, discuss measures to.

JOKE CORNER

Q: WHAT THE DIFFERENCE
BETWEEN A MECHANISM
AND A PROCESS?

A: A COMPLETE WASTE OF
TIME THAT WE WILL NEVER
GET BACK FROM CHINA,
HONDURAS, GUATEMALA
AND ZIMBABWE.

A LESSON FROM SEARO: PICTORIAL HEALTH WARNINGS

Nearly 360 million people use smokeless tobacco (SLT) in 140 countries and more than 650,000 people globally die every year from using it. Pictorial health warnings (PHWs) are one of the most cost-effective tobacco control measures that Parties should implement on all tobacco products, including smokeless tobacco.

As per the 2018 Global Progress Report on Implementation of the WHO FCTC, 88 per cent of the Parties to the Treaty have implemented health warnings on tobacco products, while 64 per cent require pictorial health warnings. Timor-Leste is the frontrunner in implementing PHWs on all tobacco products covering 92.5 per cent on both sides of the packages, while Nepal requires 90 per cent on both sides. However, the implementation of the same provision for smokeless tobacco products is lagging.

Recent analysis of the implementation of the Article 11 provisions on SLT reveals that only half of the Parties (51 per cent) implemented pictorial health warnings on smokeless tobacco, whilst over three-quarters (77 per cent) of the Parties had implemented them on cigarettes in 2017. A higher proportion of low-resource Parties (55 per cent) had implemented PHWs on smokeless tobacco compared to high-resource Parties (48 per cent) during the same period. Overall, SEARO recorded best compliance in accordance with provisions of Article 11 for smokeless tobacco. Among 36 high SLT burden Parties (i.e. Parties having male/female SLT use prevalence of $\geq 10\%$ and/or >1 million SLT users) India, Nepal, Philippines, Egypt, Kenya, Uruguay and Kyrgyzstan have complete policy and implementation of Article 11 on SLT products.

According to the report released by the WHO Knowledge Hub on Smokeless Tobacco, globally, only 16 per cent of Parties have comprehensive Article 11 policies for SLT products. The findings emphasise the need for swift action. Parties need to implement large warnings with pictorial representations and multiple messages about various diseases for all tobacco products including smokeless.

ENDS: FOR NOW AN INCONCLUSIVE DEBATE

Regulatory approaches to ENDS (otherwise known as e-cigarettes or vapes) remain one of the most heated debates within tobacco control.

There is disagreement on the evidence concerning ENDS, including their absolute and relative risk to human health, as well as their impact on broader public health. Hence, views on best practices for regulating ENDS vary widely. Regulatory positions range from complete bans on the sale of ENDS, to treating them favourably as a tool for cessation.

It has now been a decade since ENDS was first discussed at COP3 and the debate around how Parties and the FCTC should address ENDS shows no signs of stopping. Indeed, it seems this debate could rage on indefinitely among well-intentioned Parties, but with the only outcome being valuable COP time lost seeking an unachievable consensus.

Given limitations on time, and the other important work that is needed to strengthen implementation of the FCTC. Given that Parties — along with researchers, civil society, and policy makers — have staunchly held but divergent views, we recommend that Parties should refrain from engaging in lengthy and inconclusive discussion.

Cassandra Morris
Framework Convention Alliance

THE INVESTMENT FUND CONCEPT, DISCUSSED AND AGREED YESTERDAY, IS JUST A SMALL PIECE OF THE TOBACCO CONTROL FINANCE PUZZLE



It's not just the Convention Secretariat that needs funds. The global financing gap to implement key measures of the FCTC is estimated to stand at US\$ 27 billion. This number sounds terrifying, but is only slightly more than what American citizens spent on dog food in 2017. Surely we can find these funds?

We agree it won't be easy. Global economic stagnation makes fundraising for health and development programmes even more challenging. But foreign aid from official donors remained stable in 2017 at US\$ 147 billion with aid to the least developed countries increasing by 4 per cent. There is international funding out there – it's

just not going to tobacco control. Funding from domestic budgets is also much too low. The average amount of existing domestic funding for tobacco control per country is US\$ 15million – less than half of what's needed.

The main reason why we are failing to secure funding for tobacco control is because we are not making a strong enough case. Other health issues – HIV/ AIDS, Malaria, Polio – have attracted funds because they can explain their ambitions and have translated them into costed activities with clear returns on investment. The Global Strategy is a first step for the FCTC, but now it needs to be turned into a global investment case, with a fundraising strategy to underpin it. We also need Parties to act on their commitment to develop costed national plans, as set out in the Strategy.

Countries with low implementation levels (mostly lower-middle and low-income countries) face the greatest challenges in financing the costs required to scale-up tobacco control strategies. There are ways to overcome the current barriers to resource mobilisation if Parties raise their game and think strategically. We hope that as the Global Strategy is taken forward, the funding gap also receives some urgent attention.

UNLOCKING THE POWER OF TOBACCO TAXES

Unlocking the power of tobacco taxes to finance health priorities is an opportunity governments cannot afford to ignore. The economic evidence underpinning the rationale for raising tobacco taxes is backed by economic experts and world leaders. Tobacco taxes can also be a strong mechanism for funding health and sustainable development.

When governments can see beyond the interference of the disruptive tobacco industry, the multiple benefits of tax increases, can be a game changer for financing FCTC priorities – such as those set out in the Global Strategy, adopted by the Parties yesterday. Preventable disease and death rates decline and cash-

strapped Parties can progress towards reaching health and sustainable development goals. Parties have everything to gain and little to lose if they rely on the economic evidence to implement regular tobacco tax increases not least protecting populations, the environment, increasing overall productivity and societal wellbeing.

Anne Jones
The Union



NOW THAT THE GLOBAL STRATEGY IS AGREED, LET'S RESOURCE IT PROPERLY

The implementation of the Global Strategy to Accelerate Tobacco Control will have multiple benefits – both for Parties who are struggling to prioritise and resource tobacco control efforts, and also for the Convention Secretariat. For the latter, the Global Strategy should provide a strong focus for their workplan, and the budget should be aligned to ensure that activities in the workplan are fully resourced. The Convention Secretariat is a small team and their human and financial resources are already under pressure.

The draft version of the proposed workplan and budget for the 2020-2021 biennium (document FCTC/COP/8/16) was not developed with the Global Strategy in mind. With limited funds available, Parties will also need to decide what should happen to activities included in the proposed workplan and budget that are not identified as priorities in the Strategy. If these two documents are not aligned, it will divert time and resources away from achieving the targets outlined in the Global Strategy.

The Global Strategy sets high-level priorities for work, but the existence of the document alone will not create change. Achieving the goals and targets in the Strategy will require that Parties, civil society, and other relevant stakeholders to take action in line with the Strategy.

For Parties, this will require that they develop, update, and implement their own costed,

multisectoral national tobacco control plans and strategies to reflect the priority areas of work identified in the Global Strategy, responsive to their national circumstances. Support should be made available for Objective 1.2 of the Strategy which notes that “the Convention Secretariat will provide Parties with targeted assistance to develop and implement costed national plans for tobacco control”.

The pilot Implementation Review Mechanism also needs resources, albeit modest. Parties should ensure that the pilot project is funded for the two-year period specified in the Global Strategy. The US\$100,000 cost of this project is eminently sensible, and funding should be allocated in both 2019 and 2020 such that this project can begin right after COP.

The workplan and budget is only part of the picture. A concerted effort is also required to raise substantial additional funds to support Parties' efforts to tackle the tobacco epidemic at the national level, as well as to bolster the Secretariat's funding to deliver on commitments. The proposed investment fund should play a part in this but there is an urgent need for a wider fundraising strategy.

Ryan Forrest, Framework Convention Alliance

COP NEEDS TO LET MOP GROW UP, AND MOP NEEDS TO DEAL WITH IT!

Every parent knows this feeling. You are incredibly proud of seeing your little one grow and you dread the moment when they do not need your help anymore, or worse, do not want your help anymore. COP has come to this point.

As of last week, the ITP is in force and that has real consequences. COP and MOP will continue to share a house and a Secretariat (you cannot kick out your kids just because they come of age), but MOP will need to stand on its own feet.

COP can support MOP until MOP begins to receive its own Assessed Contributions that are yet to be negotiated at MOP1. Once Parties to the ITP start to contribute, MOP will have to spread its wings. It will need its own budget and its own staff in order to be functional. Both are treaties in their own right. Anything but a clear separation between the two, has the potential to cause confusion, distractions or even confusion about accountability.

The tasks of MOP go further than global health policy. MOP needs to occupy itself with international law enforcement, customs and tax administration in order to combat effectively the global trade in illicit tobacco products.

These provisions will not come with a low price tag as Parties to the ITP will learn next week. It is entirely understandable that Parties which contribute money to the ITP will want to make any spending decisions in this regard by themselves.

None of this changes the fact that we will forever love our kids. But at some point we need to let them go.

Mischa Terzyk, Framework Convention Alliance



BULGARIA AND CROSS-BORDER ADVERTISING OF TOBACCO PRODUCTS

In 2004, Bulgaria passed a law banning cross-border sponsorship and advertising of tobacco products (Law on Tobacco and Related Products, art. 35 (5) 2), in line with EU Directive 2003/33 /EC.

In Bulgaria, this ban is controlled by the Consumer Protection Commission, under the Ministry of Economics.

According to the Commission's annual reports, there have been no breaches of sponsorship and cross-border tobacco advertising for the past 3 years. There are no cases of incoming cross-border advertising from the 5 neighboring countries, 2 of which are EU members, and the others are candidates for membership.

While the Smoke-free Life Coalition agrees that there have been no violations at sports and musical events either in Bulgaria or in neighboring countries, the Coalition is deeply concerned by advertising on the internet, which could be considered as a new form of cross-border advertising (also see yesterday's bulletin article on "Article 13 in the Digital Age.")

There are many cases of advertising on Youtube by internationally famous Bulgarian artists, such as pop stars "Nicole", "Krisiko" and Polly Genova. Genova won second place in the 2016 Eurovision Song Contest and has thousands of fans globally. They are known for performing with specific brands of cigarettes in their hands. The distribution of these videos via the Internet makes them accessible to the world and allows for unrestricted cross-border advertising of tobacco products.

For the last three years, the Smoke-Free Life Coalition has been struggling to change legislation and to introduce a complete ban on Tobacco Advertising, Promotion and Sponsorship (TAPS) across the country. Bulgaria is one of the few countries in Europe where TAPS is still allowed.

We welcome your support to endorse our proposal in front of Bulgarian Parliament.

Dr Gergana Geshanova
Smoke-Free Life Coalition, Bulgaria

L'APPROCHE GENRE DANS LA LUTTE ANTITABAC EN AFRIQUE

Il n'est plus à démontrer que les femmes occupent une place importante dans la société moderne. C'est à juste titre que les Nations Unies considèrent la prise en compte des femmes dans les questions de développement comme un tremplin pour la réalisation des Objectifs du Développement Durable (ODD).

Selon l'Organisation mondiale pour la Santé (OMS), sur le milliard de fumeurs dans le monde, près de 200 millions sont des femmes dont 13 million sur le continent africain, et 13% des jeunes filles adolescentes du continent utilisant des produits du tabac. Ces chiffres sont alarmants, et il est évident que si des mesures appropriées ne sont pas prises, ils s'accroîtront de manière exponentielle dans les années à venir, car les compagnies du tabac ciblent les femmes de façon agressive pour élargir leur base de consommateurs. En effet, il est aujourd'hui fréquent de voir dans plusieurs pays d'Afrique des produits du tabac ciblant les femmes tels que les cigarettes SLIM aromatisés ou non, et plusieurs produits du tabac non fumés.

Mieux comprendre l'épidémie de tabagisme, son impact sur les femmes et la combattre, est un élément important à considérer dans toute stratégie de lutte antitabac aussi bien nationale que globale. Le tabagisme féminin génère des conséquences considérables aussi bien pour la santé maternelle et infantile, que pour le bien-être du ménage. L'hypothèse selon laquelle le tabagisme maternel pendant la grossesse est associé à des problèmes de comportement chez les enfants est soutenue par un nombre croissant d'études. Dans les communautés africaines, les femmes sont le plus souvent en charge de l'éducation des enfants, l'entretien du foyer ou encore la gestion de la nourriture. Il est évident que leur prise en compte dans les politiques de lutte antitabac contribuerait à accélérer l'amélioration de la santé de plusieurs couches de la société mais aussi aurait un impact sans précédent pouvant conduire à un développement durable tant souhaité.

Au vu de ce qui précède, les Parties devraient s'efforcer à intégrer le genre dans tous les aspects de la stratégie mondiale de lutte antitabac, un outil important d'accélération de la mise en œuvre de la convention.

Haja Ramamonjisoa, NY SAHY, Madagascar
Leonce Sessou, African Tobacco Control Alliance (ATCA)

IN PURSUIT OF VIABLE ALTERNATIVE LIVELIHOODS FOR TOBACCO FARMERS AND FARM WORKERS

The hundreds of thousands of small-holder tobacco farmers and farm workers around the globe face many livelihood challenges, including poor economic returns, sickness from handling tobacco leaf and environmental destruction of their land. But switching to other livelihoods can be challenging because many farmers and workers are trapped in poverty due to unfair labour /credit contracts and low leaf prices. They may also face poor access to loans, lack agrarian education, and/or perceive a lack of viable economic alternatives.

Involving tobacco farmers as agents in their own transitions to better livelihoods has proven to be challenging. On the one hand, the tobacco industry frequently co-opts their voices through the International

production increased by 583 per cent from 2006 to 2009, but dropped by 491 per cent between 2010 and 2014. Farmers' testimonials indicate that increasing alternative crops results in improved livelihoods.

Malaysia, though with a small tobacco farming population, has taken a different approach, shifting many tobacco farmers to growing kenaf for export. **Kenaf-growing** has improved returns with only small capital and labour investments. Kenaf is not poisonous, chemical use is limited, children are not involved in cultivation and economic returns support their education. The government provides a subsidy and marketing support.

Complex economic dynamics in two of the world's largest tobacco producers, suggest a multi-pronged approach in major tobacco-growing countries. A programme to **move Chinese farmers to other crops** significantly increased household incomes. Evidence reveals that incomes of tobacco farmers in non-Party **Indonesia**, who reallocated resources to other local crops, rose 25 per cent in one year compared to tobacco-growing households. This growth came partly from non-agricultural activities because farmers reported requiring hundreds of fewer hours of agricultural work, suggesting that viable solutions include non-agricultural activities.



Tobacco Growers Association and other lobbying organisations to promote the industry's goals. On the other, their limited role frustrates many farmers and can pose a challenge to **Article 17 implementation** as their legitimate needs are poorly identified and addressed. Often, their limited role stems from their struggles to meet basic needs. We must improve opportunities for farmers to play key roles in Article 17 projects — with safeguards against tobacco industry interference and compliance with Article 5.3.

Evidence points to multiple pathways to successfully promoting viable alternative livelihoods. In Tanzania, civil society efforts to educate about the hazards of tobacco and promote alternatives are working. Between 2006 and 2014, maize and rice production increased by 352 per cent and 277 per cent respectively, while pigeon peas and sunflower increased by 5739 per cent and 248 per cent respectively. In contrast, tobacco

Developing sustainable markets for non-tobacco crops remains a major challenge. Relevant authorities should help to enhance supply chains and develop markets for alternative crops. Small improvements in the value chain such as light processing could help to grow farmers' incomes. Finally, governments could make modest investments to support agricultural extension services for alternative crops.

Mary Assunta, Southeast Asia Tobacco Control Alliance
Jeff Drope, American Cancer Society
Laura Graen, Unfairtobacco
Lutgard Kagaruki, Tanzania Tobacco Control Forum
Marty Otañez, University of Colorado, Denver
Sonja von Eichborn, Unfairtobacco



Scan me to find out more
ta6.org/growing

ESCALATING THE TOBACCO-FREE FINANCE CONVERSATION

The Tobacco-Free Finance Pledge (The Pledge) was launched at a High-Level event on 26 September 2018 at United Nation's Headquarters, New York, on the sidelines of the UN General Assembly.

Tobacco Free Portfolios (an NGO that encourages tobacco-free finance) was thrilled to launch The Pledge in partnership with the UN-supported Principles for Responsible Investment, the UN Environment's Principles for Sustainable Insurance and the UN Environment Programme Finance Initiative.

The four Founding Financial Partners – BNP Paribas (largest bank in Europe), AXA (largest insurer in the world), Natixis (French bank) and AMP Capital (Australian Fund Manager) have all announced implementation of tobacco-free finance policies in recent years and as a result they no longer lend money to, invest in or insure tobacco companies. They are part of a building global momentum in the finance sector that has seen more than US\$ 12 Billion shifted away from tobacco investment in the past few years.

The Pledge aims to celebrate and recognise the leading financial organisations that have moved to tobacco-free finance and to encourage others to follow suit. There were more than 90 'Founding Signatories' of The Pledge including some of the world's largest banks, insurers and pension funds, with headquarters in 18 different countries. The total amount of money controlled by the Founding Signatories is more than US\$ 6.5 Trillion.

Over the next two years, Tobacco Free Portfolios will be working hard to recruit more Signatories and to advance and escalate the tobacco-free finance conversation across the globe. In 2020 we will regroup at the UN with more Signatories, Supporters, partners and progress.

And while we are here at COP8 – it is important to remind Parties to the Treaty that government-controlled pension funds and Sovereign Wealth funds are required implement tobacco-free investment policies as per the WHO FCTC. The provisions of the Treaty that relate to this issue have received scant attention by finance ministers across the globe and that needs to change.

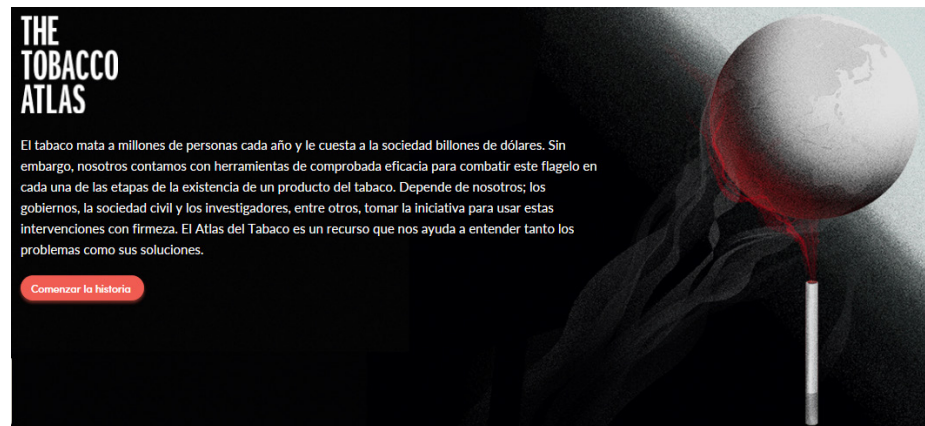
We warmly welcome NGOs and health groups to become Supporters of The Pledge.

Bronwyn King, Tobacco Free Portfolios



SCAN me to sign up!
<https://www.tfaforms.com/4687914>

SPANISH LANGUAGE EDITION OF THE TOBACCO ATLAS LAUNCHES AT COP



The **Spanish-language** edition of the **Tobacco Atlas**, Sixth Edition, which is co-authored by American Cancer Society (ACS) and Vital Strategies, will be launched today, October 4th, during the 13:30 to 14:30 session on FCTC Article 20 in Room 3.

The Atlas graphically details the scale of the global tobacco epidemic and where progress has been made. This edition includes new chapters on regulating novel products, partnerships, tobacco industry tactics and countering the industry. The Spanish edition is a key information resource for ministries of health and tobacco control, health and development experts in Spanish-speaking countries around the world.

Jeffrey Drope (ACS), co-lead author and editor of *The Atlas*, will share key findings about efforts to stem the epidemic across Latin America:

- Strong tobacco control policies have reduced prevalence and consumption
- Latin American countries, especially their youth, are being aggressively targeted by the tobacco industry
- There are good examples of leadership and best practice
 - Brazil reduced smoking prevalence by more than half since 1980
 - Panama implemented a model policy to ban tobacco marketing
 - Uruguay was a global leader in adopting large graphic health warnings
 - El Salvador implemented fully comprehensive smoke-free laws
 - Chile is the only Party in the region currently taxing tobacco at the highest level of achievement.

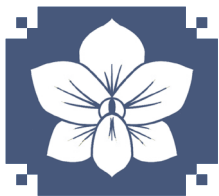
COP attendees are invited to attend the session and collect a copy of the Tobacco Atlas Latin America Fact Sheet directly from Dr. Drope or from the Vital Strategies booth in the exhibition area. To access the Spanish-language edition of the Tobacco Atlas online please visit: <https://es.tobaccoatlas.org/>

Vital Strategies and the American Cancer Society

The bulletin team would like to apologise for failing to credit Allen Gallagher from the University of Bath, UK. Allen wrote yesterday's insightful piece featured on p. 7 about the Tobacco Industry and their tactics to undermine the Illicit Trade Protocol. Sorry Allen!



ORCHID AWARD



To the overwhelming majority of Parties in Committee A who stood their ground for four hours in the face of relentless delaying tactics on the Global Strategy

DIRTY ASHTRAY



To Guatemala and Honduras for blatantly attempting to derail progress in advancing treaty implementation

SUPPORT A DECISION ON HUMAN RIGHTS AT COP8

Tobacco control is essential to protect the human rights to health and life. Those who framed the WHO FCTC based the treaty on human rights from the beginning. It is important for Parties to follow up on COP7 Decision 26 on International Cooperation for implementation of the FCTC, including human rights, at this COP to ensure that tobacco control is included in the human rights framework.

The progress report from the Convention Secretariat on implementation assistance and international cooperation mentions interaction between the Secretariat and Human Rights Bodies, but this interaction has been limited. As a result, the Secretariat has missed several opportunities to promote the FCTC in various UN Human Rights processes.

COP8 must provide direction to the Secretariat as there are good opportunities to promote the FCTC in various human rights fora in the near future. These provide unique platforms to highlight the FCTC as a tool to achieve not only public health objectives, but also human rights and development objectives. This aligns with the global strategy which emphasizes the need to forge alliances and promote tobacco control efforts with other sectors beyond health.

Over the past few years, several Human Rights Committees have recognized the link between tobacco control and human rights. These committees have recommended the adoption of tobacco control measures in order to fulfill treaty obligations and protect the right to health. It is time for the Secretariat to strengthen that link and promote the inclusion of the FCTC as an indicator of effective protection of the right to health.

The COP should give a mandate to the FCTC Secretariat to work with human rights institutions and particularly the UN HR Council to ensure integrative support for the

implementation and review of the WHO FCTC which would include engaging in the intercessional meetings for dialogue and cooperation of human rights and the 2030 Agenda for Sustainable Development per the UN Human Rights Counsel Resolution HRC/37/L.37. These one-day meetings will be held in Geneva, and would not have any financial implications. We strongly support the adoption of a COP8 decision on Human Rights.

The Human Rights And Tobacco Control Network



The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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BULLETIN

FRIDAY 5 OCTOBER 2018

THE CLOCK IS TICKING – IT’S TIME TO GET SERIOUS ABOUT THE COP BUDGET AND WORKPLAN



Today, the last full day of COP8 negotiations here in Geneva, is our last day to make decisions that will enable progress on FCTC implementation before we meet again in two years time. And with a number of critical decisions still left to be made, boy, is it going to be a long one.

Discussions yesterday in both Committees A and B flipped rapidly between agenda items in a flurry of draft decisions, conference papers, calls to capitals, and hurried sandwich lunches in hallways. At the time of writing yesterday evening, we note with concern that a few key issues in Committee B have yet to receive the airing that they deserve.

While Committee B has ‘noted’ the Secretariat’s performance report on the 2018-19 budget and workplan, questions remain on how key COP8 decisions – like the decision to begin an implementation review mechanism pilot project – will progress without funding for this to take place in 2019.

What’s more, with MOP set to meet next week to approve its own budget and workplan, to be funded through its own scheme of assessed contributions, we question why the proposed MOP 2018-19 budget (which proposes a time-splitting arrangement for key FCTC and ITP staff) was not even mentioned in Committee B yesterday.

The Secretariat has been tasked with preparing a revised 2020-21 workplan and budget to be presented this morning, in response to Parties’ inflexible request for zero budget increase for the next biennium.

The zero nominal increase policy has been promoted by so many Parties for almost the entire life of the treaty. It threatens to undermine progress to implement the Convention. It increases reliance on extrabudgetary resources to fund core activities, which undermines the agreement Parties reached earlier this week to allocate resources according to and in alignment with the Global Strategy.

As the end of the week draws close, we’d like to urge delegates to remain focused in these crucial final hours, and to prioritise discussions on resourcing the treaty for the next several years. Without careful and considered discussion on how we can best use limited resources, including COP’s time, the Global Strategy will be a missed opportunity.

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ASSESSED CONTRIBUTIONS FROM MAJOR EU COUNTRIES HAVE DECREASED BY US\$ 985,000

I was sitting in Committee B yesterday and it felt like a particularly bad recurring nightmare. The draft budget 2020-21 was under discussion and Parties were complaining about the proposed 9.2 per cent budget increase. Zero nominal increase was the message. This is the same message that I heard for the first time at COP1 in 2006, and which has been repeated at every COP since in Committee B. The budget for the FCTC has remained the same over the last 12 years, despite an increase in the cost of living and in the numbers of ratifying countries. In contrast, Parties are not contributing the same nominal amount. They are paying much less. This is certainly the case for

the EU countries and Japan. I have looked at the assessed contributions of the big contributors (above US\$ 100,000) in 2006 and 2018 and these are my conclusions:

- 16 parties had assessed contributions of more than US\$ 100,000 in 2006
- 4 parties paid more in 2018 than in 2006 (Australia, Brazil, China and Korea)
- 12 parties paid less in 2018 than in 2006 (Austria, Belgium, Canada, EU, France, Germany, Japan, Mexico, Netherlands, Spain, Sweden and UK)

The EU Parties (Austria, Belgium, EU, France, Germany, Netherlands, Spain, and Sweden UK) are paying a whopping US\$ 985,000 less in assessed contributions in 2018 than in 2006. Japan is paying US\$ 667,000 less in 2018.

FOR THE LOVE OF GOD, WHY ARE THEY COMPLAINING THEN?

I have learnt two lessons from the budget discussions at COP8:

| Party | AC 2006-7, x1000 USD | AC 2018-19, X1000 USD |
|-------------|-------------------------|--------------------------|
| Australia | 198 | 264 |
| Austria | 107 | 81 |
| Belgium | 133 | 100 |
| Brazil | 189 | 433 |
| Canada | 349 | 331 |
| China | 255 | 896 |
| EU | 310 | 283 |
| France | 748 | 550 |
| Germany | 1075 | 723 |
| Japan | 1762 | 1095 |
| Mexico | 234 | 162 |
| Netherlands | 210 | 168 |
| Korea | 223 | 231 |
| Spain | 313 | 276 |
| Sweden | 124 | 108 |
| UK | 760 | 505 |

1. The Secretariat should be more sensitive to the legitimate concerns, and repeated requests of the Parties regarding the transparency of budget reporting and the information needed for the elaboration and the explanation of the budgets.

2. The policy of zero nominal increase and the de facto decrease of the assessed contributions will lead us in the near future to an FCTC with no future.

Luk Joossens, Association of European Cancer Leagues

ASSESSED CONTRIBUTIONS

A MORAL OBLIGATION TO DELIVER ARTICLE 14

Offering people help with quitting is a moral obligation towards those who are struggling to rid themselves of nicotine addiction. In low and middle-income countries, where the number of smokers is growing, the offer of smoking cessation support might be one way to get buy-in from citizens to implement smoke-free laws and other tobacco control measures. Providing cessation services should require the engagement of clinical health care providers and other evidence-based interventions. Health care providers are a credible group that could add a powerful voice to the fight against tobacco addiction, and whose interactions with people who smoke have the potential to influence morbidity and mortality due to tobacco addiction.

The United Nations has demonstrated its commitment to supporting its member states in reducing the burden of non-communicable diseases (NCDs). Tobacco remains the top risk factor for NCDs and as we manage these diseases, it is of paramount importance for everyone, including clinical health care providers, to offer smokers help to quit.

Feras Hawari, King Hussein Cancer Center, Jordan



WHAT'S ON TODAY: COP8 SIDE EVENTS AT CIGC

FRIDAY 5 OCTOBER

13:30 – 14:30

ROOM 3

HOLDING THE
TOBACCO INDUSTRY
LIABLE: PENDING
CHALLENGES AND
POTENTIAL
OPPORTUNITIES
(ARTICLE 19)

This side event will highlight the importance of WHO FCTC Article 19 (Liability) as a tool to counter tobacco industry interference. This session also aims to review the Article 19 FCTC Toolkit and its contents, as well as delve into pending challenges of decision FCTC/COP7(11) and opportunities to strengthen its implementation.

ROOM 4

INFORMATION
SESSION FOR IGOS

HIDDEN ADVERTISING IN PACKAGES VIOLATES TOBACCO LAW IN SPAIN

The XQNS Initiative for the improvement of the Spanish Tobacco Law filed, in 2017, a complaint with the Ministries of Health, Energy and Finance of Spain against four tobacco companies Philip Morris, Japan Tobacco International, Imperial Tobacco and British American Tobacco, calling on these ministries to take action against the very same companies, who continue to use “hidden advertising” in their products.

These tobacco companies use different hooks such as QR codes, alphanumeric codes and promotional telephone numbers to reach a young audience, offering young people prizes, trips to America, and even mobile phones. This advertising is arguably the cause of the increase in tobacco consumption among boys and girls between the ages of 14 and 18. Each day in Spain 500 new minors start smoking tobacco.

XQNS has also rejected illegal advertising practices linked with Marlboro’s IQOS-HEETS product, since it is presented as an alternative which product precisely because of innovation and technology components, when in reality, it is a tobacco product like any other. There is a clear need for the Government of Spain to ensure compliance with the Tobacco Law and to emphasise that such practices are “very serious infractions”. XQNS



continues to await the decision and asks the Government to dedicate any financial penalties received to a fund for the prevention and treatment of smoking, in accordance with Article 17 of the tobacco law.

Joseba Zabala Galán,
XQNS Spain

HEATED TOBACCO PRODUCTS: ON SOME ISSUES, SILENCE IS GOLDEN

Given the global media coverage IQOS and other heated tobacco products have received recently, Parties came to COP8 understandably wanting to “do something” – which in COP terms tends to mean: draft a long decision.

At time of writing, it is difficult to know what will emerge from the drafting group that met on the topic yesterday evening.

However, if the topic is still open this morning, a few thoughts:

First, no COP decision wouldn’t be the end of the world. Heated tobacco products clearly qualify as tobacco products under the FCTC, so all FCTC provisions already apply, notably including the Article 13 requirement to undertake a “comprehensive ban of all tobacco advertising, promotion and sponsorship”.

Second, a bad COP decision is definitely worse than no decision at all. In particular, any decision that states that HTPs are not tobacco products, or implies that FCTC obligations are somehow optional, would undermine the Convention and give manufacturers a political argument to ask national governments to disregard their FCTC obligations.

In particular, paragraph 4 in the original EU proposal (Conference Paper No. 3) contains a series of “invitations” to Parties to take national action – including doing less than what is required by the FCTC. This would be terrible.

Third, a good COP decision can be short, and SEARO and the Pacific Island Countries made a good argument yesterday for replacing paragraph 4 with a short statement about the FCTC, reaffirming that FCTC obligations apply to all tobacco products and mentioning that, as per Article 2.1, the FCTC is a floor and not a ceiling for government action.

Getting a report on the relevant science and regulatory options for COP9 is advisable, and indeed should be a pre-requisite for further policy recommendations – with the possible exception of a quick mention that HTP devices (not just heat sticks) should be treated as tobacco products for regulatory purposes.

MASS MEDIA CAMPAIGNS – AN EFFECTIVE TOOL IN REDUCING SMOKING GLOBALLY

Vital Strategies has published a new working paper: **“Effectiveness of Mass Media Campaigns in Reducing Smoking and Smoking-Related Deaths in High, Middle and Low-Income Countries”**. The working paper is authored by Dr. David Levy, Professor of Oncology at Georgetown University, and shows that anti-tobacco campaigns alone would avert the following number of deaths of smokers alive today, over 40 years:

- 187,500 deaths in a prototype low-income country
- 150,000 deaths in a prototype middle-income country
- 93,750 deaths in a prototype high-income country

Even more deaths could be averted by implementing communication campaigns, which are recommended under Article 12, in conjunction with other tobacco control policies.

Copies of the paper are available at the Vital Strategies booth in the exhibition area at CIGG. To access the paper online, visit: <http://bit.ly/tobaccocontrolcampaigns>

Vital Strategies



JOINT PUBLICATION OF DAVID LEVY, PH.D., AND VITAL STRATEGIES



Effectiveness of Mass Media Campaigns in Reducing Smoking and Smoking-Related Deaths in High-, Middle- and Low-Income Countries

Scan here to view the paper



BALANCED AND BONA FIDE PARTICIPATION IN THE COP IS VITAL

As we wait to hear who will host COP9, it is equally important to consider who will participate. The success of COP is dependent on the active participation of all Parties – in good faith – in the governance and implementation of the treaty, in particular via the biennial COP meetings.

The COP's efficacy is threatened by declining attendance and reductions in travel support for low and lower middle-income countries, and there are growing concerns about transparency and representation in country delegations amid industry efforts to shape their composition.

The University of Edinburgh has studied Parties' participation in the COP drawing on official meeting records, and has also analysed the relationship between COP attendance and the strength of national tobacco control. The study found that attendance at the COP has decreased over time, and at several meetings would have fallen below 66 per cent (the threshold for decision-making) if it wasn't for high levels of participation among low and lower middle-income countries. Despite their higher attendance at COP meetings, these countries represent a smaller share of meeting attendees due to the smaller size of their delegations. There has also been a decline in the proportion of delegates from Ministries of Health and tobacco control focal points.

Nationally, COP participation is correlated with stronger tobacco control policies; attendance by low-income countries has a strong correlation with implementation of advertising bans, while attendance among high and lower middle-income countries shows a moderate correlation with implementation of tobacco taxes.

The FCTC has rightly been hailed as a rare example of effective global governance, in which developing countries have played a significant role, but its ongoing success and effectiveness are not a given. In many respects the FCTC remains surprisingly fragile; its financial basis and support structure will require further development. Renewed support for participation in the COP, particularly for low and lower middle-income countries, is crucial in order to protect the legitimacy and efficacy of global governance for tobacco control and health.



Scan here to view
<http://dx.doi.org/10.1136/tobaccocontrol-2018-054710>

Evgeniya Plotnikova, Sarah Hill, Alex Wright, Jeff Collin
University of Edinburgh, UK

END TOBACCO INDUSTRY INTERFERENCE THROUGH CSR ACTIVITIES

The tobacco industry continues to utilise its corporate social responsibilities (CSR) activities to access high-level officials. Such access paves the way for unnecessary interactions and opportunities for interference. WHO FCTC Articles 5.3 and 13 call on Parties to de-normalise CSR activities and to ban them.

Partial bans on CSR have been ineffective, as seen in Vietnam, where CSR activities are restricted to disaster relief and poverty elimination. Government officials from the Ministry of Industry and Trade have joined the local tobacco company, VINATABA, to distribute gifts to flood victims.

In countries where tobacco-related CSR and sponsorship activities are banned, the industry channels these activities through business organizations such as the American Chamber of Commerce as in the case of the Philippines.

Tobacco industry-sponsored youth smoking prevention programmes have been discredited; the industry now focuses on handing out scholarships and educational materials to students.

However, many Parties have banned tobacco-related CSR activities as shown in the table below.

An example of an international NGO, funded by transnational tobacco companies, is the Swiss-based organisation, Eliminating Child Labour in Tobacco Growing Foundation (ECLT). In Guatemala, the ECLT has an MOU with the Ministry of Labour for a project which commenced in October 2013 to conduct a training programmes for youth employment.

The ECLT has also funded the International Labour Organization (ILO) to conduct CSR activities to address child labour in several countries. The ILO has not adopted the model policy on Article 5.3 and remains the only UN agency that continues to collaborate with the tobacco industry. Over

the past several years, the ILO has received about US\$15 million from Japan Tobacco International JTI and the ECLT. The next Governing Board of the ILO will debate and decide on this matter in November. It is hoped that the ILO will finally cut ties with the tobacco industry.

Parties that have banned tobacco-related CSR activities

| | |
|----------|---|
| WHO AFR | Chad, Ethiopia, Gabon, Guinea, Madagascar, Mauritius, Niger, Seychelles, Togo, Uganda |
| WHO AMR | Brazil, Panama, Uruguay |
| WHO EMR | Bahrain, Djibouti, Islamic Republic of Iran |
| WHO EUR | Georgia, Republic of Moldova, Norway, Russian Federation, Spain, Turkmenistan |
| WHO SEAR | Maldives, Myanmar, Nepal, Thailand |
| WHO WPR | Lao PDR |

Southeast Asia Tobacco Control Alliance

THE 'SOVEREIGNTY' DEBATE

A number of proposals for transparency among party delegations have been tabled this week. Discussions focused on whether individual delegates to the COP should submit declarations of interest in connection with their credentials. One side proposes voluntary declarations, while the other side seeks mandatory declarations.

Parties opposed to declarations of interest have raised the banner of sovereignty. While sovereignty is a bedrock of the international system, a more nuanced analysis is required to understand the legality of the different proposals.

States have voluntarily agreed to be Parties to thousands of international agreements — ranging from the UN Charter to the WHO FCTC. Indeed, it is precisely because of their sovereignty that their decisions to accept international legal obligations must be understood as intentional. No one forced 180 countries to join the WHO FCTC.

An irony of international law is that states are both its main authors and principal subjects.

But states' willingness to give up a portion of their sovereignty does not stop with treaty ratification. It also occurs through the myriad procedures they enact and with which they comply as parties. Enacting and

implementing legislation, submitting reports, paying contributions, are all instances of states' willingness to yield a bit of their sovereignty.

In their sovereign power states can choose to avoid any of these obligations. But they don't.

Why? The simplest answer is that they are getting something out of the deal. By giving up a portion of their sovereignty to co-operate through international institutions like the WHO FCTC, states have decided they gain important benefits.

Exercising their sovereignty, the parties to the WHO FCTC each undertook to enact Article 5.3 of the Convention. As with all treaties, that means they have also accepted the obligation to follow its purpose.

Reasonable people can debate whether a declaration of interest - whether voluntary or mandatory - is required by Article 5.3 or the best way to achieve its aims. But the sovereignty argument can add little clarity to this debate.

Thomas F. McInerney,
Loyola University Chicago School of Law, USA

TRANSFER OF WEALTH TO TOBACCO SHAREHOLDERS CONTRIBUTES TO GLOBAL INEQUALITY

The many ways tobacco companies block progress on the tested and proven policies of the FCTC are well-known to the Parties participating in COP8 this week.

Tobacco industry tactics to target the world's youth with tobacco products and to use courts and arbitration panels to block and weaken policies, have been widely exposed. Governments are currently engaged in costly investigations of tobacco companies Philip Morris International (PMI) and British American Tobacco (BAT) for bribery and corruption.

While these tactics are the perverse norm for tobacco companies pushing cigarettes as hard as they can – even while claiming to work toward a smoke-free future – the ways by which the tobacco companies transfer wealth out of the countries where profits are generated deserves more scrutiny. A new analysis shows that profits from the world's largest tobacco companies go almost exclusively to shareholders in a handful of the world's wealthiest countries.

The Campaign for Tobacco-Free Kids worked with a capital markets specialist to examine ownership of tobacco stocks for British American Tobacco (BAT), Philip Morris International (PMI), Imperial Brands (IMB), and Japan Tobacco International (JTI), as well as a sampling of subsidiaries of BAT and PMI in low and middle-income countries. The results of this analysis add to the picture of how tobacco companies further victimise the countries where their products are sold:

- The overwhelming majority of disclosed shareholders of the four companies are based in the United States, United Kingdom and Japan.
- More than 96 per cent of the disclosed shareholders of the four companies are based in ten countries: Bermuda, Canada, Germany, Japan, Luxembourg, Netherlands, South Africa, Switzerland, UK, and USA (the vast majority in USA, UK and Japan).
- Most of the subsidiaries of the four companies are 100 per cent owned by the parent multinational tobacco company. Thus "BAT-Nigeria" is owned by shareholders of BAT globally, not locally, and "PMI-Mexico" is owned by shareholders of PMI globally, not locally.

In stark contrast to the overwhelming majority of tobacco company shareholders who live in high-income countries, most of the burden of tobacco use falls on low- and middle-income countries. By 2030, 80 per cent of tobacco-related deaths will occur in these countries.

Most people reaping the profits from the sale of deadly tobacco products are not based in the countries where the profits are being made and where the health, social and economic burdens of tobacco use are the most acute. The transfer of tobacco wealth to shareholders is just one way that tobacco companies contribute to global inequality. Tobacco company claims that they are important economic contributors to countries are nonsense because of the overwhelming costs of treating tobacco-caused illness.

Parties participating in COP8 this week can use this information to bolster their efforts to strengthen implementation of all FCTC provisions, especially measures for increasing tobacco excise tax so that tobacco sales – and thus profits to shareholders – are reduced, and tobacco becomes less affordable. Delegations from governments that are invested in or own tobacco companies should advocate that their governments divest from the tobacco industry. These actions can be a critical addition to the fulfilment of governments' Article 5.3 obligations.

Mark Hurley and Debra Rosen, Campaign for Tobacco-Free Kids

For more information about tobacco company shareholders scan here:



TIME IS PRECIOUS IN MORE WAYS THAN ONE

400

The number of people who will have died from tobacco while 30 minutes are spent delaying discussions for no good reason

\$577

The cost of a minute at this year's Conference of the Parties, based on the budget of US\$ 1,906,000 and an average of 55 hours spent by delegates in meetings over 5.5 days

BRINGING LIFE TO THE TREATY: LEADERSHIP FROM UK & AUSTRALIA

At COP7 the UK launched its FCTC 2030 project, providing 5 years funding from its aid budget to the Convention Secretariat, specifically to support low and middle-income Parties to achieve Sustainable Development Goal target 3.a. This is the target that calls for a strengthening of implementation of the FCTC.

Two years on, Australia has joined the UK in funding the project, providing a great example for other Parties to follow.

This financial support is focused on the achievement of the general obligations and the time bound measures of the Convention, strengthening tobacco taxation, implementing other articles of the WHO FCTC according to national priorities, and building strong links to the 2030 Agenda for Sustainable Development.

At a lunchtime event on Wednesday, Georgia, Cabo Verde, Zambia and Samoa discussed the lessons they'd learned as Parties engaged in the FCTC 2030 project. In every case the project has helped engage the political system, working in partnership with United Nations Development Programme (UNDP), WHO, and civil society organisations. There is a deliberate effort to take a multi-sectoral approach, involving not just health, but other ministries such as Finance and Agriculture, as well as engaging parliament and civil society. Ensuring that tobacco industry interference and misrepresentation of the aims and outcomes of tobacco control is recognised and tackled. As John Mayeya, the tobacco control focal point from Zambia, put it, "In a nutshell FCTC 2030 has been the catalyst for improving tobacco control in Zambia".

The results so far are extremely promising. In Georgia, a new tobacco control law came into effect in May 2018 requiring all enclosed public and workplaces are to be smoke free and prohibiting advertising, promotion and sponsorship of tobacco. The law is strongly supported, and with help from FCTC 2030, compliance has been 96 per cent from the start. Entry into force of further provisions will gradually follow, including plain packaging. Zambia is at an earlier stage but is following a similar approach. As with Georgia UNDP is helping to produce the investment case, and a strategic plan and draft Tobacco Bill are currently in development, which will include an advertising ban and graphic health warnings on packs. Samoa, similarly, is focusing on implementing effective measures on Article 5.3 and building multisectoral partnerships, but is also in the process of passing innovative legislation to license the tobacco supply chain. This will be administered by the Ministry of Health as a health rather than revenue measure and will raise substantial fees from the industry. The Australian representative of the 2030 project expressed her awe at Samoa's achievement.

Other high income parties, who themselves have made progress implementing the provisions of the FCTC, should now be thinking about how to share both expertise and financial resources so that the Global Strategy to Accelerate Tobacco Control can become a reality. The FCTC 2030 project is a great example of the kind of leadership that is required if the Global Strategy, adopted on Wednesday, is to be a success.

Tobacco control is a development issue with interrelated impacts on health, poverty and the environment. As such, it should be attracting a far greater share of official development assistance. High income parties here in Geneva this week need to make that argument loud and clear to colleagues in development ministries back home.



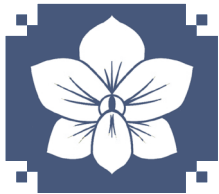
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Deborah Arnott, ASH (UK) &
Laura Hucks, Cancer Research UK

The bulletin team would like to apologise for failing to credit Ravi Mehrotra and Amit Yadav. Ravi Mehrotra and Amit wrote yesterday's insightful piece featured on p. 2 about pictorial health warnings.



ORCHID AWARD



To SEARO and Pacific Island Countries for reminding Committee A that the Parties to the treaty are already obligated to implement the FCTC in relation to Heated Tobacco Products*

*Parties that want to do more are fully supported by FCTC Article 2.1

DIRTY ASHTRAY



Tanzania and Mozambique for parroting industry lines in Committee A that they did not appear to understand

IS AFRICA MISSING A TRICK? FINANCING SUSTAINABLE DEVELOPMENT WITH TOBACCO TAXES

Tobacco products are highly sensitive and elastic to price changes. For this reason, tobacco taxation is powerful among demand reduction mechanisms. Ethiopia, according to GATS 2016, currently has 3.2 million smokers, with huge impacts on the health and wealth of the country.

“The fight against tobacco will only be won if there is adequate financing and tobacco tax provides a key element” Dr Vera Luiza da Costa e Silva, Head of the Convention Secretariat.

Specific tobacco excise tax increases that result in higher tobacco product prices are among the most effective tobacco control measures available. Cheap brands help the industry broaden its customer base because these products are more affordable to youth. Conversely, by increasing the prices of its products, the industry can squeeze more money from its addicted and wealthier customers.



Ethiopia levies ad valorem excise tax on tobacco products. This makes the products very affordable. A wide range of evidence suggests that specific taxes are more effective than ad valorem taxes in reducing consumption, particularly among those with limited budgets, such as youth and the poor. In 2017, the World Bank made recommendations to the Ministry of Finance and Economic Cooperation, suggesting a shift from taxing the cost of production to taxing the sales price, and in addition, to move to specific excise tax.

However, officials fear this may fuel illicit trade in the country - one of the most common and most exaggerated arguments used by Tobacco industry. Like most African Parties, Ethiopia is losing out on tobacco taxes – funds that could be used to improve the health and development of Ethiopians and support the Second Growth and Transformation Plan. It is time that African Parties begin to see tobacco taxation as an opportunity and follow in the steps of successful countries (Brazil, South Africa, etc) who have already caught on.

**Zelalem Mengistu and Mathiwos Wondu-Ye, Ethiopia Cancer Society
Leonce Sessou, African Tobacco Control Alliance (ATCA)**

The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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BULLETIN

SATURDAY 6 OCTOBER 2018

THE FOG OF WAR LIFTS!

By the time you read this, many delegates will be mentally half out of the door. It's been a gruelling week of drafting groups, white papers, and editing by committee, and we are almost done – almost.

Because, of course, there is usually one last issue that crops up on the final points in Committee A or Committee B, perhaps even in the final plenary. We shouldn't pat ourselves on the back until the very last decision is taken.



Take stock: there have been significant achievements at COP8, most notably the new Global Strategy to Accelerate Tobacco Control, which should guide our collective efforts through to 2025. And yes, that will include an implementation Review Mechanism (IRM), albeit only as a pilot project. We hope we will learn from that pilot and be in a position to endorse the IRM at COP9.

In Committee B, there were also successes. Parties agreed to shift core funding so that some of the work outlined in the Global Strategy can begin in 2020. They also mandated the Convention Secretariat to explore new mechanisms for fundraising for the Secretariat's workplan and budget.

There were disappointments too, such as the COP's decision to keep the budget frozen for another biennium. We can only hope that future budgets, closely tied to the Global Strategy, will convince governments to loosen the purse strings.

And then there was the atmosphere of COP8. The frustration of enduring industry proxies' efforts to delay, distract, and obstruct – in this respect, a sad repeat of COP7. And too much time - even amongst the good-faith delegates - spent haggling over words, rather than discussing our shared objective of reducing tobacco-caused deaths as quickly as possible.

Before COP9, Parties need to take decisive steps to curtail industry obstructionism – a crucial task that the incoming Bureau in particular will need to take forward.

But adversity breeds solidarity. The overwhelming majority of delegates worked hard to advance our common cause of closing the still gigantic gap between the promise of the FCTC and the reality of its under-implementation. This is a solid foundation on which to build.

Our thanks to the staff of the Convention Secretariat, who put in extraordinarily long hours all week.

Safe travels to all, and see you in 2020!

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WHAT CAN BE DONE ABOUT TOBACCO INDUSTRY PROXIES?

Would it be a breach of the FCTC for parties to intentionally act to further the interests of the tobacco industry? This is a question I have been repeatedly asked following the epic four-hour debate in Committee A on whether to replace the word 'mechanism', as it relates to the Implementation Review Mechanism, with the word 'process' or 'system'.

Differences in opinion between states in international deliberations are normal and a healthy part of the process of tackling difficult global problems. However, the actions of certain FCTC Parties seem more problematic. They appear not just to be voicing their views on how to regulate tobacco, but to be actively working to advance tobacco industry positions.

Such actions could have consequences under international law. Specifically, they could be found as a legal breach of the treaty.

How could this be? The answer lies in Article 60 of the Vienna Convention on the Law of Treaties. This treaty codifies the fundamental principle of international law: *pacta sunt servanda*. In plain language this means that all treaty obligations must be followed. Judging by behaviour in recent days, certain FCTC parties could be seen to be breaching the treaty by violating "a provision essential to the accomplishment of the object or purpose of the treaty", in this case, Article 5.3 of the FCTC.

Article 5.3 of the FCTC obligates Parties to "act to protect" their public health policies from the tobacco industry and other vested interests. If Parties are working to advance the interests of the tobacco industry, they cannot be said to be protecting policies from the vested interests of the industry.

Assuming that select Parties are in breach of the WHO FCTC, what might the implications be?

First, other Parties to the FCTC could raise a dispute under Article 27 of the treaty. A report submitted to COP7 analysed the dispute settlement provisions of the FCTC (COP/7/20). It defined dispute to be "a disagreement on a point of law or fact, a conflict of legal

views or of interests between two [or more] persons". It noted that under Article 27 a dispute must concern "the interpretation or application of the Convention".

Parties to the FCTC could argue that the actions of certain parties are inconsistent with Article 5.3 and are therefore a serious breach of the FCTC. Were that to happen, the Parties would first need to seek to settle the dispute through diplomatic channels involving negotiation, good offices, mediation, or conciliation. If that effort failed, Parties could pursue formal dispute resolution like an ad hoc arbitration procedure. Ultimately, Parties could appeal to the International Court of Justice (ICJ) based on Article 34(2)(a) of the Statute of the ICJ.

Were the ICJ to decide that these Parties were, in fact, in breach of the FCTC, they could be ordered by the court to cease and not repeat the breach. They could also be ordered to pay damages.

All of this is purely speculative, of course. But what is beyond speculation is that Parties to the FCTC which act to further the interests of the tobacco industry at COP meetings are likely in breach of the treaty. Other Parties to the treaty are not without power to challenge such actions.

COP meetings are costly. If we add up all the time that is spent discussing tobacco industry infiltration of Party delegations, it is not hard to imagine that other Parties might wish to take action to address actions that seriously undermine the "object or purpose" of the FCTC. Now may be the time for Parties who support the objectives of the FCTC to show the industry that playing hardball is not their prerogative alone.

Thomas F. McInerney
Loyola University Chicago School of Law, USA

LAST MINUTE BUSINESS

WHEN COMMITTEE B MEETS TODAY FOR THE LAST TIME, WE URGE PARTIES TO REVISIT ITEM 8.1 (B) ON THE INTERIM PROGRESS REPORT ON THE 2018/19 WORKPLAN AND BUDGET.

WITH ONE YEAR LEFT IN THE 2018-19 WORKPLAN, IT IS IMPORTANT THAT PARTIES ALLOCATE FUNDING FOR WORK TO BEGIN IMMEDIATELY TO IMPLEMENT THE GLOBAL STRATEGY.

IN PARTICULAR, WE SUGGEST THAT AT LEAST \$50,000 IN CORE FUNDING BE ALLOCATED FOR THE IMPLEMENTATION REVIEW MECHANISM PILOT PROJECT TO GET UP AND RUNNING.

THE REAL COST OF FINANCING THE FIGHT AGAINST THE TOBACCO EPIDEMIC

Over the last two decades, many of the 181 Parties that have ratified the WHO FCTC have questioned the level of their assessed contributions for the Convention Secretariat's important work to support the implementation of the treaty. Most Parties tend to view the Assessed Contributions as a cost rather than as an investment with proven returns for health.

We know that tobacco control is cost-effective so it is important to contextualize assessed contributions, and to consider them as an investment in addressing Noncommunicable Diseases (NCDs) and other health inequalities, where tobacco use is the greatest risk factor.

According to the Secretariat, nearly one third of all the Parties to the WHO FCTC have been in arrears for one biennium or longer, and more than 20 of those Parties have never paid contributions.

A simple analysis of assessed contributions of some countries in the AMRO region makes clear that there are substantial arrears. According to the data obtained from the World Bank and the Institute for Health Metrics and Evaluation, the non-payment of assessed contributions has economic consequences in terms of years of productive life lost or the Disability-Adjusted Life Years (DALYs) to NCDs attributable to tobacco.

In some cases, assessed contributions represent an insignificant percentage of the total cost of DALYs lost to NCDs, for example Chile, 0.00057 per cent; Colombia, 0.00074 per cent; Costa Rica, 0.0008 per cent; Honduras, 0.00035 per cent; and



Mexico, 0.00140 per cent.

The failure to pay assessed contributions is short-sighted, makes no economic sense and is a major obstacle to the Convention Secretariat undertaking its primary task of promoting the implementation of the FCTC.

Víctor Hugo Herrera Ballesteros, Instituto Conmemorativo Gorgas de Estudios de la Salud, Panama

POR QUÉ LOS ESTADOS DEBEN RATIFICAR EL CONVENIO MARCO PARA EL CONTROL DEL TABACO (CMCT)

Desde que el CMCT entró en vigencia en 2005, el CMCT ha sido ratificado por 181 países. Sin embargo, países como Argentina no han ratificado aún el CMCT a pesar de las cifras alarmantes que representan la epidemia de tabaquismo en el país.

Además de una fuerte interferencia de la industria, una de las principales razones por las cuales Argentina no es Estado Parte del Convenio es la excusa de contar con normativa local que se adapta a los estándares mínimos del CMCT. Sin embargo, la ratificación es necesaria ya que el CMCT contempla una serie de herramientas, medidas y mecanismos de cooperación internacional que no pueden ser reemplazados por políticas nacionales.

A continuación se desarrollarán tres principales razones por las cuáles es necesaria la ratificación del CMCT, aplicables a la Argentina y cualquier otro país que no haya ratificado aún.

1. Es un problema global que requiere una solución global

El problema del tabaquismo es una epidemia que requiere una respuesta global, que proteja especialmente a los países y sectores sociales más vulnerables y con menores recursos.

2. La interferencia de la industria tabacalera es transnacional y requiere la cooperación de los países para contrarrestarla

El mercado global del tabaco genera mil millones de dólares. Este poder económico ha generado una batalla desigual con los gobiernos de los países. El CMCT y sus directrices brindan medidas para restringir la interferencia de las tabacaleras. La ratificación del CMCT otorga el marco legal necesario para garantizar la transparencia entre la industria tabacalera y los gobiernos.

3. El comercio ilegal de productos de tabaco es un problema internacional que requiere soluciones regionales

El comercio ilícito de productos de tabaco es un tema central de las políticas de control de tabaco, cuya solución es necesariamente la cooperación entre los países vecinos.

La manera de detener el comercio ilícito es la implementación de mayores controles y medidas de anticorrupción. Es necesario que países adopten políticas de comercio ilegal armonizadas al nivel regional.

Belén Rios, Fundación Interamericana del Corazón, Argentina

ADDRESSING ILLICIT TRADE IN EGYPT

The illicit tobacco trade is a major challenge in many countries, including Egypt, where it has escalated since the political unrest in 2011. The Assessment of Illicit Tobacco Trade in Egypt 2016-17 study, spearheaded by the Cairo Association against Smoking, Tuberculosis and Lung Diseases-Egypt (CASTLE) provides direct evidence of the magnitude of this problem in the country.

Although the result of this study showed a marked decline in the illicit tobacco trade, it is very clear that the government needs to step up efforts to prevent revenue loss.

Who smokes illicit cigarettes? According to the study, the percentage of illicit cigarette smokers is highest among the illiterate at 19.4 per cent, and lowest among higher educational level smokers at 7.2 per cent and 7.4 per cent for secondary school and university graduates respectively. Employment status also plays a role - the percentage of illicit smokers found among the unemployed is at its highest at 27.3 per cent and lowest among the employed at 8 per cent.

Egypt's state budget reports that revenue from taxes collected from legal cigarettes was approximately US\$ 2.4 billion during the fiscal year 2016-17 and is expected to increase to approximately US\$ 3 billion for fiscal year 2017-18. The market share for illicit cigarettes is estimated at 8.5 per cent and is estimated to have



cost the government approximately US\$ 190 million in 2016-17. This is expected to rise to US\$ 245 million in 2017-18.

The study recommends that the government of Egypt act quickly to ratify the WHO Protocol to Eliminate Illicit Tobacco Trade and highlights the need for effective collaboration and cross-government coordination (e.g. Customs, Police, Ministries of Finance, Health, Justice, Trade and local authorities).

There is also a need for greater public awareness on this issue and citizens must be aware of the effects of purchasing illegal cigarettes, both for the public health and the fiscal health of the country.

Esssam Elmoghazy, Youssef Waheeb, Randa Abou Elnaga, Laila Michil, Sahar Latif, Wagdy Admin, Egypt

ALTERNATIVE LIVELIHOODS FOR TOBACCO FARMERS STILL NEED SUPPORT

Delegates clapped when the decision on Articles 17 and 18 was adopted in Committee A. Looking at the decision, we observe a good list of action points for the Secretariat to support tobacco-growing countries in their efforts to explore, develop, implement, and evaluate projects on alternative livelihoods. This is good news.

But there is bad news: it is highly unlikely that any budget from assessed contributions will be allocated to these actions to be carried out by the Secretariat, similar to previous COPs. This is disappointing from two points of view: First, the tobacco industry's firm grip on tobacco farmers is a real obstacle for tobacco-growing countries to properly implement tobacco control measures. On Wednesday, the Bulletin article on company cards in Bangladesh demonstrated farmers' deep dependence on tobacco companies and how this negatively affects human rights. One can find similar examples from virtually all low and middle income countries where tobacco is grown.

Secondly, many smallholder farmers are willing to switch away from tobacco and earn their living from other crops or activities. But, they are reluctant to support the FCTC as long as they are not getting

any meaningful support from the treaty. Thus, some farmers become prey for the tobacco industry and/or their front groups. To resolve this difficult issue, Parties must work toward funding alternative livelihoods projects. There are some preliminary projects underway that could be scaled up. For example, the United Nations Development Programme is beginning an innovative pilot program that uses a social impact bond as a funding strategy to assist farmers in exiting tobacco and finding economically viable alternative livelihoods. While a highly commendable effort, this will not be enough considering the size of the challenge. Parties cannot wait another two years until the next COP to show their commitment to the most vulnerable tobacco-growing countries and their farmers who struggle to make a decent living.

**Jeffrey Drope, American Cancer Society, USA
Sonja von Eichborn, Unfairtobacco, Germany**

CO-OPTING PUBLIC HEALTH LANGUAGE: THE CASE OF PHILIP MORRIS

Tobacco giant Philip Morris International (PMI) has publicly pledged to “design a smoke-free future” and has put \$1bn aside to set up the Foundation for a Smoke-Free World to help achieve its bold vision. But, what does the company really mean by ‘smoke-free’? André Calantzopoulos, the company’s CEO, recently admitted that PMI’s definition of ‘smoke-free’ does not necessarily involve consumers quitting tobacco: “our paramount business strategy is to replace cigarettes with less harmful, smoke-free alternatives. That’s what we call a smoke-free future.” PMI’s vision is not for smokers to quit tobacco all together, but to switch to PMI’s heated tobacco product, IQOS. A sleekly designed device that supposedly heats –rather than burns– tobacco sticks, IQOS is promoted as less harmful than conventional cigarettes, despite the lack of independent evidence to support that claim.

The company recently muddied the ‘smoke-free’ waters even further, by co-opting the name of the Smoke-Free Index, a toolkit developed by the Southeast Asia Tobacco Control Alliance (SEATCA) to help Parties to the FCTC meet their obligations under Article 8 (the protection from exposure to tobacco smoke). Last month, the Foundation for a Smoke-Free World issued a research call for a ‘Smoke-Free Index©’, purportedly aimed at measuring the contribution of tobacco companies to a ‘smoke-free’ future and identify tobacco companies’ violations of the FCTC. So, we are made to

believe that not only is one of the largest and most profitable tobacco companies in the world ready to quit cigarettes, but that through its Foundation it will self-assess the progress made towards that goal, and report on violations it makes to support the FCTC. No, you’re not dreaming.

This week at COP 8, we have witnessed first-hand, tobacco industry attempts to delay and weaken proposals for the effective implementation of the FCTC. This calls into question the industry’s supposed commitment to a smoke-free future. With eager anticipation we await the Foundation’s first Smoke-Free Index report, due in 2020, to see how the industry will score itself on FCTC Article 5.3 at COP 8.

Tobacco Control Research Group, University of Bath, UK



DEFORESTATION: THE IMPACT OF TOBACCO GROWING IN TANZANIA

Every year, tobacco growing and curing causes deforestation of at least 200,000 hectares globally. The miombo woodlands, covering 2.4km² of sub-Saharan Africa, belong to the most affected areas. The miombo is the world’s largest continuous area of tropical dry forests and woodlands, a unique ecosystem. While this forest is important for the global climate because of its capacity to store carbon, it provides medicinal plants, food for humans and for livestock, construction materials, and fuel sources to local communities.

Tobacco is grown in monoculture, is prone to pests, and heavily depletes the soil of nutrients. Farmers clear forests to gain fertile lands for this cash crop. Tobacco is also a crop that needs drying, commonly known as curing. Virginia tobacco – making up about half of the tobacco blend in manufactured cigarettes – is a flue-cured variety. This curing process involves the burning of huge amounts of fuel wood to keep the heat in the tobacco barns for about one week.

Estimates of the volume of wood needed to cure tobacco vary for different countries. Annual rates of forest removal can provide an idea of the ecological impact. In Urambo district, Tabora region in Tanzania, for example, the deforestation rates due to land clearance (3.5 per cent) and fuel wood extraction (3 per cent) during the first half of the 2000s were 10 times higher than the overall deforestation rate for Africa (0.64 per cent). Consequently, the miombo ecosystem suffers

a loss of biomass and biodiversity. Along with the miombo flora, the habitat for animals also disappears, including pollinating insects such as bees. The long-term effects on local communities could include malnutrition, hunger and poverty due to poor soil quality, lack of access to inputs and water, and lower yields.

In the short-term, it is critically important to scale up efforts to reforest affected areas with indigenous tree species. Governments of tobacco-growing countries should hold the tobacco industry accountable, for example, by introducing an environment tax on raw tobacco sales, paid by the buyers. These funds could be earmarked for tree planting schemes, and should be safeguarded from the influence of the tobacco industry.

Sonja von Eichborn, Unfairtobacco, Germany

OUR COP8 HEROINE

For the impressive and substantive contributions made at the country, regional, and global levels at COP8, while wearing many hats (Vice Chair of Committee B, running into Committee A to contribute, and participating in a Drafting Group), we thank Dr. Ejlal Alawi, for being a strong example of what delegates can achieve at COP.



SYNERGIE D'ACTION POUR LE FINANCEMENT DE LA MISE EN ŒUVRE DE LA CCLAT : LE CAS DU TCHAD

Le tabagisme constitue un fléau mondial qui n'épargne aucun pays du monde et notamment les pays en développement comme le Tchad qui est confronté à d'énormes défis sanitaires.

Face à cette problématique, le Tchad à l'instar des autres pays, s'est inscrit dans la dynamique mondiale de lutte contre le tabagisme en ratifiant en 2006 la CCLAT et en la mettant en œuvre. Cette mise en œuvre s'est traduite par des actions concrètes telles l'adoption d'une législation nationale antitabac, la création d'un programme national de lutte contre le tabac, la mise en place d'un cadre multisectoriel de coordination, la mise en garde sanitaire en image couvrant 70% des surfaces des paquets de cigarettes, l'augmentation de taxe à hauteur de 40% ces 5 dernières années, la mise en place d'un système de traçabilité pour lutter contre le commerce illicite.

Malgré ces progrès, beaucoup reste à faire pour une mise en œuvre effective des dispositions clés de la CCLAT. La crise financière et économique que traverse le Tchad depuis la chute des cours mondiaux du pétrole a limité sa capacité d'allocation budgétaire pour bon nombre de services de base y compris le contrôle du tabac. Ce qui fait que le programme national de lutte contre le tabac n'a pas pu bénéficier depuis 2015 d'allocation budgétaire pour réaliser ses activités. Fort heureusement que le Tchad bénéficie depuis une année de deux appuis techniques et financiers dont l'un de l'Union Internationale contre la tuberculose et

les Maladies Respiratoires et le second du Secrétariat de la Convention dans le cadre du Projet FCTC 2030. Ces deux appuis qui se complètent ont amorcé une dynamique nationale multisectorielle de coordination

pour une mise en œuvre effective de la loi antitabac promulgué le 10 juin 2010 tout en contrecarrant efficacement l'interférence de l'Industrie du Tabac et en menant des actions de mobilisation de ressources internes pour le financement durable de la mise en œuvre de la CCLAT. Cette coopération multilatérale augure des perspectives bonnes pour l'accélération de la mise en œuvre de la CCLAT au Tchad. C'est le lieu ici de souligner l'importance des synergies tant au niveau national, régional et au niveau international. A travers la stratégie mondiale adoptée au cours de cette COP, la communauté internationale de lutte antitabac pourra optimiser et rendre efficaces les financements existants mais au-delà mobiliser et lever de nouveaux fonds. Il faut absolument prendre des mesures concrètes pour faire avancer le programme, en particulier en ce qui concerne le financement de cette feuille de route ambitieuse.

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ONE OF THE KEY ACHIEVEMENTS FOR AFRICAN COUNTRIES FROM THIS COP8 IS THE ADOPTION OF THE GLOBAL STRATEGY FOR TOBACCO CONTROL, WITH CLEAR PRIORITIES FROM NOW UNTIL 2025. IF ADEQUATELY RESOURCED THIS STRATEGY HAS THE POTENTIAL TO UNLOCK MANY CHALLENGES TO EFFECTIVE TOBACCO CONTROL IMPLEMENTATION THAT AFRICAN COUNTRIES HAVE EXPERIENCED SINCE THE ADOPTION OF THE FCTC; INCLUDING RESOURCE GAPS, POLITICAL WILL AND LACK OF PRIORITIZATION OF TOBACCO CONTROL IN MANY NATIONAL AND REGIONAL DEVELOPMENT AGENDA.

Emma Wanyonyi, International Institute for Legislative Affairs, Kenya

”

Yaya Sidjim, Association pour la Défense des Droits des Consommateurs du Tchad (ADC), Chad

CRIMINAL LIABILITY: THE FORGOTTEN ASPECT OF ARTICLE 19

Criminal liability for tobacco executives is a concept that is taking off around the world.

For example, “Sick of Smoking” is a movement that has gained huge momentum in the Netherlands. Several victims (supported by over 30,000 people who have signed the online petition) have filed a criminal complaint against tobacco manufacturers accusing them of attempted murder, manslaughter and/or attempts to cause bodily harm and/or damage to health. The criminal complaint is currently in an appeal process; a judge will soon decide whether the case will be prosecuted.

A similar complaint was filed in France, and there has been movement to suggest related cases in the USA, the UK, South Africa, and other countries. The implications of these potential cases are far-reaching. If tobacco executives are found guilty of murder, how can they keep selling their products? And how will they hire new employees? This could represent the beginning of the end for Big Tobacco.

Unfortunately, this movement has been divorced from Article 19 of the FCTC. There are myriad reasons for this disconnect, but two stand out: First, domestic criminal courts are not aware of their government’s obligations under the FCTC. The attorneys for potential criminal cases, as well as the civil society organisations behind them, should be looking to Article 19 for support. Countries that care deeply about their treaty obligations may be convinced to open a criminal case because of Article 19.

Second, the global tobacco control community has not placed



much emphasis on the criminal liability aspect of Article 19 either. There is an excellent toolkit on civil liability for Article 19, but no resources on criminal liability, partly due to the complexities of addressing criminal law in 195 jurisdictions.

However, the FCTC intentionally left room for criminal cases, and the global tobacco control community should embrace that whole-heartedly. It is time for the COP – and society as a whole – to consider utilising criminal law. A criminal case against the tobacco industry would be a win for the FCTC and a win for public health.

Kelsey Romeo-Stuppy
Action on Smoking and Health (USA)

EL ARTÍCULO 19 Y LA IMPLEMENTACIÓN DEL CMCT

Pese a la interferencia de la industria tabacalera y a sus esfuerzos por minar la implementación del CMCT, los avances son innegables; ambientes libres de humo, prohibiciones de publicidad, impuestos altos, y el empaquetado genérico son ejemplos que difícilmente hubiesen podido existir sin el Artículo 5.3 y sus Directrices de aplicación, aprobadas hace 10 años durante la COP3 en Durban. El Artículo 19 podría sentar un precedente similar.

El CMCT debe mirarse como un todo diferenciado para su implementación. Así, el Artículo 19 referido a las “cuestiones relacionadas con la responsabilidad”, es una poderosa herramienta a fin de que las Partes puedan hacer que la industria tabacalera responda legalmente por sus abusos (de manera civil o penal).

La industria se está reinventando. Está creando y vendiendo productos nuevos y está movilizando la opinión sobre estos productos, empleando las estrategias de comercialización que siempre usaba para vender sus productos convencionales, especialmente en los países del sur global.

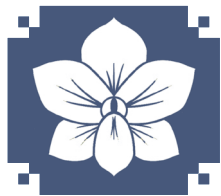
Las Partes deben trasladarle a la industria tabacalera la responsabilidad de asumir los costos sanitarios derivados del diseño, comercialización, uso o exposición de sus productos y deben ejercer su soberanía al implementar el CMCT, sus instrumentos, directrices o protocolos, lejos de la influencia de la industria y representantes.

El Secretariado desarrolló un valioso Toolkit sobre la responsabilidad civil que puede ser consultado su página web, a fin de proveer una guía al momento de considerar alternativas que les permitan entre otros recuperar los costos sanitarios.

Finalmente, la sociedad civil organizada alrededor del Convenio, hace un llamado a las Partes para que en la COP8 se defina cómo el Secretariado concluirá el mandato otorgado en la COP6 y COP7, para desarrollar las herramientas y dedicar los recursos para promover la implementación del Artículo 19 y del CMCT en su integralidad.

Jaime Arcila and Daniel Dorado, Corporate Accountability International

ORCHID AWARD



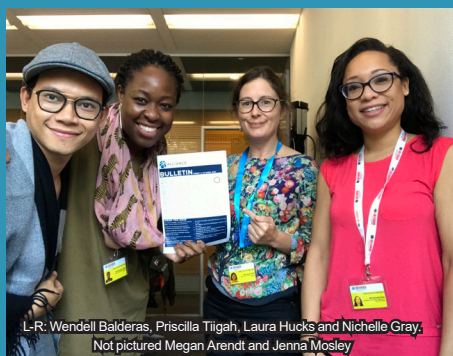
To all the Parties who supported the important principle that the Global Strategy and the Implementation Review Mechanism pilot should be funded from Assessed Contributions

DIRTY ASHTRAY



To Parties who used delay tactics rather than using the time to strengthen the link between human rights and tobacco control

THANK YOU!



L-R: Wendell Balderas, Priscilla Tiigah, Laura Hucks and Nichelle Gray.
Not pictured Megan Arendt and Jenna Mosley

The Bulletin Team would like to thank all FCA members and staff for the excellent material they have submitted to the bulletin this week.

I'd also like to thank the FCA Bulletin team for the long hours; their fine sense of grammar and style; their exquisite diplomacy; real commitment and great sense of humour. I'm sure our readers will agree that they have done an excellent job.

Thanks also to all others who helped out and dropped by during the week. The core Bulletin team were:

Nichelle Gray (ASH USA)

Wendell Balderas (SEATCA)

Jenna Mosley (CTFK)

Priscilla Tiigah (Cancer Research UK)

Megan Arendt (ASH USA)

Laura Hucks (Cancer Research UK)

THE NETHERLANDS TO HOST COP9 ?

On the very first day of COP8, Paul Blokhuis, the Dutch State Secretary for Health, Welfare and Sport, expressed his commitment to the WHO Framework Convention on Tobacco Control (FCTC) and announced that the Netherlands would like to put itself forward as a candidate to host COP9.

The Netherlands has come a long way in the past couple of years with regards to tobacco control. Although the country ratified the FCTC in 2005, a shadow report published by civil society in 2012 showed that the Netherlands was not meeting many of its FCTC obligations. Progress had slowed and some of the effective measures that had been adopted in the past had even been reversed.

Luckily, we are in a very different position today. FCTC Article 5.3 has gained prominence and progress has been made on several of the FCTC measures relating to demand reduction. Nevertheless, 23.1 per cent of Dutch adults still smoke. And each week several hundreds of children start smoking. A comprehensive tobacco control action plan is needed, with ambitious targets and measures. The Netherlands is currently working on a National Prevention Agreement, which will be launched at the end of October and has tobacco control as one of its priorities.

The Prevention Agreement brings together the central government, municipalities, the healthcare sector, health insurers, sports organisations, NGOs, and other relevant parties. In line with FCTC Article 5.3, the tobacco industry and its allies do not have a seat at the table. By launching the Prevention Agreement, the Netherlands seeks to align with a growing number of countries around the world that are setting an endgame target: the ambition is that by 2040 no child below 18 years old will smoke and that smoking prevalence among adults will have decreased to under 5 per cent.

In 2020, the first concrete results of this action plan should have materialised. Hosting the next COP in the Netherlands can only boost these results and provide additional momentum to make sure that we will have a Smoke-Free Generation by 2040.

**Sanne Heijndijk, Dutch Alliance for a Smokefree Society
Patrick Ooms, Dutch Cancer Society, The Netherlands**

The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.



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