



This document relates to item 5.3 of the provisional agenda

Sixth Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control,
13-18 October 2014, Moscow

FCA Policy Briefing
Sustainable measures to strengthen implementation of the Convention

Key recommendations

- COP6 should endorse all recommendations proposed by the working group and encourage Parties and other stakeholders to take concrete actions in line with these recommendations.
- The COP should also establish a coordination platform among all stakeholders that provide or could provide assistance and resources for implementation of the FCTC. The key objective of the platform should be to address gaps in existing mechanisms of assistance.
- The mandate of the working group should be extended so that it can develop an FCTC strategy on implementation assistance for discussion at COP7, such that Parties' needs can be met. COP6 should also request the working group to propose an implementation assistance framework at COP7.
- Work to strengthen implementation of FCTC Article 5.2(a) needs to continue. The UNDP and the Convention Secretariat should be requested to provide options for the establishment of functioning national multisectoral coordination mechanisms for consideration at COP7.

Introduction

If the FCTC is to fulfil its goal of substantially reducing the prevalence of tobacco use and saving lives, the implementation of various tobacco control measures across countries must dramatically increase. The sixth session of the Conference of the Parties (COP6) cannot be content with the 54 per cent overall implementation rate of the Convention¹.

In many cases, there seem to be a big gap between Parties' willingness to step up their tobacco control efforts and their capacities or resources to do so. Budgets for tobacco control in many countries are either non-existent or very small.

Involving colleagues from other government departments in implementation of the FCTC, such as ministries of finance in the case of tobacco taxation, is essential, but challenging. Too often, other ministries have limited or no knowledge of the FCTC and respective government obligations, and are unclear on their role in tobacco control.

¹ According to the report of the Convention Secretariat on the global progress on implementation of the WHO FCTC, the overall implementation rate of the Convention was 54 percent in 2014 (document FCTC/COP/6/5, p.2).

International experience, expertise, best practices and resources may be catalytic for advancing tobacco control in many countries, but accessing technical and financial support from international organisations or partners – whom and how to ask for such support – is not straightforward and hence can be time-consuming and discouraging.

At COP5, Parties agreed to address these very challenges and established a working group on sustainable measures to strengthen implementation of the FCTC. At COP6, the working group will present progress on its work (report FCTC/COP/6/19).

FCA welcomes the recommendations of the working group and supports the extension of its mandate. The working group has successfully identified and analysed obstacles that hamper implementation of the FCTC in many countries. As a next step, the working group should propose a roadmap to address these obstacles and meet Parties' needs for implementation assistance.

Key findings of the working group

During its two meetings², the working group identified several barriers that slow down implementation of the FCTC, and discussed their root causes. For example, the working group looked into why international cooperation in tobacco control is not flourishing³. One of the key identified reasons was that organisations providing technical assistance or resources, such as bilateral and multilateral development agencies, are often not clear on the exact needs of Parties. The working group then looked further into why countries do not place specific requests for development assistance to these agencies, by including tobacco control in their national health or development plans. Responses to a questionnaire prepared by the key facilitators of the working group and circulated to all Parties then revealed another set of hurdles⁴.

Parties clearly stated that it is difficult to include tobacco control in development plans as other pressing health issues are usually prioritised. The working group then embarked on identifying reasons why it is difficult to prioritise interventions addressing tobacco use, the number one preventable cause of death. It considered the various arguments that tobacco control focal points in developing countries could use to ensure that tobacco control is included among national development priorities. Through this exercise, it became obvious that country-specific data on the existing and potential economic burden of the tobacco epidemic, along with health statistics and projections, are missing and sorely needed.

Similarly, the working group looked into why ministries of health rarely succeed in involving other government departments in tobacco control. Again, it became clear that there is a lack of country-specific data on the economic implications of FCTC implementation. As a result, many countries are unable to provide calculations on the return on investment of tobacco control interventions. This type of data is key to convincing colleagues working outside of the Ministry of Health to take tobacco control seriously. Equally missing are model budgets for tobacco control, particularly for developing countries. These and other findings then guided the working group in formulating its recommendations.

² Thanks to extra-budgetary contributions from the Government of Australia and the European Commission, the working group met twice, on 29–30 October 2013, and 2–4 April 2014.

³ According to the report of the Convention Secretariat on global progress in implementation of the WHO FCTC, more Parties report having received rather than provided assistance, with the latter amount having dropped slightly since the last global progress report (document FCTC/COP/6/5, p.15).

⁴ Responses to the questionnaire were received from 72 Parties, less than half of all Parties.

Proposed recommendations

The working group submitted to the COP a wide range of recommendations, including specific suggestions on how to improve coordination across different stakeholders, requesting new tools to be developed and capacity building to be provided. The report also encourages Parties to take specific actions to accelerate implementation of the FCTC.

The Framework Convention Alliance (FCA) agrees with all recommendations proposed by the working group. We encourage COP6 to endorse them without changes and to allocate sufficient resources to the Secretariat so that it can deliver all the tasks that will be added to its mandate. Several of the recommendations proposed by the working group are described below.

Additional tools and capacity building to support implementation of the FCTC

International partners, such as the World Bank and United Nations Development Programme (UNDP), have been invited to work with the Convention Secretariat and the World Health Organization (WHO) to develop methodologies and tools to:

- Assess the economic costs of tobacco use at the global and national level (paragraph 33 of the Annex to report FCTC/COP/6/19);
- Assess the costs of implementing all provisions of the FCTC at country level (paragraph 32).

In terms of capacity building, the Convention Secretariat, WHO and other relevant organisations have been encouraged to, for example, support Parties to mobilise national and international resources, including through innovative methods (paragraph 29).

Measures to strengthen coordination among relevant stakeholders

The COP has been requested to provide guidance in establishing a coordination platform among all stakeholders that provide or could provide resources for tobacco control (paragraph 62). The purpose of this platform should be to better respond to the financial and technical needs of Parties by addressing the gaps in existing mechanisms of assistance. It was suggested that such an objective could be achieved through regular meetings where different stakeholders would share information on their work, available tools and mechanisms of assistance (paragraph 30).

The COP should establish this coordination platform at its sixth session and provide guidance on the frequency of its meetings and which stakeholders should take part in them. The meetings could take place, for example, twice a year. In terms of timing, it would be particularly helpful to align these meetings with the meetings of the UN task force on NCDs, which are dedicated to implementation of the FCTC (a 1-day meeting once a year)⁵. The coordination platform could also hold meetings on the margins of future COP sessions.

Actions proposed for Parties

The working group also invites Parties to take specific actions to strengthen implementation of the FCTC, such as by giving due consideration to the inclusion of FCTC implementation in the post-2015 development agenda (paragraph 80). The report also suggests that Parties should take an active part in campaigns championed by suitable personalities, groups and civil society organisations, to raise the profile of the FCTC (paragraph 82).

⁵ The United Nations Interagency Task Force on the Prevention and Control of NCDs, incorporating, but not limited to, the work of the United Nations Ad Hoc Interagency Task Force on Tobacco Control, was established in 2013 (resolution E/RES/2013/12).

These and other recommendations included in the report of the working group and its Annex should be endorsed at COP6. FCA recommends that COP6 should encourage Parties and other stakeholders to take concrete actions in line with the proposed recommendations.

Future work of the working group

The working group has made good progress in identifying, analysing, and addressing some of the obstacles Parties face in implementing the FCTC. But its work is far from complete. The working group requests COP6 to extend its mandate to:

- Review existing mechanisms of assistance to assess whether they meet the needs of Parties;
- Examine possibilities to use modern technology to strengthen the exchange of information and capacity building among Parties and relevant stakeholders; and
- Provide options for the establishment of functioning national multisectoral coordination mechanisms, to strengthen implementation of Article 5.2(a).

Each of these proposed activities is extremely important. FCA recommends, however, that the future mandate of the working group should be to develop a strategy and framework on implementation assistance to ensure that appropriate assistance becomes available to all Parties that may request it. Development of the framework and the strategy should be guided by the provisions of Article 26 of the Convention (Financial resources). This will allow the working group to develop comprehensive recommendations on implementation assistance.

Vision of an implementation assistance framework

The implementation assistance framework should allow Parties to link their needs with appropriate assistance in an efficient, non-bureaucratic and timely manner. It should also define roles and responsibilities for different stakeholders. In order to establish the framework, it will be essential to better understand Parties' needs, available mechanisms of assistance and which support or tools are currently missing.

As recommended in its report, the working group should review what implementation assistance is currently available, by which institution(s), and which procedural steps need to be followed so that a Party can access it. The specific contributions and capacities of the newly established FCTC knowledge hubs⁶ may be reviewed as well.

The working group should then assess whether the existing mechanisms of assistance meet current needs of Parties. This activity is also part of its proposed mandate. But the work should not stop there. If gaps are identified through this exercise, the working group should work with relevant stakeholders to ensure that the needs of all Parties can be met.

For example, according to Article 11, all Parties have a three-year deadline to adopt and implement legislation for effective tobacco product packaging and labelling. This work requires Parties to draft and adopt legislation and develop effective messages and, ideally, impactful images that will appear on all tobacco products. These messages and images should be tested through focus groups before being put in place. Yet, even when legislation is passed, there can be obstacles to implementing it. The tobacco industry may file complaints and start a legal battle that will require time and legal expertise, not to mention media campaigns, to defend the measures in court and sensitise public opinion.

⁶ Three knowledge hubs have been established so far, in Australia, Finland and Uruguay. More information on this topic is provided in report FCTC/COP/6/18.

In short, thanks to the guidelines for implementation of Article 11, it is clear what Parties need to do. It is less clear when and how they can access specific assistance – legal support to draft the legislation, technical advice on how to develop and test textual and pictorial warnings, and legal assistance to defend the legislation – during the course of implementing the guidelines.

This is where the implementation assistance framework comes into play. It should clarify whether Parties need to first contact a country WHO office or the Convention Secretariat or someone else to request assistance. Parties should then be offered the most appropriate support and provided with clear instructions and requirements on how to access it. The framework should also ensure that when a certain type of assistance is not currently available, coordinated efforts will be made to put it in place. The role of modern technologies in strengthening exchange of information and capacity building – a task that the working group proposes to accomplish as part of its extended mandate – can be reviewed in this context.

Vision of an implementation assistance strategy

The working group, assisted by the Convention Secretariat, should also draw up a longer-term strategy so that all needs for implementation assistance are gradually met. For example, the eighth session of the Conference of the Parties to the UN Convention to Combat Desertification (UNCCD) adopted a 10-year strategic plan and framework to enhance the implementation of the Convention⁷. The document lists objectives and activities to advance implementation of the UNCCD. A separate section then defines the roles and responsibilities of the various UNCCD institutions, partners and stakeholders to scale up support to implementation of the Convention.

In line with Article 26.5(a), one of the objectives of the strategy should be to mobilise and utilise all relevant potential and existing resources, financial, technical, or otherwise – both public and private – that are available for tobacco control activities. The strategy could also identify priority areas for which assistance should be mobilised, and propose targets and timelines to be met in coming years. The working group should present this strategy to COP7 for further discussion and endorsement.

Strengthening implementation of Article 5.2(a)

The working group has already identified that certain mechanisms of assistance are missing, and is proposing that they be developed. To date, there have been no tools or support for Parties to establish a functioning national mechanism for multisectoral coordination on tobacco control, an obligation under Article 5.2(a).

FCA agrees that work on strengthening implementation of Article 5.2(a) should continue. Leveraging existing efforts, however, might be more appropriate than requesting that the working group look into this matter. Rather than fixing a single gap, the working group should identify all other gaps in implementation assistance and work with the Convention Secretariat, WHO, development agencies, philanthropic donors, civil society and other partners to address these gaps.

The UNDP has been already invited to support implementation of this article⁸, and has signed a cooperation framework with the Convention Secretariat in this regard⁹. A project mapping implementation of Article 5.2(a) in the African region is already underway¹⁰.

⁷ Full text of the framework can be found at:

<http://www.unccd.int/Lists/SiteDocumentLibrary/10YearStrategy/Decision%20COP8%20adoption%20of%20The%20Strategy.pdf>.

⁸ Report of the Secretary-General on Ad Hoc Inter-Agency Task Force on Tobacco Control (E/2013/61).

⁹ Report FCTC/COP/6/18 provides more information on the cooperation framework (paragraph 18).

At COP6, the Convention Secretariat and the UNDP should report on their work and findings so far. For COP7, they should be requested to provide options for the establishment of functioning national multisectoral coordination mechanisms (the task originally proposed to be delivered by the working group). COP7 may then decide whether further intersessional work by Parties is needed.

Putting “mechanisms of assistance and financial resources” back on the COP’s agenda

Promoting and facilitating the mobilisation of financial resources for the implementation of the Convention is one of the key responsibilities of the COP (Article 23.5(e)). Since COP1, all COP sessions have been presented with a report on mechanisms of assistance and financial resources¹¹. At COP6, no such report is provided by the Convention Secretariat. This is presumably because the COP will review the report of the working group, which also addresses mechanisms of assistance.

It is essential that any future session of the COP is presented with an overview of mechanisms of assistance and financial resources that are available for Parties to advance implementation of the FCTC. COP6 should request the Convention Secretariat to report on existing mechanisms of assistance and financial resources at each session of the COP. The COP could also specify what information should be included in these reports.

Conclusions

At the next session of the COP, Parties should be presented with a clear picture of available mechanisms of assistance, how this assistance can be accessed, which institutions play primarily a coordination role and which are mostly responsible for delivering the various mechanisms of assistance. If gaps between Parties’ needs and existing mechanisms of assistance are identified, a draft plan should be proposed to mobilise additional support for Parties so that they are sufficiently equipped to accelerate implementation of the FCTC.

Given the amount of work these tasks involve, at least two working group meetings should be organised between COP6 and COP7. Relevant inter-governmental and non-governmental organisations and experts should be invited to participate in these meetings. The meetings should be financed through the core funding of the FCTC budget, and the budget and workplan for both biennia (2014-2015 and 2016-2017) should be updated accordingly.

¹⁰ Report FCTC/COP/6/18 provides more information on the project (paragraph 10).

¹¹ Decision FCTC/COP2(10) requested the Convention Secretariat to prepare and present, at every session of the COP, an implementation report on activities undertaken to implement decisions FCTC/COP1(13) and FCTC/COP2(10), including an update of the financial mechanisms for assistance to Parties in need.