



IGWG2 Monday

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What's on this week

Monday: Unveiling of the Death Clock (morning coffee break)

Tuesday: FCA lunchtime briefing (food provided), Salle D, 7th Floor. Civil society's perspective on the week's business.

Friday: FCA lunchtime briefing, same place, same time, same taste. Hot new topic (to be announced).

DEATH CLOCK

Since the opening of the first working group for the Framework Convention on Tobacco Control on 25 October 1999,

21,206,037

people have died from tobacco-related diseases.

(At 9 am 31 January 2005)

ALLIANCE BULLETIN

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Cutting through the fuzzy math

Creating an autonomous FCTC Secretariat that is answerable to the COP is both essential and affordable. But you would never know that from the official documentation provided for this meeting.

The interim secretariat's report on "options for the designation of a permanent secretariat", released less than two weeks before the start of this meeting, describes three potential models for a permanent secretariat. But because it uses unwarranted assumptions and unrealistic cost estimates, it does not provide a useful basis for decision-making.

For example, the report rests on a series of erroneous assumptions that lead to the conclusion that it would cost more than *six times* as much to establish the Secretariat as an autonomous unit administered by WHO than to administer the Secretariat within the Tobacco-Free Initiative (TFI).

Perhaps the most significant of these assumptions (para. 89) is that an autonomous Secretariat administered by WHO would need or desire a staff and programme comparable in size to that of the entire Tobacco-Free Initiative, with 22 to 28 staff and a substantial regional network of advisors and staff. Estimating an unreasonably large staff and programme cost for this option results in a huge over-estimation of the necessary budget. As a result, the option of establishing a Secretariat under the authority of the COP appears to be unaffordable.

In contrast, the analysis assumes that only six additional staff would need to be funded if the Secretariat remains within TFI.

Also, though the analysis provides information on Secretariats administered by selected UN agencies, it does not discuss the Secretariats of comparable organizations that are already administered by WHO, including IARC, UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria. Given that most Member States have stated support for some sort of link between the Secretariat and WHO, this omission is particularly glaring.



*You must be kidding!
This isn't Planet Earth. It's the WHO.*

A second major problem with the report is that it makes significantly different assumptions about the extent of WHO financial and in-kind support for the Secretariat under each model, but does not discuss the rationale for the assumptions made or reveal many of the numbers used to generate its estimates.

(Continued on page 2)

Today's Weather: Overcast, gloomy and just generally grim.
High 3 °C Low 0 °C

Secrétariat permanent : le dilemme des délégués

N'eût été du travail de l'Initiative pour un monde sans tabac (IPMST), la Convention-cadre pour la lutte antitabac (CCLAT) n'aurait jamais vu le jour.

En particulier, en organisant des réunions régionales avant les séances de négociations à Genève, l'Initiative a permis l'émergence de consensus régionaux — notamment en Afrique — sans lesquels aucune Convention n'aurait pu être élaborée.

Cependant, sans le vouloir, l'IPMST se retrouve objectivement en conflit d'intérêts : le pays donateur le plus important de l'OMS, les Etats-Unis, n'a pas ratifié la Convention-cadre et ne le fera probablement jamais. Quoi que disent les représentants états-uniens à propos de leur engagement en faveur de la santé publique, les intérêts commerciaux des multinationales de la cigarette pèsent lourd dans le système politique américain.

De plus, la dérive unilatérale de l'administration Bush va de pair avec des attaques virulentes sur l'ensemble du système onusien de la part de certains républicains influents.

C'est dans ce contexte qu'on a demandé à l'IPMST de produire

un rapport sur les différentes options pour le Secrétariat permanent. Que ce soit par manque de temps ou pour d'autres raisons, l'Initiative a présenté, à la toute dernière minute, des chiffres qui manquent quelque peu de crédibilité. Selon ces chiffres, le Secrétariat coûterait 5 363 000 \$US par période de deux ans s'il était logé au sein de l'IPMST, plus de deux fois plus (12,7 millions \$US) s'il était logé au sein de l'OMS mais à l'extérieur de l'IPMST, et six fois plus (36,4 millions \$US) s'il était confié à une agence indépendante, liée à l'OMS par une en-

tente administrative.

Il y a sans doute des synergies entre le travail normal de l'IPMST et celui du Secrétariat, mais de là à penser que le coût du Secrétariat pourrait doubler simplement en l'envoyant à un autre étage de l'OMS, il y a toute une marge. En tout cas, il semblerait que dans le scénario le moins cher, une bonne partie des coûts du Secrétariat serait assumée par des pays n'ayant pas ratifié la Convention.

Rappelons que cinq des sept pays du G7 (Japon, Allemagne, France, Royaume-Uni, Canada) l'ont déjà ratifiée, et qu'il y a de fortes chances qu'un sixième (l'Italie) emboîte le pas à ses partenaires européens. Les Parties à la Convention devraient donc être en mesure de réunir les fonds nécessaires au fonctionnement du Secrétariat sans dépendre du bon vouloir du Grand Frère états-unien.

Le défi pour les délégués est maintenant de trouver le moyen d'assurer l'indépendance du Secrétariat sans pour autant se priver de l'expertise et du dynamisme du personnel de l'IPMST.

— Francis Thompson,
Association pour les droits
des non-fumeurs (Canada)



Fuzzy math

(Continued from page 1)

In the case of a Secretariat fully integrated within TFI, the analysis assumes major WHO financial support of staff salaries, programme budget and administration. Yet the full extent of WHO support is not clearly stated or quantified.

If the Secretariat remains under WHO authority, but is established as a unit separate from TFI, the analysis assumes that TFI will not transfer any of its existing secretariat budget or staff to the

new unit. This assumption partly explains why the staff and programme cost under this model is more than three times higher than for the first model.

Nevertheless, it appears that under this model WHO would provide administrative support, offices, use of the Executive Boardroom for COP meetings, and other valuable assistance. Again, WHO assistance is not clearly described or quantified under this model.

In the third model (an autonomous secretariat administered by WHO), the analysis assumes that WHO would not provide any assistance at all, and that staff offices, COP meeting facilities, administrative and other services all

would need to be purchased at commercial rates.

Now, if uniform assumptions about staff size and WHO support for the Secretariat had been used across each of the models, it appears that cost estimates for each model would be similar. This raises the question of whether WHO is conditioning its financial support for the Secretariat on being granted an inappropriate level of control over the Secretariat's work. One would hope that is not the case.

— Ross Hammond,
Campaign for Tobacco-Free Kids
(USA)

Quien no ratifica, no debe influenciar la Secretaría

Gracias a los cincuenta países que actualmente han ratificado el CMCT, el tratado formará parte del derecho internacional a partir del 27 de febrero. Los Estados Miembros, las ONGs y la OMS, deben estar lógicamente orgullosos.

Sin embargo, esta fecha también nos recuerda que a partir de ahora solo tenemos algo menos de un año, antes que de la primera reunión de la Conferencia de las Partes (CDP) se lleve a cabo, para crear la infraestructura prevista en el tratado, necesaria para asegurar que el CMCT cumplirá la promesa de reducir el terrible tributo humano y económico causado por el tabaco.

La gran mayoría de los países desean una Secretaría autónoma ligada a la CDP y no administrada por la Organización Mundial de la Salud (OMS). Esto es necesario ya que la OMS es una organización abierta a un panel más largo y diferente de países y de intereses que la CDP. Por eso se presentaron conflictos de intereses entre las partes.

Por ejemplo, los Estados Unidos no forman parte del CMCT pero son un estado miembro de la OMS; es más, se trata del más importante donador de fondos de la OMS. Frente a un conflicto de intereses, la OMS está obligada a dar prioridad a los intereses de los miembros de la OMS.

El temor de que se produzca un conflicto de intereses no tiene nada de teórico. La ayuda de la OMS para el Control del tabaco ha oscilado de manera importante durante los últimos 20 años. Algunas veces esta ayuda ha sido reducida como consecuencia de presiones políticas y de presupuesto. Si le dan a la OMS autoridad sobre la Secretaría, la Secretaría estaría sujeta a las mismas presiones.

La autoridad de la CDP sobre el trabajo de la Secretaría — incluyendo las decisiones sobre el al-

cance de las actividades y de las asignaciones presupuestales anuales — no debe ser negociable*. La primera fuente de recursos para la Secretaría deberá ser las contribuciones determinadas por las Partes, en lugar del presupuesto de la OMS, lo que asegura que estos recursos serán independientes de las prioridades políticas y presupuestarias de la Asamblea Mundial de la Salud.

La autonomía de la Secretaría necesitara la elaboración de un acuerdo entre la CDP y la OMS. Tales acuerdos existen ya entre la OMS y otros programas que ella administra, incluyendo ONUSIDA, la Agencia internacional para la investigación sobre el cáncer (IARC), y el Fondo mundial para la lucha contra el SIDA, la tuberculosis y la malaria.

Otros acuerdos similares también existen entre agencias de la ONU y otros organismos. El Con-

Todavía debe ser definido en que consistirá exactamente el trabajo de la Secretaría. El artículo 24 del CMCT establece una carga de trabajo significativo para la Secretaría lo que quiere decir que se necesitará tener un financiamiento adecuado.

Estos deberes incluyen la organización de todas las sesiones de la CDP así como las reuniones de sus organismos subsidiarios, y las reuniones de negociaciones del protocolo. La Secretaría tendrá que realizar los informes y toda la información adicional requerida por la convención o que sea solicitada por la CDP y sus organismos subsidiarios. También necesitará proporcionar asistencia técnica a las partes para ayudarles a satisfacer sus obligaciones en relación con el tratado. Por lo menos en los primeros años del tratado la demanda de este tipo de ayuda será muy elevada.

Por supuesto que debe haber una colaboración muy cercana entre la Secretaría y los programas de la OMS sobre el tabaco. De hecho, la colaboración estrecha y la coordinación entre la Secretaría y la OMS serán esenciales y deseables cualquier que sea el acuerdo. Pero esto puede lograrse sin que la OMS ejerza un control sobre el trabajo o el presupuesto de la Secretaría.

— Ross Hammond,
Campaign for Tobacco-Free Kids
(USA)

*La CDP es el organismo principal del CMCT. Cualquier acuerdo que da autoridad al OMS en lugar de la CDP representará conflicto con el CMCT.

Según el Artículo 24 (g), la Secretaría debe "desempeñar otras funciones de secretaria especificadas en el Convenio y en cualquiera de sus protocolos, y las que determine la Conferencia de las Partes." Esta frase significa que la CDP tiene autoridad sobre la Secretaría.



venio marco sobre el cambio climático (CMCC), por ejemplo, ha establecido un grado de autonomía entre su organización y las Naciones Unidas, que es similar a las propuestas hechas por las partes durante el IGWG-1. La CDP del CMCC decidió que "la Secretaría de la convención estará ligada institucionalmente a las Naciones Unidas, mientras que no sea completamente integrada dentro del programa de trabajo y la estructura de gerencia de cualquier departamento o programa particular." Éstos y otros precedentes deben ser considerados.

If you don't pay for the Secretariat...

Now that 54 countries have ratified the FCTC, the treaty becomes international law on February 27th. Member States, NGOs and WHO can be justifiably proud of this achievement.

But this date also means we have little over a year left, before the deadline for the first Conference of the Parties (COP), to create the treaty machinery necessary to ensure that the FCTC begins to fulfil its promise of reducing the terrible human and economic toll of tobacco.

The overwhelming majority of countries want an autonomous secretariat that is accountable to the COP rather than to WHO. Why? Because WHO is responsive to a substantially larger and differ-

ent set of countries and interests than the COP, creating a strong risk that conflicts of interest could arise.

For example, the USA, which is not yet a Party to the FCTC, is WHO's single largest donor. In any conflict of interest, WHO would be obliged to give priority to WHO interests.

This concern is not theoretical. WHO's support for tobacco control has fluctuated dramatically over the past 20 years, at times undermined by political and budgetary pressures. If WHO had authority over the Secretariat, it would be subjected to those same pressures.

The COP's authority over the Secretariat — including decisions

about the scope of activities and annual budgetary allocations — is not negotiable*. The primary source of funds for the Secretariat should be assessed contributions on the Parties, not the WHO programme budget. This will ensure insulation from the political and budgetary priorities of the World Health Assembly.

Autonomy for the Secretariat will require a carefully worded agreement between the COP and WHO. Such agreements already exist between WHO and other programmes it administers, including UNAIDS, the International Agency for Research on Cancer (IARC), and the Global Fund to Fight AIDS, TB and Malaria.

Similar agreements also exist

BAT to Malaysia: We're still alive and kicking

For two decades tobacco transnationals such as BAT, Philip Morris and Japan Tobacco International, circumvented a tobacco ad ban on Malaysian television through indirect advertising, claiming they were not breaking any law. But that is old news.

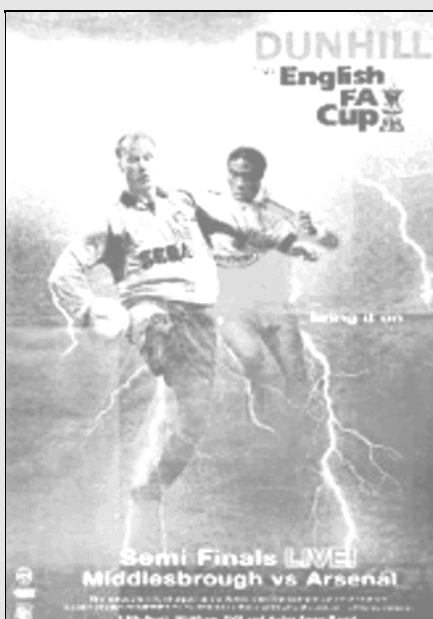
On 24 September 2004 Malaysia plugged its infamous legal loophole by implementing a total ban on tobacco advertising (direct and indirect) and sponsorship. The amendment to the Control of Tobacco Products Regulations 2004 took into account two outstanding sponsorship contracts and granted them exemptions — football till 31 December 2004 and Formula 1 Grand Prix till 31 December 2005.

Despite this, on 24 January 2005 Malaysians read that BAT (Dunhill) has a new sponsorship contract for 2005 and 2006, at US \$2.6 million a year, with the Football Association of Malaysia. Is this a violation, or have they found yet another loophole to exploit?

Tobacco industry track record on respecting ad bans

In 2001, during INB's intense debates on banning tobacco advertising, sponsorship and promotion,

BAT, Philip Morris and Japan Tobacco Int. (JTI) announced their International Tobacco Products Marketing Standards (IMS) which claimed to end tobacco advertising in mass media and sponsorship activities by 2002. However the exemptions allowed in Malaysia have been scandalous and earned international notoriety:



Dunhill: not actually a sponsor of the English FA Cup.

• Dunhill sponsored the telecast of the FIFA 2002 tobacco-free World Cup. To celebrate the World Cup finals, BAT threw a mega "Dunhill Extended Play One Devotion" called the "mother of all street parties" attended by 40,000 people. BAT Malaysia had acknowledged to the *Guardian* newspaper that using football was no longer acceptable and confirmed it would cease doing so at the end of 2002. (*The Guardian*, 23 May 2002). The Dunhill sponsorship in fact continued till December 2004.

• In August 2002 the Malaysian Health Ministry announced that all indirect tobacco advertising and sponsorship would cease in Malaysia on 1 January 2003. However in October 2003, JTI's Salem sponsored a concert in Penang featuring UK singer Craig David.

So much for self-regulation. The IMS was a whitewash to dissuade governments from passing legislation banning tobacco advertising and sponsorship. However, even now that a law banning tobacco sponsorship is in place in Malaysia, BAT appears to be violating it. For a company that trumpets its 'social responsibility', its

...you shouldn't be telling it what to do

between other UN agencies and treaty bodies. The Framework Convention on Climate Change (FCCC), for example, has a degree of autonomy from its host organization, the UN, that is similar to proposals advanced by many Parties at IGWG-1. The FCCC's COP decided that "the Convention Secretariat shall be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or programme." These and other precedents must be considered.

The Secretariat's precise workload is yet to be defined. Article 24 of the FCTC establishes a significant workload which will need adequate, sustained funding.

track record has been one of irresponsibility. It will be a blow to Malaysian tobacco control if this law is not properly implemented, and BAT gets away scot-free.

Elsewhere in the world many countries, including Thailand, Singapore, Australia and Sweden, have successfully enforced bans on tobacco advertising and sponsorship. Countries that ratify the FCTC have five years to enforce Article 13 which requires a comprehensive ban on advertising, promotional and sponsorship. These countries serve as excellent examples that bans do work.

Countries currently drawing up legislation pertaining to Article 13 should do so as soon as possible. Every delay gives tobacco companies opportunities to continue promoting their products, sign new sponsorship deals and even flout legislation if they can. The devil is always in the detail — the only effective control of tobacco promotion is comprehensive legislation.

— Mary Assunta,
Chair,
Framework Convention Alliance

These duties include arranging all sessions of the COP and meetings of its subsidiary bodies as well as protocol negotiations.

The Secretariat will have to develop reports and other information required by the Convention or requested by the COP and its subsidiary bodies. It will also have to provide technical assistance to Parties in meeting their treaty obligations. At least in the first years of the treaty, demand for this type of assistance will be high.

Of course there should be close collaboration between the Secretariat and WHO's tobacco programmes. Indeed, close cooperation and coordination will be essential and desirable in any arrangement. But this cooperation is

entirely achievable *without* WHO control over the Secretariat's work or budget.

— Ross Hammond,
Campaign for Tobacco-Free Kids
(USA)

*The Conference of the Parties is the supreme body of the FCTC. Any Secretariat arrangement that substitutes WHO authority for COP authority over the substantive work of the treaty would be in conflict with the FCTC itself.

Article 24(g) of the FCTC directs that, in addition to duties specified by the Convention, the Secretariat must perform such other functions "as may be determined by the Conference of the Parties." This language clearly indicates that the COP is to exercise authority over the Secretariat.



Courtesy: Jessie Lee

Way to go, BAT!

In the small town of Karceh, in Cambodia, these attractive young women were observed passing out free Aspen brand cigarettes in 2003.

If Cambodia had ratified and implemented the FCTC, this would now be banned under Article 16(2) of the FCTC: "Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors."

A number-cruncher's guide to the FCTC

As of 30 January 2005, the FCTC has

- 54 parties
- 168 signatories
- 170 participants (includes two countries, Nauru and Armenia, that have become parties through accession without prior signature).

The 54 parties so far represent 37.4% of the

world's population. India is the most populous of the Parties, representing 16.7% of the world's population.

The 170 participants represent 91.4% of the world's population.

There are 194 eligible Parties, including 192 WHO members, plus the EC, plus Liechtenstein (which is not a WHO member but is a member of the UN).

Who's Hot and Who's Not

Position	Region	Ratification rate	That means	Who are...
1	SEARO	72%	8 out of 11	Bangladesh, Bhutan, India, Maldives, Myanmar, Sri Lanka, Thailand, Timor-Leste
2	WPRO	48%	13 out of 27	Australia, Brunei Darussalam, Cook Islands, Fiji, Japan, Marshall Islands, Mongolia, Nauru, New Zealand, Palau, Singapore, Solomon Islands, Vietnam
3	EURO	29%	16 out of 54	Armenia, Denmark, Finland, France, Germany, Hungary, Iceland, Lithuania, Malta, Netherlands, Norway, San Marino, Slovakia, Spain, Turkey, United Kingdom
4	EMRO	18%	4 out of 22	Jordan, Pakistan, Qatar, Syria
5	AMRO	17%	6 out of 35	Canada, Mexico, Panama, Peru, Trinidad and Tobago, Uruguay
6	AFRO	15%	7 out of 46	Ghana, Kenya, Lesotho, Madagascar, Mauritius, Senegal, Seychelles

*Congratulations to Senegal and the Netherlands for being the latest countries to ratify the Framework Convention!
It's not too late to join the party...*

FRAMEWORK CONVENTION ALLIANCE

The Framework Convention Alliance (FCA) is an alliance of NGOs from around the world 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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Dirty Ashtray Award

To the countries that have not yet started the process of ratification.



Orchid Award

To the 54 countries that have already ratified, and the other countries that are in the process of doing so.

