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.
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.

Deborah Arnott ASH (UK)
and
Rob Cunningham Canadian Cancer Society
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

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

"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."

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
Ubinig, Bangladesh
**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

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**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
Jeewaka Foundation - Sri Lanka