



TOBACCO TREATY

Background

The World Health Organization Framework Convention on Tobacco Control (FCTC) represents the first coordinated global effort to reduce tobacco use, and is the world's first public health treaty. Entered into force on February 27, 2005, the FCTC requires countries that have ratified it to implement scientifically proven measures to reduce tobacco use and its terrible toll on health, lives and money.

If effectively implemented, the tobacco treaty will be a fundamental turning point to reduce tobacco use and its devastating consequences around the world. As of June 2011, 174 nations have ratified the treaty.

Provisions

The objective of the FCTC is "to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke." This legally binding treaty provides nations with general guidelines and provisions to reduce the devastating health and economic impact of tobacco on countries, but the articles of the document that more specifically address approaches to reduce tobacco use are primarily in Parts III and IV of the treaty.

- Article 5.3 emphasizes the need to protect public health policies from commercial and other vested interest of the tobacco industry.
- Article 6 emphasizes the importance of higher tobacco product prices, particularly through taxation, to discourage tobacco use.
- Article 8 emphasizes the dangers of secondhand smoke and legislation to restrict exposure to tobacco smoke.
- Article 9 and Article 10 relate to the contents of tobacco products and the importance of requiring tobacco manufacturers to publicly disclose ingredients.
- Article 11 focuses on tobacco product packaging and labeling, especially to prohibit the use of false and misleading terms such as "light" and "low-tar" on product packaging. This article also lists specific guidelines for package warning labels.
- Article 13 asserts the need for comprehensive bans (or restrictions where comprehensive bans are constitutionally prevented) on tobacco advertising, sponsorship, and promotion, including cross-border advertising. Until such bans or restrictions can be implemented, this article also lists provisions for tobacco advertising, such as requiring health warnings on all advertising, promotional, or sponsorship products, requiring marketing expenditure disclosures, prohibiting false or misleading claims on marketing items, and prohibiting purchasing incentives.
- Article 14 emphasizes the importance of providing cessation help and treatment for tobacco dependence.
- Article 15 asserts the need for legislation and action to eliminate the illicit trade of tobacco products, including package labeling to identify source countries of tobacco products, monitoring and data collection to track trade, and coordination between national agencies to effectively address and prevent this problem.
- Article 16 seeks to prevent sales of tobacco products to minors through sales restrictions and specific guidelines (for product placement, for instance), prohibiting free product giveaways, prohibiting single or small packs of cigarettes, vending machine bans, and enacting appropriate legislation to prevent access to tobacco by minors.

The Conference of the Parties

The Conference of the Parties (COP) is the governing body of the FCTC, adopting by consensus the different guidelines and other regulatory aspects of the Convention.

First Session (COP-1)

The first Conference of the Parties took place at the beginning of February 2006 in Geneva, Switzerland. Two important outcomes from COP-1 were the establishment of working groups to develop protocols on cross-border advertising (Article 13) and the illegal tobacco trade (Article 15). In addition, a group was formed to study viable alternatives to growing and producing tobacco in countries that are economically dependent on tobacco production.

Second Session (COP-2)

The second Conference of the Parties took place in late June to early July 2007 in Bangkok, Thailand. All 146 parties in attendance voted to accept the strong guidelines of Article 8 to establish 100% smoke-free public places and workplaces, without exceptions. The Parties at COP-2 also agreed to begin negotiations on the protocol on the illicit tobacco trade, develop draft guidelines on industry interference (Article 5.3), regulation and disclosure of tobacco product ingredients (Article 9 and Article 10), tobacco product packaging and labeling (Article 11), education, communication, and public awareness (Article 12), tobacco advertising, promotion, and sponsorship (Article 13), and tobacco dependence and cessation (Article 14). The Parties also decided to continue work on finding economically viable options to tobacco growth and production that started at COP-1.

Third Session (COP-3)

The third Conference of the Parties took place in late November 2008 in Durban, South Africa. The Parties adopted strong guidelines for the implementation of Article 5.3 (industry interference), Article 11 (warning labels) and Article 13 (tobacco advertising, promotion and sponsorship). The Parties also agreed to continue working on illicit trade protocols, develop draft guidelines on the regulation of contents of tobacco products and of tobacco product disclosures (Articles 9 and 10), and on education, communication, training and public awareness (Article 12). Working groups were also established for Article 14 (cessation) and Article 17 and 18 (alternatives to tobacco growing).

Fourth Session (COP-4)

The fourth Conference of the Parties took place in November 2010 in Punta del Este, Uruguay. The Parties adopted guidelines for the implementation of Article 12 (education programs), Article 14 (cessation) and adopted partial guidelines for Articles 9 and 10 (ingredient regulation). The Parties also agreed to work on protocols for illicit trade, develop draft guidelines on tax (Article 6) and to create an expert group on cross-border advertising.

Impact

In addition to increasing public awareness of the tobacco epidemic and of tobacco companies' marketing tactics in countries around the world, the treaty has strengthened the global tobacco control movement itself. Specifically, it has:

- Given new impetus to efforts to enact or strengthen national legislation and action to control the harm caused by tobacco.
- Helped mobilize national and global technical and financial support for tobacco control.
- Brought new government ministries and agencies, including those dealing with foreign affairs and finance, more deeply into the tobacco control effort.
- Mobilized non-governmental organizations (NGOs) and other members of civil society in support of stronger tobacco control.

Supportive Efforts

To support the development of a strong FCTC and combat tobacco industry tactics, almost 300 NGOs from more than 100 countries around the world formed the Framework Convention Alliance (FCA). This coalition plays a key role in educating policymakers and strengthening cooperation for strong tobacco control issues across borders.