Paper

The Application of International Law into National Law, Policy and Practice

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EXECUTIVE SUMMARY

The terms of reference for this paper include an exploration of the various means of application of international law into municipal law, policy and practice. The ramifications of this exploration would lead to proposals for the effective implementation of a specific treaty at national level C a global tobacco control convention. The purpose of the paper, therefore, is to analyse the manner in which international treaties, particularly international environmental treaties, have helped to strengthen national legislation and action to address specific environmental issues. This process, it is hoped will help provide some pointers for the Framework Convention on Tobacco Control (FCTC) process.

The paper concentrates on the application of international Conventions in East Africa paying particular attention to Uganda, and draws lessons therefrom. The relationship between international law and municipal law, both the theoretical and practical aspects, is discussed in order to contextualise the East African practice and provide a background to the legislative process required for the implementation of international law in national law. Alternatives are suggested in the event that the prescribed legislative process is not forthcoming. An attempt is be made to look at the institutions established by the relevant laws to effect international obligations. The pre-negotiation stage is looked at in as far as it has an impact on the input into a treaty and paves the way for that treaty's acceptance and implementation in national legislation.

Specific examples of international legislation in national law are given to illustrate the transformation of international law into national law. Uganda's implementation of the United Nations Convention on Biological Diversity, 1992 through the enactment of the National Environment Statute 1995, the Uganda Wildlife Statute 1996 and related policies; implementation of the Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972 and the Convention on Wetlands of International Importance as a Waterfowl Habitat, 1971 are discussed. The situation in Kenya is also discussed.

The paper notes the importance of effective national multi-sectoral and inter-disciplinary institutions in paving the way for the acceptance and ratification of treaties, and in ensuring the implementation of treaties through building a critical mass, inputing into the treaty making process and identifying national implementation needs. Already existing institutions could be utilised if a country is unable or unwilling to establish a new institution.
The paper concludes by noting the importance of political will and stakeholder participation in the acceptance and implementation of treaties.
1.0 INTRODUCTION

The terms of reference for this paper include an exploration of the various means of application of international law into municipal law, policy and practice. The ramifications of this exploration would lead to proposals for the effective implementation of a specific treaty at national level: a global tobacco control convention. The purpose of the paper, therefore, is to analyse the manner in which international treaties, particularly international environmental treaties, have helped to strengthen national legislation and action to address specific environmental issues. This process, it is hoped will help provide some pointers for the Framework Convention on Tobacco Control (FCTC) process.

The paper will concentrate on the application of international Conventions in East Africa paying particular attention to Uganda, and draw lessons therefrom. The relationship between international law and municipal law, both the theoretical and practical aspects, will be discussed in order to contextualise the East African practice. Furthermore, this will provide a background to the legislative process required for the implementation of international law in national law; and suggest alternatives in the event that the prescribed legislative process is not forthcoming. An attempt will be made to look at the institutions established by the relevant laws to effect international obligations. The pre-negotiation stage will be looked at in as far as it has an impact in the input into a treaty and paves the way for that treaty's acceptance and implementation in national legislation.

2.0 THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW

2.1 The Theories

Although the distinction between international law and municipal law has become less distinct during the 20th century, the definitions still hold true. Municipal law governs the domestic aspects
of government and deals with issues between individuals, and between individuals and the administrative apparatus, while international law focuses primarily upon the relations between states\(^1\).

The relationship between international law and municipal law has been the subject of much doctrinal dispute between what is known as the "dualist" school of thought, on the one hand, and the "monist" school of thought on the other hand.\(^2\)

According to the dualists, the rules of the systems of international law and municipal law exist separately and cannot purport to have an effect on, or overrule, the other; a recognition of the fundamentally different nature of inter-state and intra-state relations and the different legal regimes used in municipal law and international law. Being separate systems, international law does not as such form part of the municipal law of a state. When in particular instances rules of international law may be applicable within a state, they do so by virtue of their adoption by the internal law of the state, and apply as part of that internal law and not as international law. Therefore the question of the supremacy of one system of law over the other is avoided since they share no common field of application. Each is supreme in its own sphere.

The monists accept a unitary view of law as a whole based either on formalistic logical grounds as espoused by Kelsen\(^3\), or strong ethical concerns as argued by Lauterpacht.\(^4\) Thus, the monists

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\(^3\) General Theory of Law and State, 1945.
submit that the various national systems derive from the international legal system. Since international law can therefore be seen as essentially part of the same legal order as municipal law, and as superior to it, it can be regarded as incorporated in municipal law. Consequently, there would be no difficulty in its application as international law within states.

Fitzmaurice argues that the logical consequences of both theories conflict with the way in which international and national organs and courts behave. No system is superior or inferior to the other; each operates within its own sphere as a distinct legal system. The systems, therefore, do not come into conflict as systems but a conflict of obligations may occur or an inability for the state on the domestic plane to act in the manner required by international law. The consequence of this "inability" by the state is a breach of the state's international law obligations for which it will be internationally responsible, and in respect of which if cannot plead the condition of its domestic law by way of absolution.

The East African countries, forming part of the British Commonwealth, lean towards dualism as will be further elaborated.

2.2 The Practical Aspects

How do states, within the framework of their internal legal order, apply the rules of international law; and how is a conflict

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92 Hague Recueil (1957).
between a rule of international law and a national rule of law to be resolved? This calls for an examination of the application of international law in municipal law.

The general rule is that a state which has broken a rule of international law cannot justify itself by referring to its municipal law; otherwise international law would be evaded by passing appropriate domestic legislation.\(^6\) Article 27 of the Vienna Convention on the Law of Treaties, 1969, is very clear about this. Under the principle of pacta sunt servanda, a state is under the duty to honor its international obligations even if it means changing its municipal law. This view has been applied in various international cases. The British in the Alabama Claims Arbitration,\(^7\) sought to rely on lack of domestic legislation to avoid liability. Their defence was defeated on the ground that the British government could not justify itself for a failure in due diligence on the plea of insufficiency of the legal means of action it possessed.

There is a general duty to bring municipal law into conformity with obligations under international law. As decided in the Exchange of Greek and Turkish Populations Case\(^8\) a state which has contracted valid international obligations is bound to make in its legislation such modifications as may be necessary to ensure the fulfilment of the obligations undertaken. If it does not do so, a state cannot rely on its own legislation to limit the scope of its international obligations.\(^9\) It is a generally accepted principle of international law that in relations between states who are contracting parties to a treaty, the provisions of municipal law cannot prevail over those of the treaty;\(^10\) even if that municipal law is the state's own

\(^6\) SHAW, supra, page 102.
\(^7\) (1872)1 Int. Arb. 495.
\(^8\) 1925 P.C.I.J. Reports Series B No.10.
\(^9\) The Free Zones Case, 1932 P.C.I.J. series A/B No. 46.
\(^10\) The Greco-Bulgarian Communities Case (1930) P.C.I.J. series B. No.17.
Likewise, a state once it has ratified a treaty, cannot successfully amend its domestic legislation with a view to evading obligations incumbent upon it under international law. In such a situation, international law prevails over municipal law. As stated in the United Nations Headquarters opinion, on the international legal plane, national law cannot derogate from international law.¹²

Thus, a state that is uncertain about the compatibility of its policy on a particular issue would desist from ratifying a treaty that would oblige it to amend legislation that it is not ready to amend, especially so in view of the numerous international law decisions in this area.

3.0 THE PROCESS THROUGH WHICH INTERNATIONAL LAW IS APPLIED IN EAST AFRICA

As noted earlier, the East African states of Uganda, Kenya and Tanzania, lean towards dualism. Thus application of an international treaty would commence in the municipal legal regime, on the transformation of such treaties into national legislation. Thereafter the principles enunciated in that treaty would be

¹¹ The Polish Nationals in Danzing case (1931) P.C.I.J. series A/B, No. 44.

3.1 Ugandan Practice

Implementation is defined as a process which includes the execution of the treaty by the organs of the state.\textsuperscript{13} Previously in Uganda, the President had constitutional powers to negotiate and sign treaties either personally or through his delegates. The power to ratify treaties was given to Cabinet.\textsuperscript{14} Under the current Constitution, the President or a person authorised by the President still have the powers to make international agreements or other arrangements between Uganda and any other country or between Uganda and any international organisation or body in respect of any matter.\textsuperscript{15}

The 1995 Constitution did not address the issue of ratification and left it in abeyance. The new Parliament was directed to make laws to govern the ratification of treaties or other arrangements made under article 123(1) of the Constitution.\textsuperscript{16} This provision created an impasse with many treaties unratified until an enabling law was passed in 1998. The Ratification of Treaties Act, 1998, is in some ways a re-statement of the pre-1995 position. Cabinet is responsible for the ratification of all treaties except treaties that relate to armistice, neutrality or peace; or treaties in respect of which the Attorney-General has

\textsuperscript{13} UNEP, Environmental Law Training series, Vol.2, p.205.
\textsuperscript{14} The Constitution of the Republic of Uganda, 1967.
\textsuperscript{15} Article 123 (1), the Constitution of the Republic of Uganda, 1995.
\textsuperscript{16} Article 123(2), ibid.
certified in writing that its implementation would require an amendment of the Constitution.\textsuperscript{17} Such treaties can only be ratified by Parliament by resolution.

The implication of this provision is that the Attorney-General, as legal advisor to Government, would have to analyse each treaty before it is forwarded to Cabinet for ratification. During this process, the Attorney-General would determine whether or not the ratification of a particular treaty would necessitate an amendment of the Constitution. In view of the fact that Uganda's foreign policy objectives include her active participation in international organisations that stand for the well-being and progress of humanity,\textsuperscript{18} it is unlikely that ratification of a Global Tobacco Convention would require such amendment. However, if the provisions of such Convention were interpreted to amount to a hinderance to national development, for instance, then perhaps ratification could be delayed or denied by operation of the Ratification of Treaties Act.\textsuperscript{19}

Treaties ratified by Cabinet have the instrument of ratification signed, sealed and deposited by the minister responsible for foreign affairs.\textsuperscript{20} It is unclear who bears the responsibility of signing and sealing treaties ratified by Parliament by resolution. The Speaker of Parliament by the authority given to him by the National Assembly Act and the 1995

\textsuperscript{17} Section 3, Ratification of Treaties Act, 1998.
\textsuperscript{18} Objective XXVIII (ii), Constitution of the Republic of Uganda, 1995.
\textsuperscript{19} Section 3(b)(ii).
\textsuperscript{20} Section 4.
Constitution would be the most likely person to execute such instrument. This, however, is debatable since the law does not make express provision for this. All treaties ratified by Cabinet must be laid before Parliament as soon as possible.\textsuperscript{21} Parliament would then be informed about the status of treaties and perhaps initiate action to make the treaty applicable in Ugandan law. The Ratification of Treaties Act, like previous laws, is silent on the status of treaties within Ugandan law; and thus the "dualist" position is maintained.

3.2 Kenyan Practice

In Kenya, the authority to sign treaties vests, by practice, with the Minister of Foreign Affairs. This is a grey area in which there is no express law, and this ministerial practice has now attained the force of law\textsuperscript{22}. As regards the ratification process, there is no specific ratification act as such but the process is regulated through the administrative process of government circulars and "regulations". If an international convention concerns a specific Ministry, that Ministry prepares a cabinet paper relating to that convention for cabinet approval. Thereafter, the instrument of ratification and accession is prepared, signed and deposited by the Ministry of Foreign Affairs.

As mentioned earlier, international law only becomes applicable in East Africa after it has been transformed into municipal law. An old Kenyan case makes this very clear. In East African Community

\textsuperscript{21} Section 5.
\textsuperscript{22} information obtained from the Ministry of Foreign Affairs, Nairobi, Kenya
versus Republic\textsuperscript{23}, it was held that the provisions of a treaty entered into by the Government of Kenya do not become part of the municipal law of Kenya save in so far as they are made such by the law of Kenya. Thus the dualist position prevails in Kenya.

4.0 INTERNATIONAL LEGISLATION IN NATIONAL LAW: SOME EXAMPLES.

Legislation has been described as the highest form of policy articulation, while policy is a general statement of aims or desirable goals in relation to given circumstances. Policy is stated and approved by government by publication in the official gazette for use by the appropriate government institutions as a guide for all their activities.\textsuperscript{24} As noted earlier, it is only when international treaties have been transformed into national law and policy, that they become applicable in Uganda. An analysis of a few international treaties will illustrate this.

4.1 The Biodiversity Convention, 1992

The United Nations Convention on Biological Diversity, 1992, (the Biodiversity Convention), was signed by Uganda in 1992 and ratified soon thereafter in 1993. Its provisions are now applicable in Uganda by virtue of the National Environment Statute, 1995 and regulations made thereunder, and the Uganda Wildlife Statute, 1996. The objectives of the Convention are restated in the National Environment Management Policy, 1994, the Environment Statute and the

\textsuperscript{23}(1970) E.A 457

Wildlife Statute. The Environment policy is the basis on which the Environment Statute is made. Though policy in Uganda cannot be relied on as the basis for any legal action, it can be referred to in contentious matters to clarify issues and provide direction. The Convention's objectives to conserve biological diversity, promote the sustainable use of its components, and encourage equitable sharing of the benefits arising out of the utilisation of genetic resources form an integral part of the principles of environment management in Uganda.\textsuperscript{25} The Environment Statute defines biological diversity as the variability among living organisms from all sources and the ecological complexes of which they are part; this includes diversity within species, between species, and of ecosystems.\textsuperscript{26} Genetic resources in the same Statute are defined as genetic material of actual or potential value;\textsuperscript{27} definitions derived from Article 2 of the Convention.

The restatement of the principle of national sovereignty over domestic resources, and the placing of a duty on State parties to conserve biological diversity within their jurisdiction, as well as outside their jurisdiction in certain cases,\textsuperscript{28} is re-echoed in the Environment Statute.\textsuperscript{29} The responsibility of States in respect to in-situ conservation\textsuperscript{30} and ex-situ conservation\textsuperscript{31} of biodiversity as provided for under the Convention are reinforced by the Environment

\begin{itemize}
\item \textsuperscript{25} Section 3.
\item \textsuperscript{26} Section 2.
\item \textsuperscript{27} Ibid.
\item \textsuperscript{28} Article 4, Biodiversity Convention.
\item \textsuperscript{29} Sections 43 and 44.
\item \textsuperscript{30} Article 8.
\item \textsuperscript{31} Article 9.
\end{itemize}
Statute that urges conservation of biodiversity in situ wherever possible, and ex-situ only in instances where the former is impossible. The Wildlife Statute then elaborates on these provisions.

Article 15 of the Convention makes provisions concerning access to genetic resources which provisions are reiterated in section 45 of the Environment Statute. The Convention's provisions relating to cooperation between State Parties in preserving biological diversity in areas out of national jurisdiction; undertaking environmental impact assessment of projects that are likely to have significant adverse effects on biological diversity; formulating plans or programmes for the conservation and sustainable use of biodiversity and State Parties providing for research, training, and general education and awareness on the identification, conservation and sustainable use of biodiversity; are all provided for in national legislation, policy and action plans.

The Environment Statute was formulated as a framework law addressing all known environmental issues as they then presented themselves. The purpose of the Statute was to provide basic principles and guidelines on environmental matters that would ensure sound environmental management in all sectors. The Statute would then be further effected through the formulation of appropriate sectoral legislation, and regulations to be made under the Environment Statute itself. The Environment Statute provides for

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32 Article 5.
33 Article 14.
34 Article 6.
35 Articles 12 & 13.
environment impact assessment of every project that is likely to have an impact on the environment.\textsuperscript{36} Environment is defined in section 2 to include the biological factors of animals and plants. The Wildlife Statute affirms the requirements of environment impact assessments in instances where they are needed as provided for under the National Environment Statute.\textsuperscript{37} In this way the Wildlife Statute acknowledges and applies the provisions of the earlier made framework law on the environment within its particular sphere of operation. Environment impact assessment is extensively provided for in the Environment Impact Assessment Regulations, 1998, made under the Environment Statute.

Both the Environment Statute and Wildlife Statute make general provision for regional and international cooperation.\textsuperscript{38} This was taken a step further by formulating and implementing a programme under the auspices of the National Environment Management Authority,\textsuperscript{39} for conservation of cross-border biodiversity with Kenya and Tanzania.

As regards formulation of plans for the conservation and sustainable use of biodiversity, this is done at national and local levels. The Environment Statute provides for a National Environment Action Plan to be made once every five years.\textsuperscript{40} The plan would identify priorities, and lay down strategies for the attainment of sound environment management. At the local level, each district is

\textsuperscript{36} Sections 20-22.  
\textsuperscript{37} Section 16.  
\textsuperscript{38} Section 107, Environment Statute.  
\textsuperscript{39} Section 5, National Environment Statute.  
\textsuperscript{40} Sections 18 and 19.
enjoined to make a District Environment Action Plan that is in compliance with the National Environment Action Plan, and influenced by the local environment profiles submitted by sub-counties. The underlying principle in environmental planning is that prevention is better than cure. The rational for planning is that actions should be based on well considered thinking. Flexibility and adaptability are taken into account when preparing the plans. The plans cover various areas including biodiversity.

Environmental education both formal and informal is provided for in the Statute. Through education and awareness it is hoped that behavioural change will be attained thus ensuring compliance with Uganda's national and international obligations. A formal and informal education strategy has been launched and provide for biodiversity among other provisions. A Wildlife Education Centre has been established for specific training in biodiversity, and for preservation of biodiversity ex-situ. Levels of compliance are monitored through reporting, and through the publication of a State of the Environment report once every two years. Policy and plans can then be amended to address emerging trends.

Uganda's commitment to implement its international obligations in the area of the environment are an indication of the rate and intensity with which international law can be incorporated into municipal law; especially when the political will to do so is so strong. The challenge in the current case, is to build or influence such political will in the area of public health. Borrowing from the

41 Section 79, 87.
experience of the environment, public health in East Africa should adopt a pro-active rather than a reactive strategy.

4.2 The World Heritage Convention, 1972

The Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972, (World Heritage Convention) was formulated to establish an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organised on a permanent basis and in accordance with modern scientific methods. In article 4, the Convention recognises the State's duty to identify, protect and conserve for future generations, the cultural and natural heritage within its borders. State Parties are enjoined to integrate the protection of their heritage into comprehensive planning programmes and set up services for the protection of their heritage.42

The World Heritage Convention applies in Uganda through the provisions of the National Environment Statute.43 The National Environment Management Authority, and the lead agency, which in this case is the Ministry responsible for tourism, are mandated to issue guidelines in this area.

4.3 The Wetlands Convention, 1971

The Convention on Wetlands of International Importance Especially as a Waterfowl Habitat, 1971 was ratified by Uganda in 1988. Wetlands are provided for in the Environment Statute and in

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42 Article 5.
43 Section 50.
the National Wetlands Policy. The Environment Statute prohibits all activities in wetlands, with the exception of traditional activities, until regulations concerning utilisation of wetlands are gazetted. The traditional activities permitted include fishing using traditional baskets and harvesting of materials like reeds for the production of crafts.

Radical action of this nature was necessary if the wetlands of Uganda were to be saved. At the time of enactment of the Environment Statute, Uganda had lost about half of its wetland cover. The provision, therefore, seeks to attain the objective of the Wetlands Convention which is to stem the progressive encroachment on the loss of wetlands now and in the future, recognising the fundamental ecological functions of wetlands and their economic, cultural, scientific and recreational value. State Parties are enjoined to designate national wetlands, and to cooperate in the exchange of information and train personnel for wetland management.

In Uganda, a National Wetlands Programme has been operational for more than five years. Personnel have been trained in this area and education and sensitisation campaigns have been carried out. The level of progress is, however, slow. The bid to expand agriculture and establish industries has lead to malpractices like monoculture and gazetting of wetlands as industrial areas thus destroying them. The planning authorities are now aware of the limitations imposed by law and are beginning to comply.

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Section 37-38.
Article 2.
The wetlands issue in Uganda is further compounded by the institutional management problems facing this sector. Though previously, wetlands were under the direct mandate of the National Environment Management Authority, it was thought wise to establish a Wetlands Inspectorate Division under the Department of Environment in the Ministry responsible for Environment. This division has to go through three levels of bureaucracy before its Head can bring a matter to the attention of the Minister responsible for the environment. The end result has been that wetlands issues have been further relegated. It is therefore important to provide for the establishment of effective national institutions to implement the provisions of international agreements and monitor these institutions to ensure that the initial impetus is maintained until the objectives have been attained.

4.4 The Situation in Kenya

The Kenyan Parliament has not passed the Environment Bill despite its having been prepared and revised a number of times. The Bill is similar to Uganda's Environment Statute in many respects and would do for Kenya what it has done for Uganda. However, it appears that the political will to pass such a law is lacking, and Parliament is either not interested or is unable to ensure that such law is passed. This once again reinforces the proposition that it is of utmost importance to gain support for an innovative bill long before such a bill is tabled.
Kenyan environmental activists have had to rely on the law of tort, or administrative actions provided under sector specific legislation to further environmental interests. On the other hand, it is amazing that despite the wealth of environmental laws that Uganda has at the moment, there has been no concluded case on the environment. This reflects the level of awareness of civil society, and the conceptualisation of environmental issues by the Judiciary; points worth noting in this instant campaign.

The fact that Kenya has a bill on tobacco places Kenya way ahead of its East African partners. A recent article in the East African reported that the British American Tobacco company was insisting on tobacco companies being involved in the bill making process since the outcome of the bill would affect not only the manufacturers but the entire industry including farmers, retailers, suppliers and distributors. The company's concern is said to have arisen out of the proposal to place severe limits on tobacco advertising which is viewed as a vital component of consumer marketing. There is therefore, a legitimate fear that this bill may end up on the shelf like the environment bill. In Uganda medical practitioners have started a similar campaign. The State has ruled out a ban on tobacco advertising arguing that the country cannot afford to do without tobacco revenue in the short run.

In the event that the Government of Kenya declines to sign or ratify the proposed treaty on tobacco control, and the Parliament does not pass the bill on tobacco control, the activists in this

area can seek to rely on existing laws and advocate for further regulations to be made to encompass tobacco. For instance, Kenya has a Factories Act which was amended in 1990. The Act, as amended, applies to factories and to other places of work. The eighth schedule to the Act lists prescribed occupational diseases by describing the disease or injury and the nature of occupation that could cause or lead to such disease. Tobacco related diseases are not included in this schedule. A campaign could be launched to have them included since the scientific evidence in this area is overwhelming. This could ultimately lead to a ban on smoking in designated places. Although this is far from what the FCTC process wishes to accomplish, it would be better than nothing.

5.0 POSSIBLE SCENARIOS

In view of the foregoing, a number of options could be adopted. An international Convention may be drafted, signed and ratified by the State parties, and enacted as domestic legislation. Obviously, the State adopting the Convention would ensure that its interests are well protected. Alternatively, a specific tobacco bill could be made and passed. Such a bill without any international backup would be difficult to implement against the all powerful multinational companies whose monies developing countries keep arguing they badly need. Tobacco could be addressed through a health policy and law. If none of these can work in the short term, then issuing subsidiary legislation under existing legislation may be the only practicable solution.
6.0 THE IMPORTANCE OF INSTITUTIONS

One lesson that has been learnt both by the international community and by the respective governments, is the importance of efficient national institutions in order to ensure that a treaty is accepted, in the first place, and is implemented once it has been transformed into national law. There is therefore a need, in the instant case, for a multi-sectoral interdisciplinary institution (secretariat or committee) to be established. Such a body would serve various purposes. It would be of great importance in building a critical mass that would change the priorities of governments. Such an influential mass can be developed through sensitisation and creation of public awareness about the effects of tobacco on human health and the action that can be taken to counteract such effects. Furthermore, the institution established would be able to input into the treaty making process by providing insights into the country situations, and give suggestions on what should be incorporated into the treaty. Finally, the body would pave the way for the treaty's acceptance and implementation in national legislation.

Through this secretariat capacity would be built for implementing the treaty, the members themselves having presumably undergone some form of induction. They would then in turn be able to identify the country's needs that would have to be addressed to ensure the successful application of the law. This may mean that further capacity may need to be built through training more personnel, and catering for logistical support which the governments may be unable or unwilling to provide.

In the event that it is not possible to create specific institutions for the purposes of the tobacco control process, already existing institutions could be utilised to advance the cause. Such institutions include National Human Rights Commissions, Ombudsmen, National Environment Authorities/Agencies, and specialised
institutions like National Children's Councils and Women's Commission's.

7.0 CONCLUSION

International law, particularly international conventions, are based on the will and consent of sovereign states. It is therefore imperative that that will be moved to adopt, apply and implement the proposed treaty on global tobacco control in national jurisdictions. Each stakeholder in this process has a crucial role to play if the treaty is to be truly successful.