Progress report on implementation assistance and international cooperation

Report by the Convention Secretariat

Purpose of the document

This report provides information on the progress on the implementation assistance and international cooperation.

Section A of the report provides an update on trade and investment issues, including agreements, as well as legal challenges in relation to the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC).

Section B of the report provides an update on international cooperation, including the Sustainable Development Goals (SDG) and South–South and Triangular cooperation for the implementation of the WHO FCTC, the global noncommunicable disease (NCD) targets and human rights.

Action by the Conference of the Parties

The Conference of the Parties (COP) is invited to note this report.

Contribute to the Sustainable Development Goals (SDGs), if applicable: SDG 3 & 17, and Target 3.4, 3.a.

Link to the workplan and budget: item 4.2 (South–South), 5.1, 5.2 and 5.3 (international cooperation, NCDs and SDGs).

Additional financial implications if not included in the workplan and budget: None.

Author team(s): Coordinated by the Governance and International Cooperation Team with the input from the Legal, Trade and Protocol Team, the Reporting and Knowledge Management Team, and the Office of the Head team.

Related document(s):
A. TRADE AND INVESTMENT ISSUES, INCLUDING AGREEMENTS, AND LEGAL CHALLENGES IN RELATION TO THE IMPLEMENTATION OF THE WHO FCTC

1. In March 2018, the Convention Secretariat launched its Article 19 Civil Liability Toolkit. The toolkit website consists of an interactive guide for tobacco victims, health-care providers, insurers, civil society groups and lawyers who want to take legal action against the tobacco industry. The toolkit provides various scenarios that can be adapted so that they best suit the context of the situation of the users of the tool.¹

2. The WHO FCTC Secretariat’s Knowledge Hub on Legal Challenges at the McCabe Centre for Law and Cancer has conducted three intensive legal training courses since the seventh session of the Conference of the Parties (COP7), with 48 participants from 31 Parties to the Convention. The workshops included a number of sessions and practical exercises aimed at assisting Parties to protect their regulatory capacity, as well as lessons learned from recent litigation at the domestic and international levels.

3. The Knowledge Hub launched its website in April 2017.² The website documents recent developments and decisions on tobacco control in international trade and investment tribunals, and regional and domestic courts. These include information on the recently concluded investment cases brought by Philip Morris International companies against Parties and decisions on challenges against Norway’s and the European Union’s tobacco control measures under regional economic integration agreements.

B. INTERNATIONAL COOPERATION INCLUDING SUSTAINABLE DEVELOPMENT GOALS, GLOBAL NCD TARGETS, HUMAN RIGHTS AND SOUTH–SOUTH AND TRIANGULAR COOPERATION FOR THE IMPLEMENTATION OF THE WHO FCTC

4. The International Cooperation Framework to promote the implementation of the WHO FCTC was presented to COP7. It focuses on implementation of the SDG Target 3.a, and coordination with the United Nations Economic and Social Council (ECOSOC), cooperation with international intergovernmental organization (IGO) and nongovernmental organizations (NGO) observers, treating South–South and Triangular cooperation as a main pillars of international cooperation, contributing to the NCDs Global Monitoring Framework Tobacco Target and coordination with United Nations Interagency Task Force on the Prevention and Control of the Non-communicable Diseases (UNIATF), and promoting human rights and coordination with Office of the High Commissioner of Human Rights (OHCHR).

5. Decision FCTC/COP7(29) containing the Delhi Declaration calls on Parties to “actively pursue the achievement of SDG Target 3.a, and strengthen the implementation of the WHO FCTC” and to request the Convention Secretariat to take the lead in coordinating support to the Parties for this effect. It also calls on Parties to “promote a strengthened United Nations and bilateral interagency collaboration at the national, regional and international levels towards assisting WHO FCTC implementation”.

6. COP7 adopted decisions FCTC/COP7(27) on contributions of the COP to achieving NCD global target on the reduction of tobacco use and FCTC/COP7(26) on international cooperation for the implementation of the WHO FCTC, including human rights.

¹ http://untobaccocontrol.org/impldb/tobacco-control-toolkit/#/
² www.untobaccocontrol.org/kh/legal-challenges
MAIN ACHIEVEMENTS IN INTERNATIONAL COOPERATION

7. The Parties to the Convention facilitated and supported the adoption of the landmark ECOSOC resolution E/RES/2017/8 that endorsed the United Nations Model Policy to prevent interference from the tobacco industry among the United Nations agencies. The resolution calls upon members of UNIATF to ensure consistent and effective separation between the activities of the United Nations System and those of the tobacco industry. A Thematic Group on Tobacco Control under the UNIATF was established by the Ninth Meeting of UNIATF in November 2017. The Convention Secretariat chairs the group that includes the World Health Organization (WHO), the Food and Agricultural Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Environmental Programme (UNEP), the United Nations Children’s Fund (UNICEF) and the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat. One of the main objectives of the thematic group is to enhance the coordination of the United Nations Country Team (UNCT) to support countries to include implementation of SDG Target 3.a into the national SDG action plans.

8. Following the adoption of the ECOSOC resolution, the Board of the United Nations Global Compact (UNGC), strongly supported measures to align the organization’s exclusionary criteria with the United Nations System. On 12 September 2017, the UNGC announced that participating companies whose businesses involve manufacturing or producing tobacco products will be delisted effective 15 October 2017 and that the UNGC excludes future entry of the tobacco industry to the initiative.

9. The Model Policy was presented to the 129th Governing Body of the ILO in March 2017 to discuss ILO’s cooperation with the tobacco industry. Since then, the Convention Secretariat has attended three sessions of the ILO Governing Body where the proposal to end ILO’s funding from the tobacco industry was discussed. Though a final decision has not been reached yet, the Office of the ILO has proposed a halt in the funding from tobacco industry and to use its extrabudgetary funds to cover the projects for the transitional period.

SUSTAINABLE DEVELOPMENT GOALS

10. The Convention Secretariat continues to endorse the implementation of SDG Target 3.a. In addition to the COP, the President of the COP provided substantive input on behalf of the COP to the 2017 and 2018 High-level Political Forum on the SDGs held by ECOSOC. The submissions highlighted the contribution of the implementation of the WHO FCTC to achieve the SDGs and their overarching goal of leaving no one behind. The Convention Secretariat actively participated both in the 2017 and 2018 forums and used the opportunity to encourage the implementation of the WHO FCTC.

11. Consistent with decisions made by the COP, the Convention Secretariat has initiated a new project to assist Parties to strengthen implementation of the treaty. The FCTC 2030 project aims to support Parties to the WHO FCTC that are eligible to receive official development assistance (ODA) to achieve the SDGs by advancing implementation of the Convention. This includes the provision of direct, demand-driven expert advice, technical assistance, and peer support to build domestic capacity to improve tobacco control in line with available resources. One of the core elements of the FCTC 2030 Project is the provision of direct support to 15 selected Parties that have demonstrated considerable motivation to advance tobacco control. The assistance is focused

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3 See Target 3.a of Sustainable Development available at: https://sustainabledevelopment.un.org/sdg3. In addition to the health goal, the implementation of the WHO FCTC in Target 3.a also contributes to the achievement of many other SDGs, namely Goals 1, 2, 4, 5, 8, 13, 15, and 17.

on the achievement of the general obligations, implementation of the time-bound measures of the Convention and strengthening of tobacco taxation.

12. The Convention Secretariat participated in the first United Nations World Data Forum in Cape Town, South Africa, in January 2017. The meeting, organized by Statistics South Africa and the Statistics Division of the United Nations Department of Economic and Social Affairs (UNDESA), provided a platform of exchange of experiences and views on how SDG monitoring could be supported by data collectors and managers worldwide. The United Nations Statistical Commission, and its Inter-Agency and Expert Group on SDG Indicators (IAEG–SDG) accepted the Convention Secretariat, alongside WHO, to be the co-custodians of SDG Indicator 3.a. (Age-standardized prevalence of current tobacco use among persons aged 15 years and older), as a measurement for the progress made in implementation of SDG target 3.a. The Secretariat works with WHO, among others, by sharing information collected from the Parties’ implementation reports concerning tobacco-use prevalence in monitoring this indicator.

13. In addition, the Convention Secretariat also contributed to the 2017 report of the United Nations Inter-Agency Task Force on Financing for Development and a section on the WHO FCTC implementation is now featured on the partnerships in health section of the Task Force webpage.\(^5\)

14. The FCTC Secretariat and the United Nations Development Programme (UNDP) jointly published a discussion paper, *The WHO Framework Convention on Tobacco Control: An accelerator for sustainable development to mark World No Tobacco Day 2017.*\(^6\) This discussion paper outlines how the WHO FCTC implementation can contribute to advancing the wider SDG agenda.

**SOUTH–SOUTH AND TRIANGULAR COOPERATION FOR THE IMPLEMENTATION OF THE WHO FCTC**

15. As part of the international cooperation activities, the Convention Secretariat in collaboration with the UNDP and WHO organized a South–South and Triangular cooperation meeting in Montevideo, Uruguay, from 8 to 10 May 2017. Twenty-four Parties from all six WHO regions participated in the meeting. All parties will participate in at least one project. As a result of the meeting, as of the date of this report, eight South–South and Triangular cooperation projects were identified in the following areas of work: Article 5.2, Article 5.3, Article 6, Article 11, Article 14, Article 15, Article 19 and enforcement.\(^7\)

**THE GLOBAL NCD TARGETS**

16. In October 2017, the Convention Secretariat participated in the WHO Global Conference on NCDs that focused on how to enhance policy coherence to prevent and control NCDs. The roadmap document that was adopted at the conference in Montevideo calls upon all countries to accelerate the implementation of the WHO FCTC, as appropriate, as one of the cornerstones of the global response to NCDs.\(^8\)

17. On 17 October 2017, the Director-General of WHO announced the establishment of the WHO High-level Independent Commission on NCDs to advise the Director-General on bold, forward-looking, innovative – but also practical – recommendations on how to accelerate progress towards SDG Target 3.4 on NCDs. As part of the work of the High-level Commission, a technical consultation with leading NCD experts was organized in March 2018. The Convention Secretariat

\(^5\) See the link at: [https://developmentfinance.un.org/partnerships-health-0](https://developmentfinance.un.org/partnerships-health-0)


\(^7\) See details at: [http://www.who.int/fctc/implementation/cooperation/south-south/en/](http://www.who.int/fctc/implementation/cooperation/south-south/en/)

\(^8\) [http://www.who.int/conferences/global-ncd-conference/Roadmap.pdf](http://www.who.int/conferences/global-ncd-conference/Roadmap.pdf)
participated in the meeting and stressed the importance of strengthening governance of global NCD work and promoted policy coherence among different government agencies. The Convention Secretariat also recommended that the High-level Commission include in their report the “tobacco end game by 2030” as one of the bold ideas to prevent and control the global NCD epidemic.

18. In April 2018, the Convention Secretariat participated in the WHO Global Dialogue on Partnerships for Sustainable Financing of NCD Prevention and Control jointly organized by the WHO Global Coordination Mechanism and the Government of Denmark. The meeting provided a good opportunity to explore innovative financing concepts for the financing of national NCD responses, and the Convention Secretariat introduced the concept of the Investment case (COP document FCTC/COP/8/18) and has also drawn attention to the need to prevent conflicts of interest from the tobacco industry occurring in the financing of NCDs.

19. The third High-level Meeting of the United Nations General Assembly on NCDs will take place on 27 September 2018 in New York City. The meeting will undertake a comprehensive review of global and national progress achieved in putting measures in place that protect people from dying prematurely from cardiovascular diseases, chronic respiratory diseases, cancers and diabetes.

HUMAN RIGHTS

20. At COP7 (Delhi, India, 7–12 November 2016), the COP adopted decision FCTC/COP7(26) entitled International cooperation for implementation of the WHO FCTC, including on human rights. The WHO FCTC affirms the right of all people to the highest attainable standard of health, but the persistent interference of the tobacco industry hinders this ambition and its realization. In this regard the tobacco industry could also be seen as a transnational corporation accountable for wrongdoing with regards to human rights.

21. Therefore, in October 2017 the Convention Secretariat took part in a round-table multi-stakeholder discussion that was organized as part of the Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (Human Rights Council). The discussion analysed lessons from notable international treaties in regard to the organization of an effective negotiation process, as well as options and formats to be adopted. The Convention Secretariat was invited to discuss all aspects and processes that were instrumental in the successful negotiation of the WHO FCTC and the Protocol to Eliminate the Illicit Trade in Tobacco Products.

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