Tool 5. Model Terms of Reference for the NCM, NCM Representatives, NCM Secretariat, Tobacco Control Focal Point, and NCM Chair or President

A terms of reference (ToR) defines the roles and responsibilities of a position or an organization. For effective tobacco control governance, crucial is a clear ToR defining objectives, roles and responsibilities for each of the following: the NCM, NCM representatives, the NCM secretariat, the tobacco control focal point and the NCM president/chair. This tool provides common, non-exhaustive elements to include in these different ToRs, as well as sample language from the experience in Brazil.

Model ToR for the NCM

This sub-section presents general ToRs for national and sub-national coordinating mechanisms on tobacco control. The general NCM ToRs are not exhaustive and should be adapted and tailored to each Party’s needs and priorities. Brazil’s ToR for its NCM (CONICQ) is presented in Box 2 as an example of a country-specific ToR. As NCM ToRs establish the foundation of collaboration for all members, tobacco control focal points are encouraged to consult with key stakeholders on draft ToRs, allowing them to input and provide feedback.

General ToR for a national Level NCM\textsuperscript{29}

1. Provide political leadership and guidance to relevant sectors for tobacco control and implementation of the WHO FCTC.
2. Enhance and facilitate the integration of tobacco control in the policies and programmes of relevant Ministries and government agencies, and coordinate technical assistance for mainstreaming tobacco control in the work of relevant sectors at the national and subnational levels.
3. Provide a dynamic platform for dialogue, stocktaking and agenda-setting, and development of public policies for tobacco control.
4. Facilitate development, resourcing, monitoring and oversight of the multisectoral action plan on tobacco control, and monitor the implementation of the action plan.
5. Report on intergovernmental commitments pertaining to tobacco control.
6. Monitor the implementation of WHO FCTC Article 5.3 on protection of national tobacco control policies from commercial and other vested interests of the tobacco industry.

General ToR for a sub-national NCM\textsuperscript{30}

1. Ensure effective implementation of the multisectoral action plan on tobacco control.

\textsuperscript{29} Adapted from WHO, 2015. Approaches to Establishing Country-Level Multisectoral Coordination Mechanisms for the Prevention and Control of Noncommunicable Diseases. WHO Regional Office for South-East Asia. http://www.searo.who.int/entity/noncommunicable_diseases/documents/ncd-multisectoral-coordination.pdf?ua=1

\textsuperscript{30} Ibid
2. Coordinate with relevant sectors to mainstream tobacco control in their programme implementation at sub-national levels.
3. Identify and access local government resources for implementation of the plan.
4. Report on implementation of the plan to the national coordination mechanism.

Box 3) ToR of Brazil’s National Commission for the Implementation of the Framework Convention on Tobacco Control (CONICQ)

"Art. 8º: CONICQ is responsible for:

I advise Brazilian government on the decisions regarding to elaboration of national policies for ratification of the Framework Convention for Tobacco Control and on the effective fulfillment of the obligations described therein;

II advise Brazilian government on the negotiation and on the adoption of additional protocol appendixes, and amendments to the Framework convention as well as other events related to it

III articulate the organization and implementation of a governmental intersectorial agenda for the fulfillment of obligations described in the Framework Convention;

IV promote the development the implementation and the strategies evaluation, plans and program, as well as politics, legislation and other measures to fulfill the obligations described on the Framework Convention;

V identify, promote and facilitate the mobilization of financial resources for its operation, as well as to endorse the fulfillment of the obligations of the Framework Convention;

VI promote researches on topics related to issues of interest of the Framework convention;

VII establish a dialogue with institutions and national and international entities, whose objectives and activities might be of relevant contribution for matters within its competence;

VIII Requires, when appropriate, a cooperation and information of competent government bodies and other organizations or non-governmental bodies, international or national, as well as from experts on issues related to their areas of interest;

IX considering, when appropriate, the adoption of other actions that might be necessary to reach the objectives of the Framework Convention; and

X perform other attributions, when appropriate to comply with the Statute.

Model ToR for NCM representatives

ToRs for individual members of the NCM set the framework for collaboration. Some NCM assignees/representatives may have limited tobacco control knowledge. ToRs and other guidelines can ensure NCM representatives understand at minimum: their role on the NCM; the social and economic harms of tobacco; the goals of tobacco control; how their particular sector contributes to or could contribute to tobacco control; their country’s tobacco control legislation and regulations; the code of

31http://www2.inca.gov.br/wps/wcm/connect/699ade004cdef1bc8e9efeb91f33dc93/Procedure+Rules+of+the+National+Commission_Brazil.pdf?MOD=AJPERES&CACHEID=699ade004cdef1bc8e9efeb91f33dc93
conduct regarding interaction with the tobacco industry; WHO FCTC obligations; and their role in communicating tobacco control commitments to their ministry. In most cases, it will be necessary for the ministry that chairs the NCM to develop and facilitate implementation of curriculum to ensure that each member is properly informed. This sub-section presents a general, non-exhaustive ToR for NCM representatives, as well as the ToR for representatives from Brazil’s CONICQ (Box 3). Tobacco control focal points should consult key stakeholders on draft TORs, allowing them to provide feedback.

**General ToR for NCM representatives**

1. Represent the perspectives of NCM-member ministry/institutions on tobacco control policy and implementation.
2. Coordinate actions within their represented ministry/institution towards shared goals.
3. Present updates and report on the actions taken or not taken, and challenges faced.
4. Seek and offer solutions to advance work on the agreed goals.
5. Ensure ongoing communication with the NCM secretariat and other sectors.
6. Contribute to reporting of the NCM.

**Box 4) ToR for representatives on Brazil’s NCM (CONICQ)**

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<th>Art. 11 - It is incumbent upon members of the Commission:</th>
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[32](http://www2.inca.gov.br/wps/wcm/connect/699ade004cdef1bc8e9efeb91f33dc93/Procedure+Rules+of+the+National+Commission_Brazil.pdf?MOD=AJPERES&CACHEID=699ade004cdef1bc8e9efeb91f33dc93)
observe legal provisions of the Decree n.1.171 of June 24, 1994 and the Decree n.4.334 of August 12, 2002, considering the provisions in the Art 5.3 of the Framework Convention and its guidelines;

XIII forward to the Executive Secretariat, the Conflict of Interest Statement according to model recommended by the World Health Organization, which shall be kept in confidential file; and

XIV keep confidential the contents of the documents that were not considered as public documents by the Commission.

Model ToR for the NCM Secretariat

ToR for the NCM Secretariat may include, among other items

1. Sensitize key stakeholder ministries on concerns related to tobacco.
2. Organize meetings of the NCM.
3. Develop the agenda for NCM meetings in consultation with the Chair and other sectors.
4. Facilitate the development of the multisectoral, costed action plan for tobacco control.
5. Request reports on progress of work from stakeholder ministries and sub-national coordination bodies.
6. Follow up on decisions taken by the coordination body.
7. Arrange technical assistance to line ministries such as for health and environmental impact assessments of policies and capacity assessments of sectors.
8. Identify knowledge gaps and advance research priorities to inform policy decisions.
9. Support stakeholder ministries in accessing resources for implementing their commitments.
10. Facilitate bilateral/multilateral meetings to advance work on thematic issues and agreed upon goals.
11. Prepare consolidated reports on the implementation of the multisectoral action plan for tobacco control.
12. Facilitate monitoring and evaluation of the work of the mechanism against agreed national and global tobacco control targets.
13. Organize information sharing events such as national conferences and seminars, and participate in activities organized by other sectors.
14. Develop publications and information products explaining national tobacco control objectives and activities, and liaise with media to effectively disseminate the messages.
15. Sensitize key governmental groups such as parliamentary standing committees, as appropriate.
16. Provide national reports and materials for the WHO FCTC Conference of the Parties meetings.

Box 5) ToR for the Secretariat of Brazil’s NCM (CONICQ)

Art. 10. It is incumbent upon the Executive Secretary of CONICQ:

1. plan, organize, convocate and coordinate the ordinary and extraordinary meetings of the Commission;

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33 Ibid
34 http://www2.inca.gov.br/wps/wcm/connect/699ade004cdef1bc8e9efeb91f33dc93/Procedure+Rules+of+the+NCC+Commission_Brazil.pdf?MOD=AJPERES&CACHEID=699ade004cdef1bc8e9efeb91f33dc93
II provide technical and administrative support necessary to perform the activities of the Commission and the Working Groups Ad Hoc;

III prepare the minutes of meetings of the Commission and submit them to members for approval:

IV refer to the members of the Commission regarding to the approval of hearings for people who are not a member of the Commission, according to description of the single paragraph of article 2º of Decree of August 1st, 2003

V receive, investigate and submit the claims under Commission’s deliberations for legislation procedures

VI forward the Commission’s deliberations to the governmental bodies responsible for their implementation and provide due publicity;

VII promote intersectorial collaboration to implement public policies that require coordinate action; Secretaria Executiva da Comissão Nacional para Implementação da Convenção Quadro para o Controle do Tabaco - CONICQ Instituto Nacional de Câncer / Ministério da Saúde

VIII inform member of the Commission about national and international activities of interest to the Framework Convention for Tobacco Control;

IX consolidate the intersectorial agenda with the responsibilities of each sector;

X coordinate the elaboration of the work plan to be submitted to the President of the Commission for management, with full members of other bodies that are part of the Commission;

XI prepare annual reports about the activities of the convention, as well as about the implementation of the Framework - Convention’s obligations for Tobacco Control in the country

XII promote, if necessary, open seminars for representatives of civil society organizations that work or have already worked in tobacco control, in consonance with articles 4.7 and 5.3 of the Framework Convention,

XIII promote and facilitate the information exchange between organizations and responsible bodies as a means to strengthen the national implementation of the Framework - Convention.

XIV monitor the national implementation of the obligations detailed in the Framework Convention.

Model ToR for the tobacco control focal point and NCM chair / president

The tobacco control focal point refers to the central contact person(s) or institution(s) within government responsible for facilitating WHO FCTC implementation and communicating information about implementation within and outside the country. The position of focal point should be fully resourced, and may be best positioned within the NCM Secretariat as director or assistant director of the Secretariat. This arrangement can better preserve and diffuse the focal point’s knowledge on national and international tobacco control issues. However, assigning the focal point a leadership role such as chairing the NCM may not always be desirable. The focal point will not always be a high-ranking official and may lack the institutional stature to convene an inter-agency body. Ideally, a high-level official from the health ministry or executive branch will convene, open and chair the NCM which allows the focal point to provide support on substantive issues.
ToR for the tobacco control focal point

1. Liaise between national and international spheres of government generally.
2. Coordinate between domestic tobacco control efforts and the WHO FCTC Secretariat, specifically.
3. Coordinate national efforts to implement tobacco control and the WHO FCTC.
4. Lead or assist in establishing the NCM, the national strategy for tobacco control, annual workplans, and other strategic policy documents.
5. Serve as liaison between the NCM secretariat and NCM representatives, national stakeholders, and international community.
6. Assist Ministry of Foreign Affairs / Ministry of Health or other entity in representing the government at the annual Conference of Parties to the FCTC.
7. Provide substantive support to the NCM and its Secretariat in policy and technical matters related to tobacco control.

ToR for the NCM chair / president

1. Preside over the plenary meetings of the NCM.
2. Negotiate with representatives on the NCM for allocation of resources to implement the NCM’s action plan / FCTC.
3. Assist the secretariat in convening all NCM members for regular (monthly, bi-monthly, etc.) meetings of the NCM and other meetings as required (e.g. for presenting work-plans, launching the national strategy on tobacco control, etc.).
4. Send formal requests and decisions on behalf of the NCM to concerned Ministries, or to Minister of Health to be directed to concerned Ministries.

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35 Adapted from WHO, 2015. Approaches to Establishing Country-Level Multisectoral Coordination Mechanisms for the Prevention and Control of Noncommunicable Diseases. WHO Regional Office for South-East Asia.