



# WORLD HEALTH ORGANIZATION

**INTERGOVERNMENTAL NEGOTIATING BODY  
ON THE WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
Second session**

**A/FCTC/INB2/4  
9 April 2001**

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## **Secretariat update on progress since the first session of the Intergovernmental Negotiating Body**

### **UNITED NATIONS AD HOC INTERAGENCY TASK FORCE ON TOBACCO CONTROL**

1. The third session of the United Nations Ad Hoc Interagency Task Force on Tobacco Control was held via videoconference on 8 December 2000. Eight United Nations programmes and agencies, including the World Bank, and WTO participated in the discussions from 10 different sites (Geneva, Brussels, Manila, Montreal, Nairobi, New Delhi, New York, Rome, Vienna and Washington, DC). UNIDO and the World Customs Organization (WCO) took part as observers.
2. At the meeting, WHO reported on the first session of the Intergovernmental Negotiating Body and the public hearings on the proposed framework convention on tobacco control. WHO also presented the findings of the Committee of Experts on Tobacco Industry Documents (July 2000). WHO highlighted key recommendations made by the Committee of Experts aimed at countering tobacco company strategies to undermine overall tobacco control throughout the United Nations system, including the suggestion that other United Nations agencies carry out similar investigations.
3. WHO briefed the other agencies on the work of its Scientific Advisory Committee on tobacco Product Regulations, and suggested the possibility of linking the Committee's work to the regulatory work of UNDCP.
4. WHO encouraged the various agencies to become involved in the forthcoming World No Tobacco Day, (31 May 2001). This year's theme is "Second-hand smoke kills. Let's Clear the Air", in terms of both promoting clear indoor air policy, and clearing the air about the deception promulgated by tobacco companies. Finally, WHO presented the results of a survey of tobacco use in United Nations bodies and organizations in Geneva. The data showed that although smoking rates in those agencies were lower than in the general population in Geneva and the surrounding area, there was still room for improvement. For instance, WHO's prevalence rate is 21% – low by Geneva standards but far higher than the World Bank's reported rate of 8%. WHO's Liaison Office in New York agreed to explore the possibility of conducting a similar survey of United Nations and its bodies and programmes in New York.
5. FAO reported on the progress being made on its study of tobacco supply, demand and trade. The final results of the study are expected to be released before the end of 2001. FAO noted that the primary aim of the project was to explore the various strategic policy options arising from a reduction in demand for tobacco leaves while taking into account certain countries' economic dependence on tobacco. The study will yield detailed information on the underlying economic and social factors affecting demand for and supply of raw tobacco. It will analyse the effect that reduced demand for raw tobacco will have on agricultural production, employment, household income and food security, and

will project world tobacco supply, demand and trade under different tobacco control scenarios. This study will be of value to the various national and international organizations concerned with the health implications of tobacco consumption, as well as countries involved in the production of and trade in tobacco.

6. The World Bank reported that its study *Curbing the epidemic: governments and the economics of tobacco control* had been translated into 12 different languages. As part of disseminating the findings of the report, the World Bank organized two high-profile meetings on tobacco, one in Indonesia and another in China; each of these meetings involved senior officials from the Ministry of Finance as well as other interested ministries. The World Bank is also developing a tool kit to provide guidelines to researchers who wish to analyse economic issues related to tobacco control. ILO reported that its study of the *bidi* industry in five states in India had been completed in 2000 and that as a consequence two workshops are being planned in 2001 to discuss the findings of the research. ILO is also initiating action on the topic of smoking in the workplace and is planning a sectoral meeting on the future of employment in tobacco in 2003.

7. UNDCP continued to offer its expertise and advice on treaty monitoring and the use and regulation of psychoactive drugs. The United Nations Environment Programme expressed the desire to extend its ongoing collaboration with WHO to the area of second-hand smoke. WTO expressed its willingness to provide documentation, explain rules that are relevant for the negotiation of the framework convention on tobacco control, and answer questions from Member States or the WHO Secretariat. The United Nations Department of Economic and Social Affairs expressed the need to further emphasize the health risks of smoking to adolescent girls and pregnant women, and encouraged other agencies to join them in planning a Task Force panel during the high-level segment of the United Nations Economic and Social Council in 2001 concentrating on the increased gradient of tobacco use in the lower socioeconomic groups.

8. At the meeting it was reported that plans were under way to organize an international technical consultation focusing on "Economic transition in tobacco manufacturing and agriculture" in Kobe, Japan, in December 2001. In view of the relevance of this topic to the Task Force's ongoing work, it was proposed that a Task Force meeting could be held in conjunction with the consultation. WHO stressed that the consultation was still in the early planning stages and invited the input of Task Force members in shaping its agenda. There was a consensus that the consultation would be an appropriate occasion to release the FAO report, the World Bank's analytical work on tobacco privatization, and the findings of ILO's research on employment in the tobacco sector.

## **WHO INTERNATIONAL CONSULTATION ON LITIGATION AND PUBLIC INQUIRIES AS PUBLIC HEALTH TOOLS FOR TOBACCO CONTROL, AMMAN, 5-7 FEBRUARY 2001**

9. WHO briefed Task Force members on the International Consultation on Litigation and Public Inquiries as Public Health Tools for Tobacco Control held in Amman from 5 to 7 February 2001. The meeting concentrated on tobacco litigation and public inquiries as a means to improve the policy environment for tobacco control in the light of decades of industry influence and pressure. Participants highlighted the important role tobacco litigation can play in: increasing public knowledge regarding tobacco industry conduct; ordering changes in marketing and promotional practices; increasing monetary relief to both smokers and public health agencies; and ordering the disclosure of documents and information to the public. Inquiries were also recognized as effective tools to increase public debate, obtain new documents from tobacco companies, and increase transparency and effectiveness in

policy-making for tobacco control. Participants concluded that the best combination of inquiries and litigation and the specific approach followed in countries varies according to many factors, including underlying legal theories, constitutional realities, the commitment of the government and nongovernmental organizations to tobacco control, and the availability of financial and legal resources. Recommendations were made to WHO on national and international action to increase both tobacco litigation and inquiries in the future, including the need:

- (1) to disseminate information on successful litigation experiences in the United States of America to other countries;
- (2) to identify the different forms of litigation/legal action and public inquiries in the light of specific national needs and different legal frameworks;
- (3) for WHO to support interested Member States, civil society and regional initiatives in respect of tobacco litigation and public inquiries.

10. The Amman consultation focused on the crucial role tobacco industry documents play in placing truth about past behaviour in the public domain. Disclosure, availability, and accessibility of internal tobacco company documents were recognized as essential in assisting tobacco control in interested WHO Member States. The consultation made recommendations to WHO on the best way to increase access to documents, including:

- (1) provision of technical assistance and training to build capacity for accessing and utilizing existing documents;
- (2) identification of effective strategies for locating and obtaining documents that are not already available in either the Minnesota (United States of America) or Guildford (United Kingdom of Great Britain and Northern Ireland) depositories;
- (3) development of an ongoing collection of regional analyses, to be made available to Member States to consider possible appropriate responses through international bodies and institutions.

11. During the meeting the regional report “Voices of truth” was released. The report reveals the strategies and activities of tobacco companies in undermining tobacco control activities in the Eastern Mediterranean Region. It presents the first compelling evidence that the unethical behaviour of tobacco companies extends to all levels – international, regional and national. Through their regional offices, the tobacco companies have used all possible routes to stop governments from adopting tobacco control policies. In addition, they have closely monitored all activities undertaken by the WHO Regional Office for the Eastern Mediterranean, and tried to oppose any consensus-building efforts towards tobacco control at the regional level.

## **SCIENTIFIC ADVISORY COMMITTEE ON TOBACCO PRODUCTS REGULATION**

12. At the second meeting of the Scientific Advisory Committee on Tobacco Products Regulation (Atlanta, United States of America, 31 January to 2 February 2001), participants heard presentations by two tobacco companies and by the United States Centers for Disease Control and Prevention

Laboratory Program. Deliberations at the meeting focused on testing methods, on so-called “light” and “mild” labelling concerns, and on developing a common regulatory framework for tobacco products.

13. The Committee was established following the WHO Conference on Advancing Knowledge on Regulating Tobacco Products (Oslo, February 2000). Composed of international and national experts, it was set up to facilitate access by WHO to scientific information and advise on international policy development in the area of tobacco product regulation. Its work focuses on product modification, disclosure of contents, measurement of contents, nicotine regulation, and the communication of risk assessed from data on tar and nicotine levels. It will evaluate and make recommendations on the most appropriate and effective regulatory frameworks for tobacco products.

14. Primary sources of information and analysis for the Committee’s work include published literature, data provided by regulatory agencies, tobacco industry documents, as well as the views of experts and other expert groups. Presentations by tobacco companies serve to provide information on their perspective on product modification, and their efforts to reduce the harm caused by tobacco products. The presentations should in no way be interpreted as an endorsement by WHO of any of their products, nor do they reflect a partnership, collaboration, or dialogue. Because of the potential for conflict and bias and the history of attempts to undermine WHO’s health efforts with respect to tobacco, information from representatives of tobacco companies will be considered with great caution.

15. The Committee’s next meeting will be held in July 2001 in Malaysia.

## **REGIONAL PREPARATORY MEETINGS FOR THE SECOND SESSION OF THE NEGOTIATING BODY**

16. Prior to the second session of the Negotiating Body, meetings were held in three WHO regions in preparation for the session.

17. A consultation of the African Region on the framework convention on tobacco control, convened by South Africa, (Johannesburg, South Africa, 12 to 14 March 2001) read and reviewed the draft of the Chair’s text of a framework convention on tobacco control.<sup>1</sup> WHO was invited to attend and provide technical support for the meeting. WHO used the meeting as a platform to launch the 2002 World No Tobacco Day campaign, on the theme of “Smoke-free soccer”. The 21 Member States attending the consultation adopted the Johannesburg Declaration on the framework convention.

18. A preparatory meeting on the framework convention for the Caribbean, hosted by Jamaica (Kingston, 9 to 11 April 2001), aimed at increasing and coordinating participation from the Caribbean region in the negotiations on the framework convention. The meeting also highlighted the key domestic actions Caribbean countries could undertake to strengthen their national tobacco control programmes.

19. Over 20 representatives from eight countries in the South-East Asia Region involved in the development and negotiation of the framework convention met on 5 and 6 April in Jakarta to deliberate on the Chair’s draft text of a framework convention on tobacco control. A paper to guide Member countries in their deliberations was prepared and circulated beforehand by the coordinating country, India. WHO was invited to give technical support, as well as to assist in compiling the regional comments on the Chair’s text. The meeting also offered an opportunity to support the

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<sup>1</sup> Document A/FCTC/INB2/2.

implementation of the recently enacted tobacco control law in Indonesia. The Member States adopted the Jakarta Declaration on the framework convention.

**WORKSHOP OF INTERNATIONAL LEGAL EXPERTS ON INTERNATIONAL LEGAL LIABILITY**

20. During its first session, the Chair of the Negotiating Body, suggested that WHO should convene a panel of legal experts to explore the nature and scope of potential liability and compensation provisions in the proposed framework convention on tobacco control. The consultation took place on 9 and 10 April 2001 in Geneva. A summary of the deliberations appears in document A/FCTC/INB2/5.

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