

FCA

Framework Convention Alliance
for Tobacco Control

FCTC

The past twenty years has witnessed the passage of a number of historic international agreements, including the UN Convention on the Rights of the Child and the Landmine Treaty. Now, the international community has taken action on the number one cause of preventable death in the world today – tobacco.

Tobacco is truly a global problem. Nearly 5 million people die from tobacco-related illness each year. If current trends continue, this figure will rise to 10 million per year by the year 2030, with 70% of those deaths occurring in developing countries. Just as infectious diseases know no political boundaries, leaving individual countries incapable of effectively containing them, the tobacco epidemic also requires international cooperation if it is to be controlled.

In order to fashion a global approach to the tobacco epidemic, the member countries of the World Health Organization (WHO) in 2003 unanimously endorsed the Framework Convention on Tobacco Control (FCTC). The product of four years of difficult negotiations, the FCTC has the potential to have an historic impact on public health. As of 31 May 2005, 168 countries had signed the FCTC and 66 had ratified. The treaty became international law on 27 February 2005.

As stated in the treaty's Preamble, 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." The Preamble also recognizes the need for countries to give priority to their right to protect public health, the unique nature of tobacco products and the harm that companies that produce them cause.

Provisions of the FCTC:

The FCTC provides Parties with a considerable degree of flexibility in implementing measures beyond those described in the treaty. Significantly, Article 2.1 of the FCTC states that all Parties are encouraged to implement measures that are stronger than the minimum standards required by the treaty. Significant treaty provisions include:

Advertising, Promotion and Sponsorship (Article 13)

The FCTC requires all Parties to undertake a comprehensive ban on tobacco advertising, promotion and sponsorship within five years of ratifying the treaty. The ban must include cross-border advertising originating within a Party's territory. The definitions of advertising, promotion and sponsorship are broad and include indirect as well as direct forms. Countries with constitutional constraints are required to restrict advertising, promotion and sponsorship, including cross-border advertising, in a manner consistent with their constitutional principles. The Parties also agree to consider a protocol to elaborate on cross-border provisions, for example the technical and legal aspects of preventing or blocking advertising on the internet and satellite television.

Secondhand Smoke (Article 8)

The treaty recognizes that exposure to tobacco smoke has been scientifically proven to cause death, disease and disability. It requires all Parties to implement effective measures to protect non-smokers from tobacco smoke in public places, including workplaces, public transport and indoor public places — evidence indicates that only a total smoking ban is effective in protecting non-smokers.

Packaging and Labeling (Article 11)

Large health warning labels are required. Parties to the treaty agree that health warning labels ideally should cover 50% or more of the principle display areas of each packet, which for a standard cigarette package means both the front and back. Parties are required to implement health warning labels that cover, at a minimum, 30% of the principle display areas within three years of ratifying the treaty. Health warning labels must include rotating messages in the principle languages of the Party, and may include pictures or pictograms.

Deceptive labels are prohibited. Countries agree to prohibit misleading or deceptive terms on tobacco product packages within three years of becoming a Party. Research has proved that cigarettes that are labeled “light”, “low tar”, and “mild” (among other terms) are as dangerous as those denoted as regular and thus these terms mislead and deceive consumers about the risks involved in the use of these products.

Smuggling (Article 15)

Action is required to eliminate tobacco smuggling. Measures required include marking all tobacco packages in a way that signifies the origin and final destination or the legal status of the product, and cooperating with one another in anti-smuggling, law enforcement and litigation efforts. This may well be the subject of one of the first protocols to be negotiated.

Taxation & Duty Free Sales (Article 6)

Tobacco tax increases are encouraged. The treaty states that “each Party should take account of its national health objectives concerning tobacco control” in its tobacco tax and price policies. The treaty recognizes that raising prices through tax increases and other means “is an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.” Duty-free sales are discouraged. Parties may prohibit or restrict duty-free sales of tobacco products.

Product Regulation & Ingredient Disclosure (Articles 9 & 10)

Tobacco products are to be regulated. The Parties agree to establish guidelines that all nations may use in regulating the content of tobacco products.

Parties shall also require that manufacturers disclose to the government the contents of their tobacco products.

Liability (Articles 4.5 and 19)

Legal action is encouraged as a tobacco control strategy. The treaty recognizes that liability issues are an important part of a comprehensive tobacco control program and the Parties agree to consider legislative and litigation approaches to advance tobacco control objectives. Parties also agree to cooperate with one another in tobacco-related legal proceedings.

Treaty Oversight (Article 23)

A strong Conference of the Parties will oversee the treaty. The FCTC established a Conference of the Parties (COP) which will convene in 2006. The COP is empowered to monitor the implementation of the treaty, adopt protocols, annexes and amendments to the FCTC, and to create appropriate subsidiary bodies to carry out specialized tasks.

Financing (Article 26)

Parties have committed themselves to promote funding for global tobacco control. The Parties agree to mobilize financial assistance from all available sources for tobacco control initiatives for developing country Parties and for Parties with economies in transition, including from regional and international intergovernmental organizations and other public and private sources.

Other Important Commitments:

- Each Party shall establish or reinforce and finance a national coordinating mechanism or focal point for tobacco control. (Article 5)
- Parties shall endeavor to include tobacco cessation services in their national health programmes. (Article 14)
- Parties shall prohibit or promote the prohibition of the distribution of free tobacco products. (Article 16)
- Parties shall promote the participation of NGOs in the development of national tobacco control programmes. (Article 12)
- Parties shall prohibit the sale of tobacco products to persons under the age set by national law, or eighteen. (Article 16)
- Countries which ratify the treaty may not take a reservation (i.e. opt out) to any of the treaty’s obligations (Article 30).

Industry Reaction

Predictably, the FCTC has come under attack by the tobacco industry, with one executive labeling it a “developed world obsession being foisted on to the developing world”. Ignoring the fact that the FCTC was the product of negotiations among sovereign states, the industry is charging that the FCTC will usurp the ability of governments to determine national tobacco control policies. And, it continues to try to scare governments into believing that the FCTC will be economically ruinous, despite the findings by the World Bank and others that tobacco control measures are good both for public health and the economy.

The FCTC's Potential

The FCTC has already contributed to a huge change in public perceptions about tobacco and the necessity of passing and enforcing strong laws and regulations to control its use. In addition to the specific benefits of the Convention, the process leading to the passage of the FCTC has already:

- Helped mobilize national and global technical and financial support for tobacco control.
- Brought new ministries, 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.
- Raised public awareness of marketing tactics used by multinational tobacco companies.

In order to support the development of a strong FCTC and combat tobacco industry disinformation, an alliance of NGOs from around the world has been formed. Now comprising more than 200 groups from over 90 countries, the Framework Convention Alliance is playing a key role in educating policy-makers and strengthening cooperation across borders.

- Given new impetus to efforts to enact or strengthen national legislation and action to control the harm caused by tobacco.

Resources on the Web

Text of the FCTC: http://fctc.org/about_FCTC/treaty_pdfs.shtml

Framework Convention Alliance: www.fctc.org

WHO Tobacco Free Initiative: www.who.int/tobacco/en/

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