Learning Objectives

- Know what a framework convention is
- Understand the rationale behind the development of the Framework Convention on Tobacco Control (FCTC)
- Describe the FCTC negotiation process
- Be aware of important elements in the FCTC text
Section A

The Rationale for a Framework Convention on Tobacco Control

What Is a Framework Convention?

- A binding international legal instrument that establishes broad commitments and a general system of governance for an issue area (treaty)

- Specific measures designed to implement goals of the framework convention or further institutional commitments made through protocols
  - Example: Framework Convention on Climate Change/Kyoto Protocol
The Framework Convention on Tobacco Control (FCTC): Heather Wipfli, PhD

What Is a Framework Convention?

- The FCTC is a global evidence-based treaty designed to circumscribe the global rise and spread of the tobacco epidemic

Framework Convention on Tobacco Control Innovations

- First public health treaty
- First time the World Health Organization (WHO) implemented its right to negotiate international law
- First time member states of the WHO have worked together for a collective response to chronic disease
Epidemic Driven by International Factors

- Trade liberalization
- Foreign direct investment
- Global marketing and communications

Philip Morris International Tobacco Operations

The Framework Convention on Tobacco Control: Heather Wipfli, PhD

Global Market Share

[Diagram showing global market share of major tobacco companies]


Example: Distribution of Advertising Restrictions

[Diagram showing distribution of advertising restrictions across different channels]

Source: Credit Suisse/First Boston. (2001).
A Few Examples

- Formula One
- Internet
- Magazines

Development of the FCTC

- 1994: Ninth World Conference on Tobacco or Health passes a resolution in support of a proposed FCTC
- 1998: Dr. Gro Harlem Brundtland elected Director General of the WHO and creates the Tobacco Free Initiative as one of two cabinet projects
- 1999: WHO launches official work on FCTC
The Technical Working Group

- 1999-2000: Two Technical Working Groups (outlined issues for negotiations)
  - Charged with bringing together the evidence base for the treaty
  - Working group’s draft FCTC accepted by official negotiating body as the starting place for negotiations

FCTC Public Hearings

- 514 submissions from parties with material interests in the FCTC process
- Testimonies from 144 organizations including 90 public health organizations and all four major transnational tobacco companies
- First global forum for industry to admit the addictive and deadly effects of active smoking (first time industry split on FCTC became apparent)

The Intergovernmental Negotiating Body (INB)

- 2002 to 2003: six intergovernmental negotiating sessions (agreed to final treaty text)

Global Participation

FCTC Signatories as of August 2007

The INB Participants

- Secretariat: WHO
- Chair: Ambassador Celso Amorim (Brazil), replaced by Ambassador Felipe de Seixas Correa (Brazil)
- National delegations
- Non-Government Organizations (NGOs)


National Delegations

- Over 170 countries participated
- Delegations ranged from one delegate from Geneva mission to officials from multiple ministries (trade, finance, state, customs, national tobacco industry)
- Some delegations included members from national NGO community or tobacco industry
“Those who have done; those who want to do; those who want to, but cannot; and those who do not want to do.”

—Felipe de Seixas Correa, INB Chair, on states in the INB negotiations
NGOs

- Only NGOs in official relations with WHO
- Allowed to make statements of an expository nature at discretion of the chair during plenary sessions
- Worked closely with friendly governments
- Held technical seminars, passed out information, and protested

NGO Coalitions

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The Framework Convention Alliance

May, 2003: World Health Assembly (WHA) unanimously adopts FCTC

June, 2003: Opened for signature (EC first to sign)

December, 2004: Ratified by the 40th country (Peru)


Signature and Ratification

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Entry into Force

- Required 100 signatures and 40 ratifications
- First 40 ratifications included France, Japan, India . . .
- February 28, 2005: treaty enters “force” (becomes binding on countries that have ratified the treaty)


Conference of the Parties

- Takes technical, procedural, and financial measures related to the treaty
- All contracting states for whom the Convention has entered into force have voting rights
  - Other states (including signatories) can participate as observers
- NGOs in official relations with WHO can participate as observers