

Summary report on the

Subregional training workshop on tobacco and trade

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Cairo, Egypt
19–21 March 2013



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Organization**

Regional Office for the Eastern Mediterranean

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1. Introduction

The WHO Framework Convention on Tobacco Control (FCTC) was adopted by the World Health Assembly in 2003 and entered into force in 2005. With 176 Parties, the Convention is one of the most widely adopted treaties in the United Nations system. The objective of this international treaty is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption.

The WHO FCTC has elicited an overwhelming global response to the tobacco epidemic in which the Parties have expressed their determination “to give priority to protect public health” when dealing with tobacco. However, at the same time, trade in tobacco and tobacco products has rapidly expanded with the liberalization of international trade. A landmark paper published by WHO in 2001, *Confronting the tobacco epidemic in the era of trade liberalization*, makes a strong case that trade liberalization and foreign direct investment has led to a corresponding rise in tobacco consumption across low- and middle-income countries. This phenomenon highlights the need to monitor the intersection between international trade agreements and the tobacco control policies enshrined in the FCTC.

Recently, ministries of health in various countries are facing many constraints in dealing with tobacco and trade related issues. While most international trade agreements contain provisions permitting the restriction of trade in the pursuit of human health, trade and investment agreements are increasingly being exploited by the tobacco industry. There is growing concern that the tobacco industry is behind arguments that aspects of the WHO FCTC contradict international trade policies. This is representative of a shift in the tobacco industry’s strategy in the era of the WHO FCTC. Tobacco trade is an arena where public health is perceived to be weak, where Ministries of Health are less familiar and

less confident in defending their mandate and where inaction will result in stifling progress towards full implementation of the WHO FCTC.

In the Eastern Mediterranean Region, the tobacco industry has long used overt as well as covert trade and investment tactics to keep it flourishing in the regional market. In many countries, the industry trades through government monopoly, hence it can influence policies. Evidence also suggests that it has used its political and financial position to enhance cross-border trade through legal as well as illegitimate means. More recently, it is using its influence and lobbying to gather the support regional governments in international trade and investment disputes. At the same time, the industry has kept this lobbying within closed doors, and with those government sectors that might not be aware of their national obligations under the WHO FCTC, especially in relation to commitments under Article 5.3 which obligates governments to transparent interaction with tobacco industry in matters related to trade.

In view of the above, the WHO Regional Office for the Eastern Mediterranean, in collaboration with WHO headquarters, organized a subregional training workshop on tobacco and trade on 19–21 March 2013. The workshop brought together nationals from the health and trade sectors in one forum in order to develop a joint understanding of the issues at the crossroads of the WHO FCTC and international trade agreements, and to provide an opportunity to pave a way for collaborative action in support of full implementation of the FCTC.

The specific objectives of the workshop were to:

- Discuss current issues and challenges on tobacco and trade;
- Discuss current controversies on tobacco and trade including specific cases of the tobacco industry attempting to undermine tobacco control on the basis of international trade; and

- Identify multisectoral action points for the health and trade sectors to ensure that public health is prioritized in current and future investment treaties and trade agreements.

The workshop was attended by senior officials from both health and trade sectors, representing international cooperation (health sector) and international trade (trade sector), from Djibouti, Egypt, Islamic Republic of Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Palestine, Sudan and Tunisia. Also in attendance were global experts on tobacco and trade and representatives of the Arab League, Framework Convention Alliance, Institute of Tobacco Control (Johns Hopkins Bloomberg School of Public Health), International Union against Tuberculosis and Lung Disease, and Statistical Economic and Social Research Centre of Organization of Islamic Cooperation (SESRIC). The meeting secretariat included WHO staff from headquarters and the Regional Office.

The workshop was inaugurated by Dr Ambrogio Manenti, Acting Director, Noncommunicable Diseases and Mental Health, who delivered a message from Dr Ala Alwan, WHO Regional Director for the Eastern Mediterranean. In his message, Dr Alwan noted that the training recognized the critical importance of collaboration of trade and health sectors in the implementation of WHO FCTC. There was strong evidence of tobacco industry's rigorous involvement to enhance its customer base, using its financial base to lure governments through foreign direct investments and using all possible political and global trade forums to undermine efforts to curb tobacco consumption. Countries of the Region needed to be aware of potential challenges posed by tobacco industry using international trade forums.

Dr Sahar Labib (Egypt) and Mr Behzad Valizadeh (Islamic Republic of Iran) were elected as Chair and Vice Chair, respectively. The programme was organized into plenary sessions and group exercises. The major areas covered included the role of trade in the global tobacco epidemic, World

Trade Organization (WTO) agreements, international investment agreements, regional perspectives on trade agreements and tobacco industry interference, and an overview of the Protocol to Eliminate Illicit Trade in Tobacco Products and the process of entry into force. In addition, five interactive group work sessions were organized to develop strategic thinking for national action plans to enhance coordination between health and trade sectors.

2. Conclusions

- Tobacco control and trade relations must be addressed at all levels, national regional and international, in an open and transparent manner.
- Due support should be given to health-related issues over any other interests at national levels in negotiating of trade agreements.
- Transparency in addressing trade related agreement is the only way forward to prevent the tobacco industry from undermining health interests.
- Intercountry collaboration as well as inter-agency collaboration at regional level is vital for protecting health interests and for information exchange.
- Taking the challenges at global, regional and national levels in the relations between tobacco control and trade; it is well recognized that without a multisectoral approach to tobacco control coordination will be hard to achieve.

3. Recommendations

To Member States

1. Activate the existing multisectoral mechanism to coordinate tobacco control-related issues as per Article 5 of the WHO FCTC. This multisectoral mechanism, whether in the form of a committee or any

other form, will look into all policies related to tobacco control and all technical needs for tobacco control including:

- conducting a national situation analysis on tobacco control and trade commonalities, contradictions and/or conflicts at national level and suggesting way forward accordingly;
 - conducting a national training workshop for all the relevant sectors on the relation between tobacco control and trade, and the existing challenges;
 - conducting training on the implementation of the guidelines for Article 5.3 of the WHO FCTC for all relevant sectors;
 - in coordination with WHO, consulting with international consultants on relevant challenges and encounters between tobacco control and trade;
 - developing national guidelines on the interaction between national authorities and tobacco industry in line with the guidelines for Article 5.3;
 - coordinating with civil society and other national organizations for the creation of national networks in support of tobacco control.
2. Coordinate with regional organizations, including WHO, Organization of Islamic Cooperation and Framework Convention Alliance for information sharing, coordination and follow-up on the most recent international and national challenges in tobacco control, including trade-related challenges and illicit tobacco trade.
 3. Establish a coordination mechanism between Ministries of Health and Trade in order to minimize the risk of any dispute or contradiction between WHO FCTC and WTO obligations.
 4. Officially brief relevant national authorities on the importance of signing and ratifying the Protocol to Eliminate Illicit Tobacco Trade.
 5. Officially brief relevant national authorities on recent developments at international level on tobacco control and trade, including those developments which followed the adoption of plain packaging in Australia.

6. Encourage relevant national authorities to participate as third parties in support of tobacco control in disputes taking place under the WTO.

To WHO

7. Continue its role in coordinating between Member States and in sharing information on tobacco control-related issues, including sharing of best practices and documenting them through case studies.
8. Taking into account Article 5.3 of the WHO FCTC, monitor, as appropriate with the cooperation of the Framework Convention Alliance and nongovernmental organizations not affiliated with tobacco companies, corporate social responsibility and other activities of the multinational tobacco companies in the Region and report any action contrary to the WHO FCTC obligations to ministries of health and tobacco control focal points in the Region.
9. Taking into consideration the relationship between the WHO FCTC and its protocol on elimination of illicit tobacco trade with other international agreements such as those of the WTO and United Nations Convention Against Corruption, support and facilitate the attendance of one legal expert besides tobacco control focal points in related regional workshops.
10. Continue to support training activities in the field of tobacco control, including in new areas such as tobacco control and trade.
11. Provide technical support to national training workshops on the implementation of Article 5.3 of the WHO FCTC in addition to taxation and tobacco control and trade.
12. Continue its coordination role between intergovernmental organizations, such as the Organization of Islamic Cooperation, Arab League and Gulf Cooperation Council.
13. Conduct in the near future, in collaboration with the Framework Convention Secretariat, a regional workshop on the Protocol to Eliminate Illicit Tobacco Trade in Tobacco Products, which will facilitate signature and ratification.



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