

WISDOM SAYS:

“*Salus populi suprema est lex.*
The welfare of the people is the ultimate law.”
Cicero, Italy, 106–43 BCE

Fifteen or more treaties touch upon issues related to tobacco control, such as health and human rights; poverty; economic development; gender; safe working environments; tobacco farming, land reform, and indebtedness; food insecurity; child labor; environmental degradation; and the behavior of industry. Evaluating these treaties is difficult because of the lack of precedence and rulings in relation to tobacco control. Even where public health provisions exist within treaties, it is uncertain whether their interpretation will always result in the implementation of effective tobacco control measures, although many do.

Additionally, some UN agencies have made recommendations that are short of being treaties. For example, in 1992 the International Civil Aviation Organization initiated measures to encourage its member states to restrict smoking on all air travel, then adopted resolutions urging states and airlines to act to prohibit smoking on all flights.

Some UN agencies have no treaty or codes of practice on tobacco. Among the International Labor Organization's nearly 200 treaties on worker and workplace safety, there is not one provision on smoke-free workplaces.

Most World Health Organization Member States have ratified the main treaty on tobacco, the WHO Framework Convention on Tobacco Control (WHO FCTC), MAKING IT ONE OF THE MOST RAPIDLY EMBRACED INTERNATIONAL TREATIES OF ALL TIME. The Conference of Parties' secretariat has been established and is currently developing protocols and guidelines.

Not surprisingly, the tobacco industry was and is against a strong, legally binding WHO FCTC. The industry prefers voluntary agreements and self-regulating market mechanisms, which are essentially ineffective in reducing tobacco use.

Contrary to tobacco industry arguments, implementing tobacco control measures will not harm national economies. The WHO FCTC has mobilized resources, rallied hundreds of nongovernmental organizations (NGOs), encouraged government action, led to the political maturation of health ministries, and raised tobacco control awareness in other government ministries and departments. A human-rights-based approach to tobacco control helps to expand the discussion of the harm caused by tobacco use.

International Treaties, Conventions, and Agreements That Directly or Indirectly Address Tobacco Issues

- 1948**
UN UNIVERSAL DECLARATION ON HUMAN RIGHTS
Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.
- 1957**
TREATY OF ROME
European community is mandated to pursue a high degree of public health protection.
- 1959**
UN CONVENTION ON THE RIGHTS OF THE CHILD
Defends children's right to health.

- 1976**
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS
Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.

- 1979**
CONVENTION TO ELIMINATE DISCRIMINATION AGAINST WOMEN (CEDAW)
Article 11: Defends the right to health for women, including the right to protection of health and to safety in working conditions.

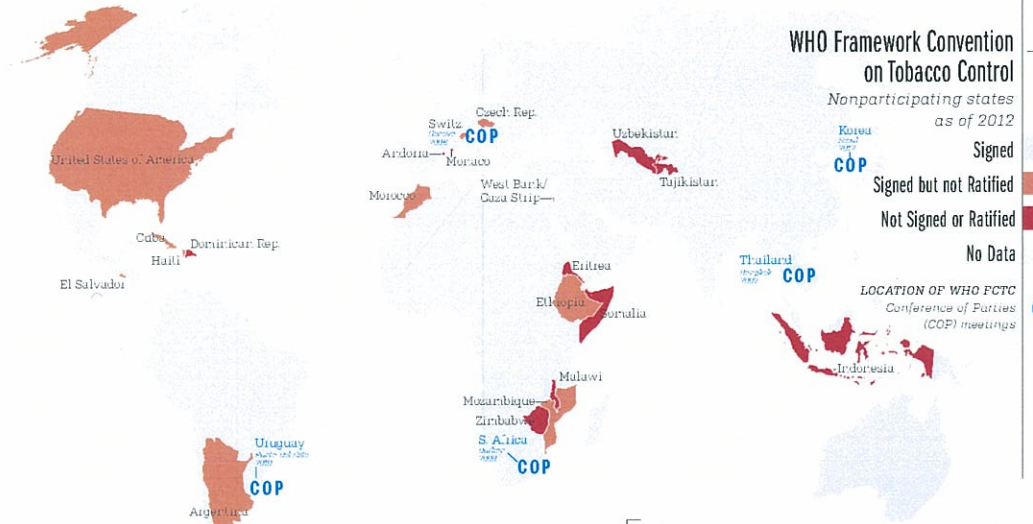
- 1995**
WORLD TRADE ORGANIZATION (WTO)
Preamble: Replaced the 1947 General Agreement on Tariffs and Trade (GATT). In general, trade liberalization, without safeguards, has increased tobacco usage in low- and middle-income countries. The following five treaties entered into force with the establishment of the WTO.
WTO AGREEMENT ON THE TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS)
Recognizes that WTO Members may adopt measures necessary to protect public health.
WTO AGREEMENT ON TECHNICAL BARRIERS TO TRADE (TBT AGREEMENT)
Requires WTO Members to ensure that all technical regulations are not more trade-restrictive than necessary to achieve a legitimate objective such as the protection of human health.

- WTO GENERAL AGREEMENT ON TRADE AND SERVICES (GATS)**
States that nothing shall be construed to prevent the adoption or enforcement of measures necessary to protect human, animal or plant life or health.
WTO AGREEMENT ON AGRICULTURE
Covers all agricultural products including tobacco, and addresses market access, domestic support, and export subsidies.
WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES (SCM)
Addresses subsidies for raw tobacco and provides WTO Members a channel to seek elimination of a subsidy or to charge countervailing duties.

- 2003**
THE UN NORMS ON THE RESPONSIBILITIES OF TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES WITH REGARD TO HUMAN RIGHTS
Transnational corporations and other business enterprises shall not produce, distribute, market, or advertise harmful or potentially harmful products for use by consumers.*
- 2005**
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL
Only treaty devoted entirely to tobacco control.

1945 1955 1965 1975 1985 1995 2000 2005

WHO Framework Convention on Tobacco Control
Nonparticipating states
as of 2012



UN High-Level Meeting on Noncommunicable Diseases (NCDs) 2011

- Only 28 such special sessions since 1945, and just one previously on health (AIDS).
- 94 world leaders attended the meeting.
- An agreement to tackle the world's major NCDs was approved by all member nations.
- The NCD Alliance (formed of four federations) writing more than 2,000 organizations.

- Next steps:
- WHO as Secretariat, to prepare next steps (including recommendations for global targets, plans to liaise with other UN agencies, etc) by the end of 2012.
 - Countries to develop NCD policies by 2013.
 - Civil society to support in myriad ways.

The WHO FCTC, which came into effect in 2005, now covers 87.4% of the world's population. Efforts are needed to enforce and implement all the WHO FCTC provisions.

Main Provisions of the WHO FCTC

- Protection Against**
 - Tobacco industry interference
- Protection of**
 - The environment and health of tobacco workers
- Research, Surveillance, and Exchange of Information**
- Support for**
 - Economically viable alternative activities
 - Legislative action to deal with liability
- Regulation of**
 - Contents, packaging and labeling of tobacco products
 - Prohibition of sales to and by minors
 - Illicit trade in tobacco products
 - Smoking at work and in public places
- Reduction in Consumer Demand by**
 - Price and tax measures
 - Comprehensive ban on tobacco advertising, promotion, and sponsorship
 - Education, training raising public awareness, and assistance with quitting

WHO FCTC Parties

