

The FCTC, Harm Reduction, Good Governance and Public Health

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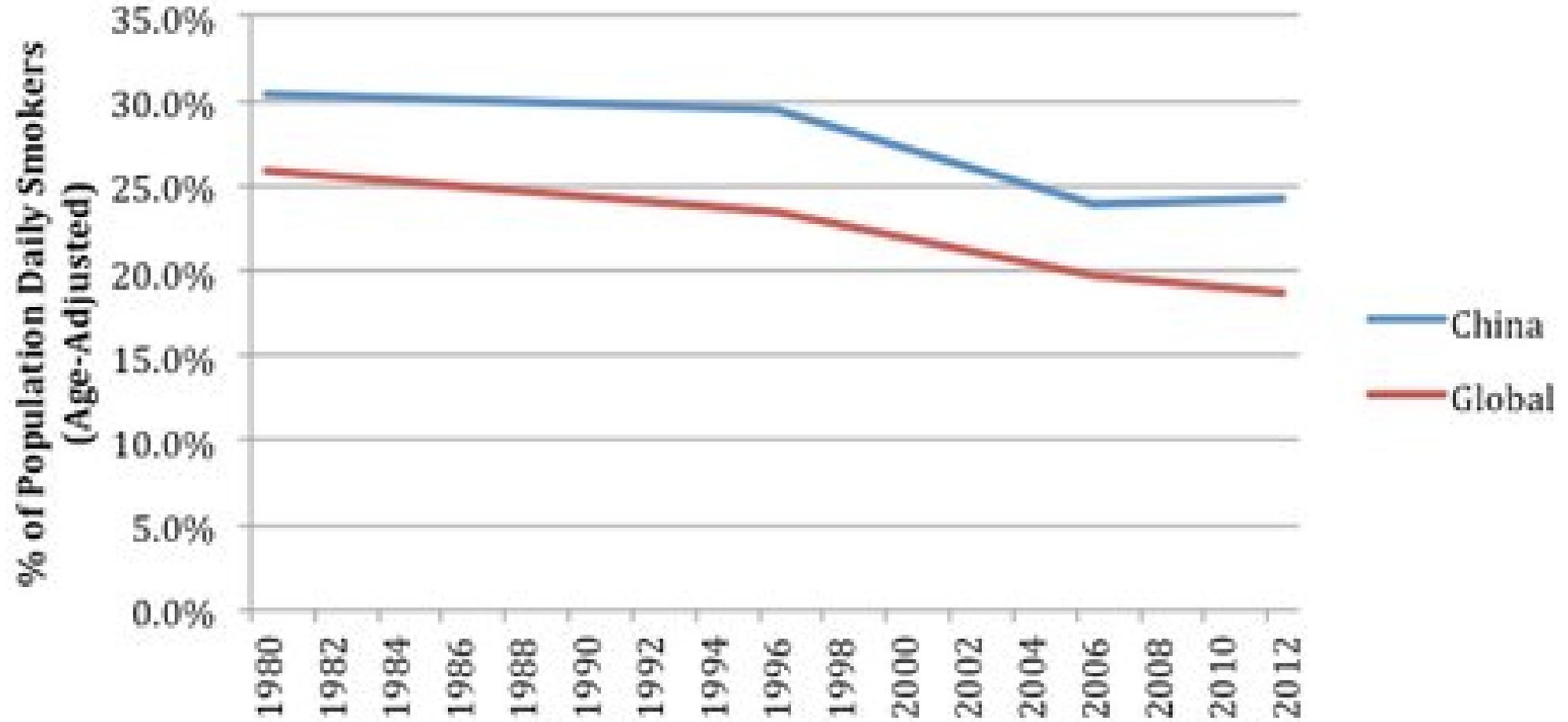
overview

- Is the FCTC meeting its objective?
- Why has tobacco consumption fallen in richer countries and what are the lessons for the FCTC?
- Why has FCTC not embraced harm reduction?
- The implications for ENDS
- Good governance: UN principles v FCTC practice.
- How to improve governance of the FCTC
- What can be done by you?

The objective of FCTC

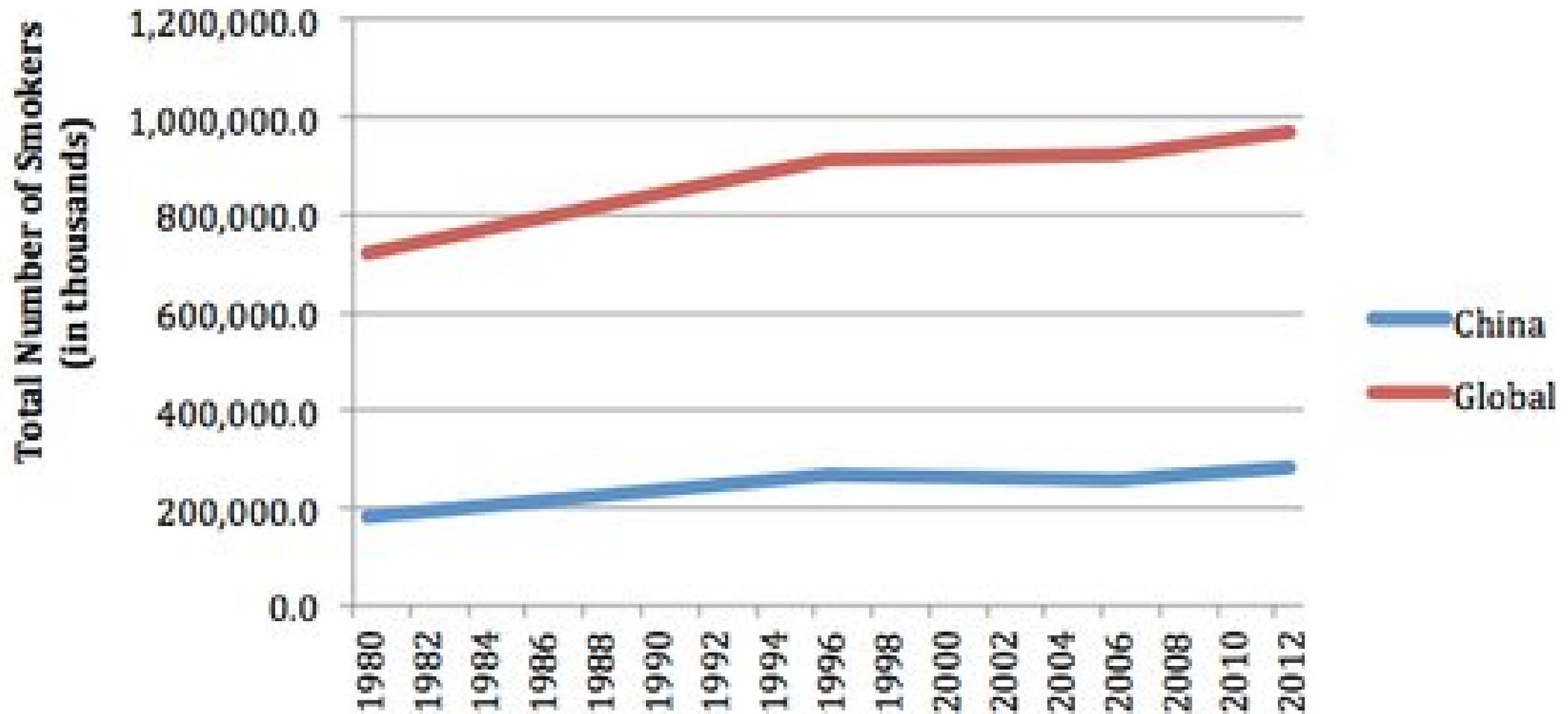
“The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic **consequences of tobacco consumption and exposure to tobacco smoke** by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to **reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.**”

Smoking Prevalence



Source: Institute of Health Metrics and Evaluation/NYT

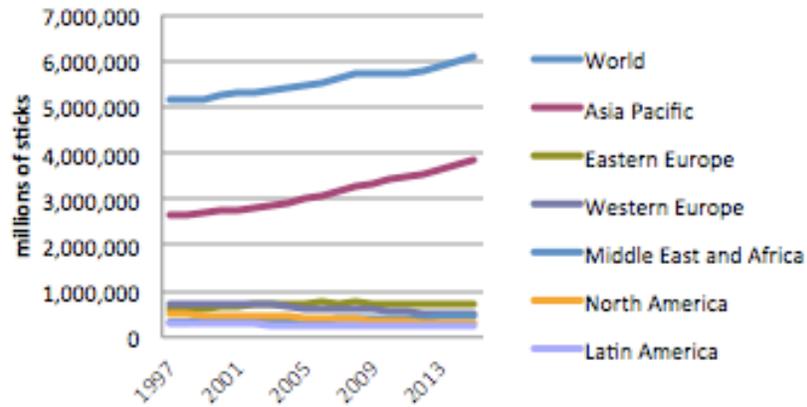
Total Number of Smokers



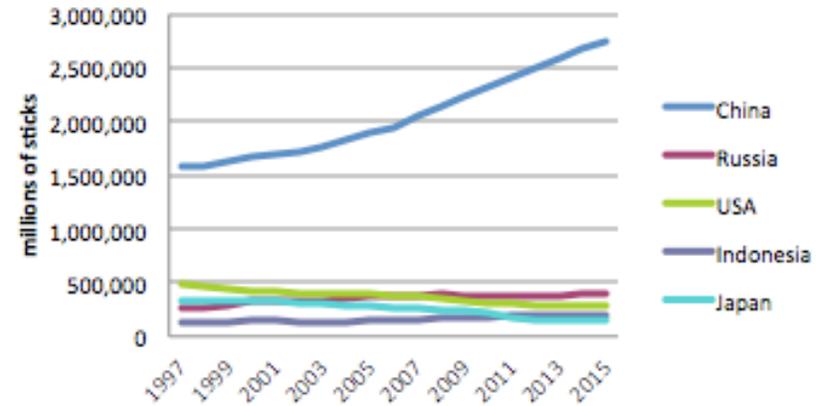
Source: Institute of Health Metrics and Evaluation/ NYT

Tobacco Use 1997-2013

Cigarettes sold by region



Cigarettes sold, top 5 countries



Cigarettes sold by region, excluding China



Cigarettes sold, top 4 countries after China



Why has cigarette consumption declined in richer countries?

- Demand reduction:
 - Rising prices, due largely to taxation
 - Public information campaigns communicating evidence of harm
 - Quit aids, such as nicotine replacement therapy
- Harm reduction:
 - Snus
 - ENDS

So, FCTC advocates these measures, right?

Purpose	Measure	FCTC Advocates?
DEMAND REDUCTION	Tobacco Taxes	YES
	Public Information	YES
	Medical NRT	YES
HARM REDUCTION	Snus	NO
	ENDS	NO

FCTC includes harm reduction in its definition of “tobacco control”:

“tobacco control” means a range of supply, demand **and harm reduction strategies** that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke’

Why has FCTC not embraced harm reduction?

WHO/FCTC approach = “Quit or Die”

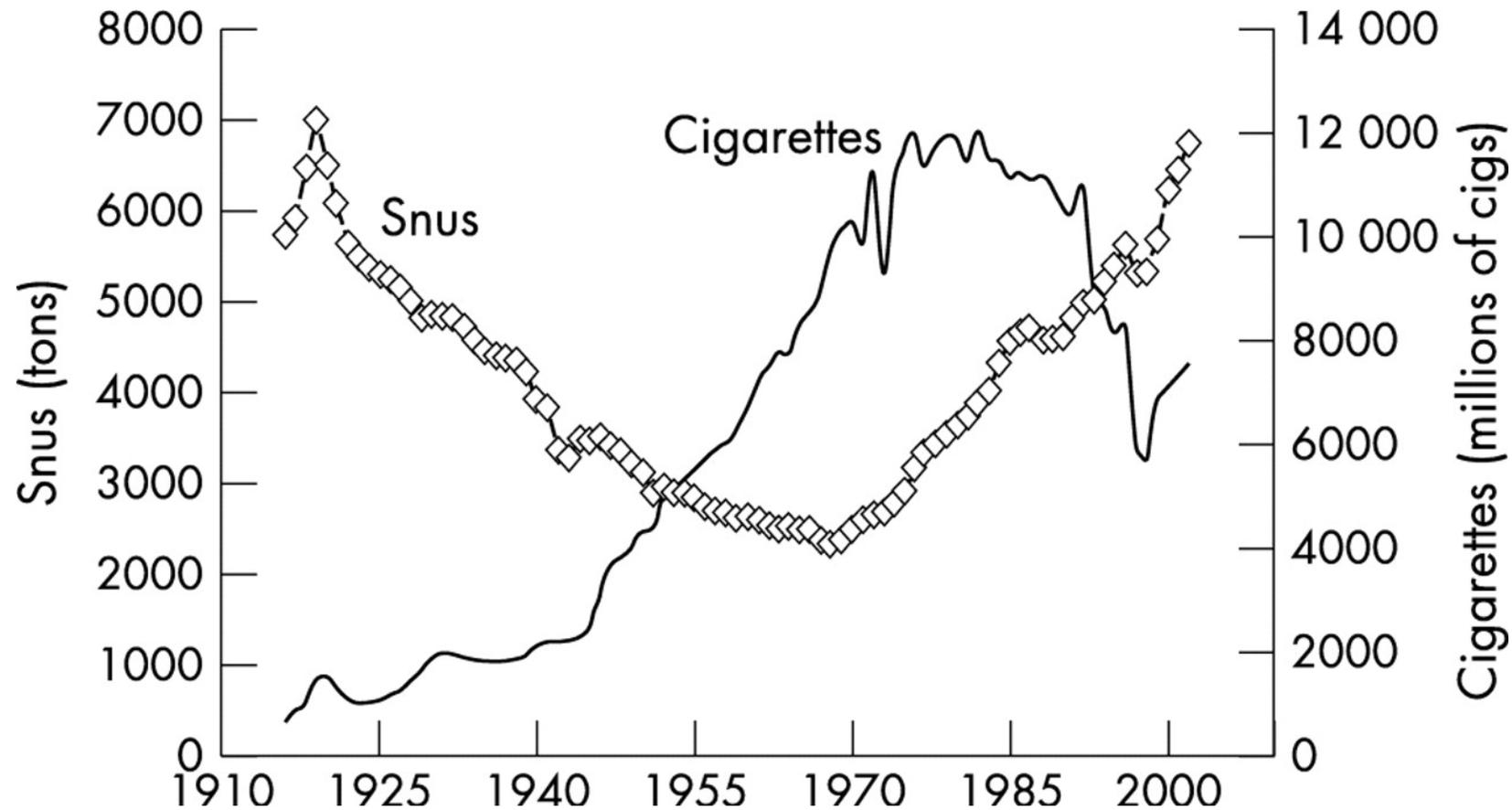
2006 WHO Report “Tobacco: deadly in any form or disguise”: “**all tobacco products are harmful and addictive and all can cause disease and death.**” -- So their use must be restricted

Intentionally conflates high- and low-risk products: “... a recent review of smokeless tobacco by the International Agency for Research on Cancer concluded that **smokeless tobacco is carcinogenic, making no exception for Swedish snus.**”

Demands excessively high standard of evidence: “For new products and for those under development, additional research is needed to understand more precisely whether their risks are the same as the products they would replace. **Such research will take years, or even decades. Until such research is completed, the most prudent course is to assume that their health risks are extraordinarily high compared with any ordinary consumer product and to make every effort to prevent their use** along with all other tobacco products.”

HOW MANY DECADES OF EVIDENCE DOES WHO REQUIRE?

Sales of snus and cigarettes in Sweden 1916–2002 (source: Swedish Match 2003).



J Foulds et al. *Tob Control* 2003;12:349-359

WHO's precautionary thinking about ENDS



WHO 
@WHO

 Follow

Until e-cigarettes are deemed safe, approved by competent national regulatory body, consumers should be strongly advised not to use them

RETWEETS
256

LIKES
32



4:14 AM - 9 Jul 2013



256



32



COP 6 (Moscow, 2014) Decision on ENDS

- “Invites” parties to:
 - **prevent initiation** by non-smokers and youth
 - minimize ... **potential health risks** to users and
 - **protect** non-users from exposure to their emissions
 - prevent **unproven** health claims from being made
 - protect tobacco-control activities from **all vested interests***
 - consider **prohibiting** or regulating devices as tobacco products, medicinal products, consumer products, or other categories
- “Urges” parties to consider **banning** or restricting **advertising**

UNDP Principles of “Good Governance”

1. Participation and Consensus orientation
2. Strategic vision
3. Responsiveness, Effectiveness and efficiency
4. Accountability and Transparency
5. Fairness: Equity and Rule of law

Is FCTC Participatory and Consensus Oriented?

“Participation – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.”

“Consensus orientation – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.”

Does FCTC have Strategic Vision

“Strategic vision – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.”

Is FCTC Responsive, Effective and Efficient?

Responsiveness – institutions and processes try to serve all stakeholders.

Effectiveness and efficiency – processes and institutions produce results that meet needs while making the best use of resources.

Is FCTC Accountable and Transparent?

Accountability – In general an organization is accountable to those who will be affected by its decisions or its actions.

Transparency – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.

Is FCTC Fair?

Equity – all men and women have opportunities to improve or maintain their wellbeing.

Rule of Law – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.

“based upon its dignity-enhancing and life-saving potential, [harm reduction is] a fundamental component of the right to health.”

-- Benjamin Mason Meier and Donna Shelley

The problem: excessively broad *interpretation* of FCTC Art. 5.3

“In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.”

In principle, could help prevent conflicts of interest. In practice, used as justification for limiting observer status to anyone not in the “quit or die” camp, even to the extent of removing media and others from public gallery.

Will ENDS be Copped at COP 7?

At COP 6, FCTC **decided in secret** to commission “an expert report, with independent scientists and concerned regulators, for the seventh session of the Conference of the Parties with **an update on the evidence of the health impacts of ENDS/ENNDS, potential role in quitting tobacco usage, impact on tobacco control efforts and to subsequently assess policy options ...**”

This report has been prepared in secret by individuals whose identity has not been disclosed.

Who will review the report?

Will those affected be present at COP 7 to offer insights?

Will FCTC be held to account?

Improving FCTC's Governance to Support Harm Reduction

- During COPs:
 - Grant “observer status” to key stakeholders with harm reduction focus
 - Do not exclude media from proceedings
 - Livestream proceedings to public (c.f. UN FCCC)
 - Expand access to public gallery
 - Permit member states to include stakeholders in delegations
- Transparent process for selection of the experts who produce reports
- Public sharing of draft reports and proposed guidelines
- Open consultation process, with adequate stakeholder participation

What can you do?

- Those affiliated with harm reduction groups (incl. vape groups, academic departments, etc.):
 - Seek observer status with FCTC (form on FCTC website; deadline = August 7)
 - Reach out to governments (including ministries of trade, commerce, etc.) to explain importance of including harm reduction in FCTC – and need to remove unjustifiable barriers to NGO and media participation in FCTC.
 - Develop petition(s) to advocate publicly for more open, transparent, accountable processes at FCTC – and the need for harm reduction.
- Journalists:
 - Seek to attend FCTC
 - Raise concerns about threat of restrictions on media participation.
- Attend Reason Foundation harm reduction conference in Delhi, November 6-7.

Don't take my word for it ...

“If only those with power ... would listen to and incorporate the experience of those who have first hand knowledge of the reality of the situation on the ground – the results would transform the ideas of leadership and decision-making.”

Mary Robinson, former UN High Commissioner for Human Rights

“The power of civil society and the activist community to generate grassroots pressure can ignite policy change.”

Dr Margaret Chan, Director General, WHO

THANKS for listening!

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