

# COP9 BULLETIN

THURSDAY, 11 NOVEMBER 2021



## BRAZIL AT RISK AT COP9

For the first time, the Executive Secretariat of CONICQ (the National Commission for the Implementation of the WHO FCTC) was left out of the Brazilian COP9 delegation.

The absence of these representatives suggests that the Ministry of Health has given in to the pressure of interests from the tobacco industry and chosen to make CONICQ's work invisible, which compromises the country's image and its leadership position built since the ratification of the FCTC.

With the exclusion of CONICQ members from the official delegation, the group is being prevented from fulfilling its role in defense of public health. Brazil needs to reiterate its commitment by fully applying FCTC Article 5.3, which alerts member countries of the need to preserve the government from the undue interference of the tobacco industry.

## A GIGANTIC STEP FORWARD, BUT STILL MORE WORK TO BE DONE

Many delegates likely ended the November 10 session feeling a mixture of relief and frustration. Despite some last-minute struggles to iron out the wording in regards to membership of the Oversight Committee, Committee B took a gigantic step forward for further funding of FCTC implementation by endorsing the Secretariat's proposal to establish an Investment Fund. That's a big deal: once it's up and running we'll have a third source of revenue for the COP budget, in addition to Assessed Contributions and Extrabudgetary Funding. The fund will act as a reliable and sustainable resource to support the Convention Secretariat's work to fulfill its coordination role and to implement the COP's workplan, including to provide implementation support to Parties. Parties should take a moment to celebrate this important achievement but should remember that this week's work is not yet finished.

Day 3 continued with the presentation of the Draft COP9 Declaration on the WHO FCTC and recovery from the COVID-19 pandemic, which provides strong references to tobacco industry interference as a major barrier to accelerating FCTC implementation. Notably, the declaration calls on Parties to take appropriate measures to prevent tobacco industry interference and involvement in COVID-19-related public health policies and actions, in accordance with Article 5.3 of the WHO FCTC. Interventions about tobacco industry interference during the session revealed Parties' general view that the COVID-19 pandemic has truly affected treaty implementation, and the draft reflects concerns that despite best efforts to ramp up WHO FCTC implementation; the tobacco industry stood in the way while millions suffered and died.

The draft Declaration also calls on Parties to include actions to achieve SDG Target 3.a on implementation of the FCTC and SDG Target 3.4 on NCDs as an integral component of national recovery from the COVID-19 pandemic. This means not only including the FCTC in national pandemic recovery plans and other related public health initiatives, but also ensuring action on Targets 3.a and 3.4 are included in national SDG plans and strategies and are reported in Voluntary National Reviews on SDG progress.

COP9 has an opportunity to take bold action amidst these unprecedented circumstances. In particular, Parties have a chance to be more steadfast in accelerating treaty implementation and in integrating tobacco control in their SDG plans as called for in the Declaration. This can only be done if Parties are united in excluding the tobacco industry in line with Article 5.3 of the WHO FCTC.

As the end of the week draws closer, we urge delegates to remain focused in these crucial final days and maybe even hours and prioritize discussions that matter the most. When Parties reconvene in Plenary on November 11, the COP9 declaration will be up for discussion, and we need to remember how important it is to leave time to come back into Plenary and adopt the decisions that were made throughout the week.



### ORCHID AWARD

All of the Parties in Committee B that supported the inclusion of civil society in the Oversight Committee of the Investment Fund.



### DIRTY ASHTRAY

Nicaragua, El Salvador, Philippines, Honduras and Guatemala for attempting to block progress at COP in the eleventh hour.

### SPECIAL MENTION

Philippine Department of Health for its unwavering commitment to FCTC Article 5.3 and its courageous effort in the face of adversity to protect the health of the Filipino people by safeguarding the WHO FCTC and Philippine tobacco control policies from tobacco industry interference. See their recent [press release here](#).

## TOBACCO CONTROL IS ESSENTIAL TO EFFORTS TO BUILD BACK BETTER

Adapted from a brief report for the World Conference on Tobacco or Health, prepared by Jo Birckmayer (Bloomberg Philanthropies), Jeff Drope (University of Illinois at Chicago), Kellen Nyamurungi (Makerere University), Leslie Rae Ferat (FCA), Nina Renshaw (NCD Alliance), Sara Rose Taylor (FCA), and Natalie Varney-Hopkins (Cancer Research UK)

The COVID-19 pandemic has been a major disruptor in global public health. In efforts to build back better both during and after the pandemic, it is imperative to ensure that tobacco control remains a priority on the political agenda. Like many important tasks, however, there are several challenges that create barriers to action. Non-communicable disease prevention and treatment have been severely disrupted around the world, with tobacco control becoming de-prioritised as governments have focused on addressing many of the other urgent aspects of the pandemic and its effects. The pandemic has also caused a simultaneous increase in public sector spending and a large drop in revenues; such fiscal constraints are projected to affect global commitments to health and tobacco control is no exception. In the midst of these changes, the tobacco industry has also tried to capitalize on the pandemic (**see COVID-19 and tobacco industry interference side story for details**).

Despite these challenges and others there are clear opportunities for advancing tobacco control in this new environment. Three

opportunities in particular are worth highlighting for all tobacco control stakeholders to pursue:

1. Include tobacco control in pandemic recovery and 'build back better' plans to reduce tobacco use and reduce the burden on the health system.
2. Significantly increase tobacco taxes as a highly cost-effective policy to lower tobacco use and save lives, and use additional revenue from tobacco taxes to fund improvements to the health system including tobacco control.
3. Address tobacco industry interference and misinformation coming from the industry, including banning so-called corporate social responsibility activities.

At this juncture, there is a need for the tobacco control community to assess the rapidly changing landscape in which we work and to contribute effectively via FCTC implementation. The three areas of action outlined above can make strong, positive contributions as we all determine what it means to build back better.

### COVID-19 AND TOBACCO INDUSTRY INTERFERENCE - A BARRIER TO TREATY IMPLEMENTATION

Tobacco industry interference is consistently cited as a main barrier to treaty implementation; evidence suggests it [worsened during the pandemic](#). While governments need to strengthen domestic finances, [at least 11 countries](#) that had received pandemic-related donations provided tax breaks for the industry or did not increase tobacco taxes. At least 10 governments deemed the tobacco industry and cigarettes "essential," even though [early research](#), confirmed by more recent studies, linked tobacco use [to severe COVID-19 outcomes](#). The industry took legal action against some governments that moved to strengthen tobacco control laws or restrict tobacco sales.

The damage the tobacco industry causes far outweighs the industry's [token donations](#) during the COVID-19 pandemic. Governments have an opportunity to hold the industry [accountable](#) for the harm it has caused and continues to cause as part of COVID-19 recovery and tobacco control efforts.

The industry is not a partner in health: early in the pandemic, [tobacco industry-linked scientists were involved in flawed studies](#) claiming smoking or nicotine had a protective effect, while other studies [failed to disclose tobacco industry links](#). Meanwhile, tobacco companies continued to profit during COVID-19: PMI alone reported [pre-tax income of just under \\$11 billion for 2020](#), while BAT also [reported pre-tax profits of more than \\$12 billion](#), primarily from cigarette sales.

