

Report on the WHO Framework Convention on Tobacco Control (FCTC) 8th
Conference of the Parties (COP 8)

General incorporated association Japan Society for Tobacco Control
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COP 8 (8th Conference of the Parties) was held in Geneva, Switzerland from 1-6 October 2018. There are currently 181 member nations of the COP, and during the recent convention, 1200 people from 148 nations met to form one the largest COP yet.

The venue was the International Conference Hall (ICG), which about 10 minutes from the banks of Lac Léman (Lake Geneva) and about 5 minutes from its famous fountain by walking. In the other direction, Professor Miyazaki Kyoichi and I climbed a mountain slope for 7 to 8 minutes to stay at an inexpensive hotel that helped to host the Framework Convention Alliance (FCA), a FCTC alliance with 500 organizations worldwide.

On September 30, there was a pre-COP policy briefing of the FCA. From 8 am to 6 pm, we discussed global anti-tobacco strategies, heated tobacco, human rights for one's body, anti-smuggling protocols and other topics. At this meeting, I explained passive smoking prevention laws and ordinances in Tokyo and the rest of Japan. Despite some shortcomings, these laws and ordinances are better than what existed previously, and are better than nothing even if other countries have more comprehensive and strict anti-tobacco regulations.

According to FCTC authorities, the achievement rate of each COP article in 2018 (2016) was as follows:

Article 8 88% (86%), Article 7 77% (64%), Article 12 71% (59%), Article 16 70% (59%), Article 5 66% (57%), Article 6 64% (56%), Article 13 61% (57%) Article 15 61% (50%), Article 10 57% (48%), Article 14 51% (42%), Article 20 51% (41%), Article 9 48% (40%), Article 18 35% (35%), Article 19 28% (24%), 17 Article 13% (15%).

Among these articles, Japan has thoroughly achieved only article 14 (the treatment of dependence). Nations that are not able to enforce Article 8 (prevention of passive smoking), which has a limited time to implement, include 116 nations for passive smoking in private automobiles, 50 nations for passive smoking in nights clubs, 41 nations for passive smoking in pubs and bars, as well as other examples. With respect to Article 11 (tobacco packaging and labeling), which also has a limited time to implement, there were 75 nations with health warnings covering at least 50%

of the tobacco package and 65 nations with health warnings using figures or photos. However, Japan is not yet included in these categories.

On the first day of the COP (1 October), Secretary General Bella remarked that a person from the media who seemed favorable to tobacco industry interests was present at meeting. So a motion was proposed and approved to not let information leak until after the meeting. For this reason, it became impossible to communicate in general about tobacco control measures. I had been unaware that people might adopt interests of the tobacco industry, but thereafter media badges granting permission to attend were removed. Although many from the media pointed out that the tobacco convention was closed unlike the Treaty on Global Warming, we felt that we had no choice due to possibility that the principles of the convention could be undermined. Similar to situations at meetings of the Inter Governmental Organization (IGO), the International Criminal Police Organization (Inter Pol), World Trade Organization (WTO), giving observer status to organizations connected with the tobacco industry creates a conflict of interest according to Article 5.3 of the FCTC.

However, at COP 7, the tobacco industry sometimes maintained a status of public citizens during the deliberation of Article 8 (regulations to prevent passive smoking), and JTI argued that the conference was not transparent, but I think that such a stance was inevitable. After COP 7, parties agreed that each country should publicize information to citizens in accordance with its rules of procedure or philosophy, but some countries including Japan do not follow this procedure and thus create a lack of transparency.

Discussions on the first agenda of Global Strategy (a strategic framework) began at 12:50, but it appeared that Japan had no clear purpose in this regard, and that it opposed the merits of the framework and did not follow reporting procedures. In the afternoon session, the secretariat reported that "there are no obligations for each country, and guidelines will be published anyway" regardless of individual contributions, among other information. Regarding obligations to follow or to contribute to a strategic framework, I have repeatedly confirmed that Japan is not bound and can act voluntarily.

The strategic framework will determine which measures should be taken to revitalize the FCTC from 2019, and the details are described in ANNEX 1 of COP 8/11 from COP 8 main document published by the FCTC.

Regarding the Global Strategy for the medium term and whether each country should be bound by its regulations, I wrote in the Smoking Cessation Journal (volume 13, issue 2) that signatory nations already have about 80 ordinances which

they are required implement according to the existing FCTC. But although the FCTC has had a significant impact during its first decade due to these ordinances, cases of lax enforcement remain in each country.

- (1) Each nation and citizen organizations can harmonize enforcement efforts with the FCTC Secretariat and the COP.
- (2) To broaden the impact of FCTC, the convention should cooperate with outside organizations like the United Nations.
- (3) Funding for operations can be made through normal budget processes in each nation.
- (4) Through these activities, FCTC can be made more effective. So it is necessary for a country like Japan to be able to completely enforce the convention treaty.

At the conclusion, with the exception of two or three countries like Japan that were in opposition, other countries decided to implement the agreements of the convention.

In the night session, each country made reports about the domestic use of tobacco. I was surprised to find that Brazil had achieved a smoking rate of only 10.5%, and the reality is that it is increasingly difficult to cut the rate below 10%. Australia started to use plain packaging, and China raised the tobacco tax from approximately US\$0.5 per box to approximately US\$2 per box and started a system of smoking cessation clinics. Tobacco regulations in Hong Kong and Macao were also discussed.

For the next agenda of heated tobacco and nicotine vapor, the discussion heated up, and it was decided to extend the discussion until Thursday evening at 11:00 pm. The Russian delegation led the discussion and strengthened the wording of the conclusion by deleting references to the theory of harm reduction. Even if nicotine is not used, heating and steaming produces still produces some toxicity, although the exact levels have yet to be determined. In particular, the risk to vascular endothelial cells due to hydrocyanic acid needs to be made clear. As a conclusion of this agenda, Committee A did not object to a resolution was made at the general meeting.

Regarding heated tobacco, it has become a source of concern for people involved in national health departments and health care programs, but the COP 8 resolution provided more definition. Accordingly, each country decided to prioritized the following matters:

- a) To prevent this new kind of tobacco from re-establishing common tobacco use.
- b) In accordance with Article 8 of the WHO FCTC, existing passive smoking

prevention laws shall be applied so that people will not be exposed to passive smoking from this new kind of tobacco.

- c) To prevent harms to health from this new kind of tobacco.
- d) Concurrent with Article 13 of the WHO FCTC, not to advertise, not to promote sales of and not to sponsor this new kind of tobacco.
- e) In accordance with Article 9 and 10 of the WHO FCTC, to clarify and to regulate the contents of this new kind of tobacco.
- f) In accordance to Article 5.3 of the WHO FCTC, to protect tobacco regulation policies and activities from the interests of the tobacco industry.
- g) To restrict or to prohibit the manufacture, import, promotion, presentation or use of this new kind of tobacco, thereby protecting people's health.

yielding seven clauses.

In accordance with these provisions, the Japanese government can regulate heated tobacco and nicotine vapor like traditional tobacco, especially according to the laws that prevent passive smoking, and must be vigilant about their production and uses.

As I learned later, companies in tobacco industry (PMI, BAT, JTI) rented a fine restaurant, La Potiniell, with views the fountain on Lac Léman and the Alps and held an invitation convention from the first day. Fortunately, it seems that the delegation from Japan did not attend.

Following the conclusion of COP 8, Hong Kong, which had previously banned e-cigarettes (using nicotine liquid), also banned heated (or heat-not-burn) tobacco. This ban could spread to Thailand, Malaysia, India and other countries that have already prohibited e-cigarettes and/or nicotine liquid. In any case, since authorization from the FCTC and WHO was obtained, the risk of criticism from these policies has been reduced.

Translation of resolution on heated (heat-not-burn) tobacco

<http://www.jstc.or.jp/uploads/uploads/files/essay/COP8WA.pdf>

New York Times newspaper report

<http://www.jstc.or.jp/uploads/uploads/files/information/NYTHTP.pdf>