



Technical Meeting to Promote an Exchange of Views on the Further Development and Implementation of the Integrated Strategy to Address Decent Work Deficits in the Tobacco Sector
Kampala, Uganda 3 – 5 July 2019

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Statement of the Secretariat of the WHO Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products

The **WHO Framework Convention on Tobacco Control (FCTC)**¹ was negotiated under WHO Constitutional mandate,² becoming the first modern framework convention with specific public health objectives, but also addressing the social, economic and environmental impact of tobacco. It currently covers more than 90 percent of the global population. It is an evidence-based treaty addressing both the supply and demand of tobacco products and reaffirms the right of all people to the highest standard of health. It guides and informs the global tobacco control agenda and is a legally binding instrument.

The FCTC's governing body, the Conference of the Parties (COP), comprises 181 Parties³ as of June 2019, 179 of which are ILO Member States. Parties to the Convention have further negotiated and adopted the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) which entered into force in September 2018, becoming a treaty in its own right. To date, the Protocol's governing body, the Meeting of the Parties (MOP) comprises 53 Parties. Both governing bodies are served by the Convention Secretariat, an entity with programmatic independence hosted by WHO in Geneva, Switzerland, which is mandated as the global authority concerned with implementation of the FCTC and the Protocol.

The COP and MOP have adopted several decisions, guidelines and policy recommendations that provide necessary background for all sectors of governments to position themselves in regard to tobacco agriculture, tobacco trade, and tobacco's social, economic and environmental impacts, and consumption.

By being legally bound to the Convention and/or to the Protocol, governments are expected to take a whole-of-government approach when discussing their tobacco regulatory framework and measures including decent working conditions in the tobacco economic sector. As stated in the FCTC's Article 2.2⁴, *“the provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, **provided that such agreements are compatible with their obligations under the Convention and its protocols**”.*

¹ <https://www.who.int/fctc/>

² Article 2(k) of the Constitution of the World Health Organization

³ <https://www.who.int/fctc/cop/en/>

⁴ WHO Framework Convention on Tobacco Control (WHO FCTC) article 2.2 page 5
<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=F46ADAED6F091AE19E58083BEEFE329A?sequence=1>

Policy coherence is at the heart of the FCTC and all sectors of the government are expected to jointly implement the Convention, its Protocols and to use its guidelines and policy options and recommendations for such implementation.

It should be noted that *“there is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests”*, in line with FCTC Article 5.3 guidelines.

Engagement with the tobacco industry is contrary to the United Nations system’s objectives, fundamental principles and values. To this end, the resolutions and documents listed in the [Appendix A](#) provide guidance and recommendations stating that the United Nations system shall establish measures to limit interactions with the tobacco industry, and where interactions still occur, the recommendations of the guidelines for implementation of Article 5.3 of the Convention shall apply. Furthermore, in line with the ECOSOC resolutions,^{5 - 6} UN agencies are encouraged to adopt the Model Policy for Agencies of the UN system on preventing tobacco industry interference especially with regards to receiving funding from the tobacco industry.

United Nations agencies, funds and programmes together with international organizations that are observers to the Conference of the Parties to the WHO Framework Convention on Tobacco Control (COP) are expected to work as one, ensuring a consistent and effective separation between its activities and those of the tobacco industry. This will preserve its integrity and reputation in promoting development, in line with the relevant ECOSOC resolutions. In this regard, the Convention Secretariat is ready to join forces with the UN and international organizations to support the implementation of the FCTC and its Protocols at all levels.

Policy options and recommendations on economically sustainable alternatives to tobacco growing (in relation to [Articles 17 and 18](#)) were adopted by COP6 (decision [FCTC/COP/6\(11\)](#)) and guides the implementation of these provisions. It recommends ten strategies that governmental can adopt in a whole of government approach to support research, rural development, regulation, in support current tobacco growers and tobacco farm workers. The full document is available in the FCTC website and should be used as the bases for any global agenda on alternative livelihoods to tobacco growing⁷.

Relevant documents and decisions at the global level that guide discussions about tobacco, including tobacco production are listed on Appendix A.

⁵ “Resolution adopted by the Economic and Social Council on 7 June 2017:

Encourages members of the Task Force, as appropriate and in line with their respective mandates, to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the model policy for agencies of the United Nations system on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the United Nations system and those of the tobacco industry.”

https://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2017/8

⁶ “Resolution adopted by the Economic and Social Council on 2 July 2018:

Encourages members of the Task Force, as appropriate and in line with their respective mandates, to continue to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the model policy for agencies of the United Nations system on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the United Nations system and those of the tobacco industry.”

https://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2018/13

⁷ https://www.who.int/fctc/treaty_instruments/Recommendations_Articles_17_18_English.pdf?ua=1

Question 1: What are the prevailing decent work deficits today in the tobacco sector and which are their main drivers at national and international levels? What has worked and what more needs to be done to promote decent work in the tobacco sector including in tobacco-growing countries? How can the Office support its tripartite constituents to promote decent work in the sector?

The main prevailing deficits today in the tobacco sector include but are not limited to:

1) Unfair contracting

Cigarette retail value is estimated to be worth almost US\$ 700 billion.⁸ However, it is not the workers and farmers who profit. Tobacco growers in LMICs have a particularly weak bargaining position with few options but to sell to only a handful of multinational leaf buyers that control the prices and the market. Cigarette manufacturers and leaf buying companies structured the supply chains in ways that marginalize those at the bottom and largely use opaque contracting systems to obscure their obligations to those who produce their products. This leads to low prices, unfair grading of tobacco leaves, unfair charges for inputs and ultimately not buying the farmers' crops. Other unfair oligopolistic behavior of leaf-buying firms when buying leaf under non-contract condition (which still exist in many countries) also result in unfair grading of tobacco leaves, low pricing and collusive behavior to force non-contract farmers out of farming or into contract tobacco farming by refusing to buy their crops.

2) Farmers exposed to chemicals and tobacco leaf (nicotine)

Despite the tobacco industry's rhetoric about occupational safety in farming practices, farmers that work in tobacco growing continue to face harms at different stages of cultivating tobacco. Tobacco growing exposes many workers to grave chemical hazards as the use of protective clothing is uncommon. Just by handling the tobacco plant, tobacco growers and farm workers, often including children, are at risk of green tobacco sickness (GTS), caused by respiratory and dermal absorption of nicotine from contact with tobacco leaves. Tobacco farmers and farm workers are also frequently exposed to extremely high levels of agrochemicals (i.e., insecticides, herbicides, fungicides, fumigants, growth inhibitors, and ripening agents) throughout the growing cycle, many without being aware of the dangers and consequences. These problems have been documented extensively by the ILO.⁹

3) Child labour

Beyond the right to health, the employment of children in the tobacco industry is in direct opposition with the protection of children from child labour practices, which entail exposure to hazardous substances and may hinder the ability of children to access education by among other aspects, missing the school. Tobacco farmers, particularly the small-holders in developing regions, often struggle to make a living by growing such a labour- and input- intensive crop. Additionally, the expansion of outgrower contracts has led to the economic exploitation and increasing indebtedness of farmers, with small producers having very little bargaining power. This only serves to draw small farmers deeper into tobacco production and leaves families trapped in a cycle of poverty leading to increased reliance on child labour¹⁰.

⁸ Campaign for Tobacco-Free Kids. The Global Cigarette Industry Factsheet. August 2018
https://www.tobaccofreekids.org/assets/global/pdfs/en/Global_Cigarette_Industry_pdf.pdf

⁹ GB.329/POL/6 and GB.331/POL/5

¹⁰ <https://www.who.int/fctc/publications/WHO-FCTC-Environment-Cigarette-smoking.pdf?ua=1&ua=1>

4) Massive environmental degradation caused by heavy chemical use and deforestation

From tobacco cultivation and curing, to cigarette manufacturing, distribution, consumption and discarding, the negative environmental impacts of smoking are substantial and far-reaching, including the use of scarce arable land and water for tobacco cultivation, use of harmful chemicals on tobacco farms, ultimately leading to the inability of farmers to use their land in the long term. It also includes deforestation, carbon emissions from the manufacturing and distribution processes and production of toxic waste and non-biodegradable litter¹¹⁻¹²

Article 18 of the FCTC provides that in carrying out their obligations, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories. At its eighth session, the COP noted with concern the findings of the FCTC report “Cigarette smoking: an assessment of tobacco’s global environmental footprint across its entire supply chain, and policy strategies to reduce it” and in decision FCTC/COP8(19) invited Parties to raise awareness, increase collaborations and share best practices to mitigate and address environmental damage caused by tobacco.

5) Ineffective “Corporate Social Responsibility” used by the tobacco industry to prevent regulatory measures to address the problems they cause

The tobacco industry is well known for the use of Corporate Social Responsibility activities and front groups that ultimately paint the industry in a positive light, while allowing countries, workers, and citizens to bear the economic, public health and development costs associated with its business. Studies indicated that the tobacco industry adapted and “greened” their supply chain practices by integrating environmental and labor considerations in the 2000s to serve their CSR campaigns in an effort to legitimize portrayals of tobacco farming as socially and environmentally friendly, while keeping actual practices essentially unchanged¹³. Furthermore, it continues to make ample use of front groups allegedly representing tobacco growers, such as the International Tobacco Growers Association (ITGA) and creating front groups such as the Eliminating Child Labor in Tobacco Growing Foundation (ECLT) that has been used to allegedly address child labor in tobacco growing areas and to promote the industry participation in the SDG2030 agenda¹⁴.

In line with the above, and to address deficits in working conditions in tobacco production, the following recommendations should be considered by governments and international organizations to drive the national and global agenda:

1. To ensure that contracting systems between the tobacco industry and tobacco growers are transparent and that tobacco workers are not marginalized in the tobacco production cycle. This means making sure there is a fair, independent, arbiter of leaf quality (or grade) and to enforce contracts so farmers are not left with their crop if they’ve signed a contract.
2. To establish and implement health care protocols focused on tobacco growers’ health threats and available in health care systems in tobacco growing countries. Health surveillance systems and policy-oriented research should be prioritized to assess and study tobacco growing risks to health

¹¹ <https://www.who.int/fctc/publications/WHO-FCTC-Enviroment-Cigarette-smoking.pdf?ua=1&ua=1>

¹² <https://www.who.int/fctc/publications/WHO-FCTC-Enviroment-Cigarette-smoking.pdf?ua=1>

¹³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3155738/>

¹⁴ <https://www.who.int/fctc/cop/Impact-of-the-WHO-FCTC-on-the-behaviour-of-thetobacco-industry.pdf>

and to identify preventive and curative measures. The existing personal protective equipment is not adequate¹⁵ and needs to be revisited.

3. To eliminate child labor through a number of legal and administrative measures and to promote the education and social inclusion of children who live in tobacco growing areas. This also entails providing farmers who grow tobacco a decent earning, so they can hire help when needed instead of using their children as free help.
4. Implement article 5.3 and Guidelines by not using the tobacco industry's corporate social responsibility strategies and front groups to address decent working conditions or programs to eliminate child labour in tobacco growing areas.
5. To make the tobacco industry liable for the health impact of tobacco use and for the environmental impact of tobacco production by implementing FCTC article 19.

The Convention Secretariat is ready to work hand in hand with ILO and other international bodies to address and support the implementation of these measures.

Question 2: What strategies have worked to support tobacco-growing communities to transition to viable alternative livelihoods and how can ILO, other UN agencies and development partners support tripartite constituents in this respect?

The Convention Secretariat has taken a number of initiatives to support Parties in their FCTC article 17&18 implementation efforts, including:

- Organizing a Global Meeting on the implementation of Articles 17 and 18: Taking action to protect tobacco farmers and the environment in Tanzania in 2017 in collaboration with FAO, UNDP and WHO
- Supporting four projects in Brazil, Philippines, Zambia and Zimbabwe¹⁶
- Supporting, in March 2016 and as part of South-South cooperation project, a study visit to Brazil by Jamaica, Philippines and Uruguay to understand the actions of the Brazil National Diversification program for implementation of Article 17.¹⁷
- Supporting a joint effort by UNDP, the American Cancer Society, and other UN partners to assess the feasibility of a **Tobacco Control Social Impact Bond**. The project leverages private capital to enable the large upfront investments required to provide farmers a complete range of services needed to move away from tobacco growing (e.g. inputs, extension and marketing

¹⁵ When available, studies show that protective gear is not suitable to the climate and so unpleasant to use that farmers forego its use.

¹⁶ **Brazil** to develop strategies to strengthen the implementation of article 18 (Development of a comprehensive health care protocol directed to monitor tobacco growers' health conditions, Implementation of the protocol in a pilot municipality and Development of a health education program addressed to tobacco growers and civil society organizations in tobacco growing areas)

The **Philippines** to implement the Pilot Project in support to Art 17 and 18 of the FCTC (Baseline health profiling among tobacco farmers in Regions 1, DA intervention on diversification for the identified areas where profiling is targeted, DOH to coordinate with DENR on data on extent of deforestation in Pilot Muns)

Zambia to conduct a pilot study to encourage and support small scale tobacco farmers adopt economically viable alternative livelihoods to tobacco growing in order to prevent negative social, health and environmental impacts on their lives.

Zimbabwe to understand/comprehend the current situation regarding tobacco growing, to sensitize tobacco farmers on the possibility of engaging in alternatives and to ensure that farmers gain skills to engage in alternatives

¹⁷ <https://www.who.int/fctc/implementation/cooperation/project-Article-17-Brazil-alternative-livelihoods/en/>

services, crop protection, credit, stable product prices, training and skills development).¹⁸ ILO are among the agencies engaged in the feasibility study (in progress)

- Joining the UN-led global joint programme on alternative livelihoods to tobacco through the work of the UN Inter-Agency Task Force on the Prevention and Control of NCDs (in progress)
- Commissioning the “Viable alternatives to tobacco growing: an economic model for implementing Articles 17 and 18” paper. This paper uses a holistic approach in providing a modelling framework for implementing Articles 17 and 18 of the FCTC based on the concept that alternatives to tobacco growing should be sought in the whole economy, not just in the agricultural sector.¹⁹

The Convention Secretariat is ready to continue to cooperate with other agencies under the existing platforms to address decent working conditions in tobacco growing.

Question 3: What should tripartite constituents do to ensure policy and programme coherence and convergence at the country level in order to effectively realize national development priorities and to promote decent work in the tobacco sector?

The FCTC emphasizes the need for policy and programme coherence to support the acceleration of tobacco control efforts as part of broader SDG implementation, as outlined in the Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019-2025.²⁰

The several documents referenced in this paper, make it also clear that the tobacco industry should not be granted any preferential treatment. A number of decisions from UN agencies, programmes, ECOSOC, the Conference of the Parties to the FCTC and other international bodies address the uniqueness of the tobacco industry and provide guidance on how to prevent conflicts of interest. This might also be applicable to the tripartite system, where governments and workers could have preferential treatment over the tobacco industry and be protected from their vested interests. Platforms already exist to promote greater policy and programme coherence for instance through the UN Inter-Agency Task Force on the Prevention and Control of NCDs which comprises a number of UN agencies working together on the topic of tobacco control and alternative livelihoods such as ILO, UNDP, FAO, IFAD, WHO, and UNODC.

Furthermore, it’s recommended that Policy and programme coherence and convergence are obtained by fully implementing the FCTC, its Protocols and Guidelines.

1. The Policy Options and Recommendations to implement article 17&18 recommend that public financing and incentives directly linked to tobacco growing should be discontinued, in accordance with national law and policies, taking into account possible adverse impact on tobacco growers. It also recommends that tobacco-growing countries should not encourage nor provide any incentives to increase the acreage of land used for cultivating tobacco. Furthermore,

¹⁸ Research shows that most tobacco farmers are willing to abandon tobacco cultivation and switch to alternative crops and livelihoods if assisted with a complete range of services. Access to education, training, and skills development programmes are also needed for those looking beyond agriculture. <https://www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/economics-tobacco-farming-zambia-2017.pdf>

¹⁹ https://www.who.int/fctc/implementation/resources/economic-model-17-18_viable-alternatives-tobacco.pdf?ua=1

²⁰ <https://www.who.int/fctc/cop/g-s-2025/en/>

they should consider reallocating public funds/subsidies used for tobacco production to alternative livelihoods activities.

2. In line with article 5.3 Guidelines, Parties should not give preferential treatment to the tobacco industry. This includes not granting incentives, privileges or benefits to the tobacco industry to establish or run their businesses and not provide any preferential tax exemption to the tobacco industry.
3. It is of paramount importance, in keeping in line with Article 5.3 of the FCTC, that policies, research studies and programmes are not funded or supported in any way by the tobacco industry (including organizations that are funded by the tobacco industry or serve as a front group such as the Eliminating Child Labour in Tobacco-Growing (ECLT) Foundation (ECLT), International Tobacco Grower's Association (ITGA), and the Foundation for a Smoke-Free World.
4. Countries can also reach out to intergovernmental entities as part of the UN resident team and nongovernmental organizations working under the umbrella of the observers to COP to develop strategies to protect women, girls and boys from the negative effects of tobacco farming.
5. Countries are encouraged to link up with research institutions that can provide or conduct useful research in several of the topic areas to advance tobacco growers health, and social and economic development.

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Appendix A

Relevant documents and decisions at the global level that guide discussions about tobacco, including tobacco production:

- United Nations Treaty Collection showing Parties to the FCTC²¹
- Guidelines for implementation of Article 5.3 on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry²²
- COP decisions on protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry^{23,24}
- Resolution adopted by the Economic and Social Council (ECOSOC) on 7 June 2017 concerning the United Nations Inter-Agency Task Force on the Prevention and Control of Non-Communicable Diseases and the Model Policy for Agencies of the United Nations system on preventing tobacco industry interference²⁵
- Resolution adopted by the Economic and Social Council (ECOSOC) on 2 July 2018 concerning the United Nations Inter-Agency Task Force on the Prevention and Control of Non-Communicable Diseases and the Model Policy for Agencies of the United Nations system on preventing tobacco industry interference²⁶
- COP decisions relating to Articles 17 and 18 on provision of support for economically viable alternative activities and protection of the environment and the health of persons²⁷
- COP decision relating to environmental impact of tobacco²⁸
- United Nations General Assembly resolutions on Political Declarations of the UNGA on the prevention and control of non-communicable diseases²⁹
- United Nations General Assembly resolution on Global Indicator Framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development (Indicator 3.a Strengthen the implementation of the WHO FCTC in all countries, as appropriate)³⁰
- UN Global Compact Integrity Policy Update - Updated 13 October 2017 with exclusionary criterion for tobacco companies³¹

²¹ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IX-4&chapter=9&clang=en

²² https://www.who.int/fctc/treaty_instruments/adopted/article_5_3/en/

²³ FCTC/COP6(14), FCTC/COP7(8), FCTC/COP8(18)

²⁴ FCTC/COP3(7) http://apps.who.int/gb/fctc/PDF/cop3/FCTC_COP3_DIV3-en.pdf?ua=1

²⁵ <https://undocs.org/en/E/RES/2017/8>

²⁶ https://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2018/13

²⁷ FCTC/COP1(17), FCTC/COP2(13), FCTC/COP3(16), FCTC/COP4(9), FCTC/COP5(8), FCTC/COP6(11), FCTC/COP7(10), FCTC/COP8(19)

²⁸ FCTC/COP7(10)

²⁹ A/RES/73/2, A/RES/66/2, A/RES/68/300

³⁰ <https://www.who.int/sdg/targets/en/>

³¹ https://www.unglobalcompact.org/docs/about_the_gc/Integrity_measures/integrity-recommendation-2017.pdf