

**Report on Canadian Civil Society Participation
at the Second Conference of the Parties
(COP2) of the Framework Convention on
Tobacco Control (FCTC)**

June 30—July 6, 2007

**United Nations Conference Centre in Bangkok,
Thailand**

Final Narrative Report

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Canadian NGO Activities at COP-2

Final Narrative Report

Background

Canadian NGOs have sent representatives to all FCTC negotiating meetings (INBs), to Open-Ended Intergovernmental Working Groups and to the first meeting of the FCTC Conference of the Parties. They have played a major role within the Framework Convention Alliance, in making the case for certain points that were eventually included in the FCTC (such as package warnings), and in providing an important channel of communications between the Canadian official delegation and the international NGO community.

In 2006 and again in 2007, Canadian NGOs produced a shadow monitoring report on Canadian implementation of the FCTC. This is a useful complement to the official Canadian report, and provides a model for NGO coalitions in other countries who wish to produce similar reports.

Apart from Rob Cunningham of the Canadian Cancer Society, who was funded by his employer, three other Canadian civil society representatives were available to play an important role in the upcoming COP, but did not have funding to attend the meetings.

- Michael DeRosenroll, a lawyer with the Canadian Cancer Society, did the bulk of the work on the recent Canadian NGO shadow report. He was also involved in the past in efforts to get delegations to sign and/or ratify in time to participate FCTC meetings. At COP-2, he would be able to share his shadow report experience with colleagues from other countries and brief delegates on the legal and policy situation in Canada with respect to Articles 8 and 11, amongst others.
- David Hammond, assistant professor at the University of Waterloo, conducts research on product regulation and labelling issues, of direct relevance to discussions on Articles 9, 10 and 11. He is involved in Article 9 working group discussions as a representative of the Framework Convention Alliance, and would be able to provide delegates with information on the most recent scientific evidence underlying strong labelling and appropriate product regulation measures.
- Francis Thompson, director of policy at the Non-Smokers' Rights Association and tobacco control adviser to HealthBridge, would be returning to his role with the FCA's daily bulletin, which is distributed to all delegates. He would also be involved in setting up a new francophone network within FCA.

Goals and Objectives

The overall purpose of this contract was to enable the participation of the three delegates noted above in the COP-2, thereby ensuring Canadian civil society presence and leadership at the meetings, and the documentation of lessons learned in terms of how to maximize the positive impact of Canadian NGO delegates in the future and how to facilitate fruitful exchanges between the Canadian official delegation and NGO representatives from around the world.

Activities

The following highlights the primary activities undertaken by each of the delegates, and the outcomes of their participation.

Michael DeRosenroll, delegate for the International Union Against Cancer (UICC) – activity report plus brief report on NGO shadow reporting, at both the national and FCA levels

Overview of Activities

1. Attended COP2: Attended plenary meetings, committee meetings, working group meetings, regional meetings (Region of the Americas and others), World Health Organization (WHO) technical briefings, FCA issue briefings, the NGO forum and informal gatherings/receptions.
2. Made a presentation at the FCA issue briefing on NGO shadow reporting.
3. Participated in meetings of delegates from FCA member organizations, during which staff of the FCA communicated the FCA's positions on the issues on the COP2 agenda.
4. Met informally with delegates to COP2, both from the NGO community and official government delegations, to discuss the issues on the agenda, exchange information, and communicate the views of the CCS on the various issues on the agenda. Made a particular effort to meet with NGO delegates from the developing world to learn about the tobacco control issues facing them, their priorities with respect to the FCTC, their views on the issues on the COP2 agenda, and their views on the FCA's positions on these issues. Through this effort, developed new contacts with NGO delegates from several developing countries.
5. Contributed to the production of the FCA Bulletin, a daily newsletter produced by the FCA during the COP to communicate the FCA's positions on the various issues to all delegates.

Shadow Reporting and the FCTC

Several civil society shadow reports were available to delegates at COP2, including the Canadian shadow report. MDR made a presentation at the FCA evening briefing on shadow reporting and had many conversations with delegates about the Canadian shadow report and shadow reports generally. In addition, civil society groups from Mexico and France presented national shadow reports, there was a civil society shadow report comparing FCTC implementation across most of the ASEAN region (Southeast Asia), and the FCA released a global shadow report covering 27 of the first 40 countries to ratify the FCTC (including Canada). The FCA briefing on shadow reports attracted approximately 80 delegates.

Overall, the impact of the shadow reports on the COP was significant. The national shadow reports drew the attention of delegates to the particular challenges in the three countries covered. The impact of the multi-country reports was even greater, as the comparisons between the countries seemed to put pressure on the delegations of the countries receiving poor reviews

to improve. The country delegations clearly took note of what was said about their respective countries.

NGO delegates universally said that they wanted to try to put together shadow reports on their countries as well. Many from developing countries requested the assistance of MDR in preparing their reports. It was clear that the NGO delegates recognized the utility of shadow reports as tools to keep the official state reporting process accountable.

David Hammond – activity report plus an update on FCA/NGO activities re: product regulation

Overview of Activities

1. DH attended the Conference of the Parties as a delegate for the Framework Convention Alliance (FCA). The following provides a summary of his presentations.
 - NGO Forum Presentation on Article 11: DH presented on *Best Practices in Tobacco Product Labelling* as part of the NGO forum on June 30. The forum was well attended and DH was approached by representatives from Mauritius, Venezuela, Guatemala, and the Philippines following the talk; he has agreed to provide input on draft legislation in each of these countries.
 - WHO Briefing Session presentation on Articles 9 and 10—Tobacco Product Labelling: The presentation communicated the FCA's position on each of the questions that were put to the COP on behalf of the Key Facilitators for Articles 9 and 10. The presentation also sought to address some of the broader underlying questions around tobacco product regulation. A lively question period followed the presentations.
 - FCA Information Session presentation on Article 11: follow-up presentation on best practices in tobacco product labelling. Following the talk DH received requests from more than a dozen different countries regarding support for developing labeling regulations.
 - Presentation to Chinese Journalists: Campaign for Tobacco Free Kids organized a workshop on tobacco control for Chinese journalists, at which DH gave a presentation on tobacco product labelling. The talk was attended by all 20 journalists, followed by discussion over lunch.
2. In addition to the presentations, DH attended much of the plenary discussion of Committee A and was asked by the FCA to provide feedback on Articles 9, 10, and 11. COP II also provided opportunities for more informal meetings and discussions with other members of the Working Group for Articles 9 and 10. DH had several discussions with Key Facilitators, as well as with several members of the WHO TobReg regarding the general direction of this work. This is particularly important given the interval between Working Group meetings. Several FCA proposals were eventually endorsed by the COP, including prioritizing Articles 11, elaborating guidelines for Articles 9 and 10 in parallel, as well as modifying a key question regarding standardization and the role of ISO.

<i>Francis Thompson</i> – activity report plus copies of FCA bulletins
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Overview of Activities

1. FT was responsible for editing the Framework Convention Alliance's daily bulletin. The team published six eight-page editions, including three in colour. (The web version of the bulletin is always in colour, there were technical problems printing in colour.) Margarida Silva from the European Respiratory Society was the production assistant throughout the week, doing most of the layout work. Menchi G. Velasco from the Southeast Asian Tobacco Control Alliance managed the FCA bulletin room and took care of organizing photocopying/printing, folding and distribution. Bulletin production was problematic, due to various computer problems and some miscommunication with FCA staff. However, there was heavy turnout of NGO delegates in Bangkok and a great willingness to write articles, so overall the bulletin worked out well: there was a good variety in topics, languages, and geographical origin of contributors. Indeed, by the end of the week there was a large backlog of articles which will likely be used for an inter-sessional FCA bulletin (to be mailed out to governments). Bulletin articles can be divided into three categories (see Appendix 1 for copies of the bulletins):
 - "Lobbying" articles, directly related to issues on the floor, typically written by a member of the FCA policy committee. Since virtually all the FCA official positions were accepted quite quickly by the COP, these articles were less significant than at previous meetings.
 - Practical articles (industry documents in French, scholarship opportunities, etc.)
 - Stories from individual countries, about implementation (or lack thereof) at the national level. These accounted for the bulk of the material published in the bulletin, and served several purposes. First, they humanized the tobacco issue, particularly for those delegates who were new to tobacco control. Second, they provided validation for NGO delegates, particularly vis-à-vis their country's official delegation. Third, they provided a way for FCA members to participate in Alliance activities in a public and meaningful way.
2. Gave a presentation on progress on second-hand smoke issues in Canada at the French-language lunchtime briefing on July 4. This briefing ran at the same time as the (English-language) briefing on the Bloomberg Initiative, which no doubt reduced turnout somewhat, but roughly 20 delegates showed up, mostly from Africa.

Lessons Learned

Lesson #1: Pre-COP meetings between COD and Canadian NGO delegates are useful

Approximately two weeks prior to the COP, MDR was one of several Canadian NGO delegates who attended a half-day meeting with several members of COD. The participants exchanged information on several issues on the COP2 agenda, particularly related to Canada's position on these issues and the NGO perspectives.

From the perspective of maximizing the positive impact of the Canadian NGO delegates and facilitating fruitful exchanges between COD and NGO representatives from other countries, this pre-COP meeting was extremely useful. It allowed the participants to identify the points of divergence between COD and the international NGO community, and to begin the work of bridging these gaps prior to COP2. This was particularly important with respect to the guidelines on Article 8 of the FCTC (protection from second-hand smoke). The FCA had identified the adoption of these guidelines as its number one priority for COP2 and COD indicated during the meeting that Canada had some concerns with the proposed guidelines. As a result of the exchange at this meeting, the NGO delegates who had met with COD were able to communicate Canada's concerns to the FCA prior to COP2 and work with the FCA to prepare suggestions to address Canada's concerns. The FCA communicated these suggestions to the government delegations of Canada and other countries at COP2 and thus helped those delegations and COD resolve Canada's concern.

This illustrates the constructive role that NGOs can play in supporting governments with the business of the COP, and the particularly constructive role that Canadian NGOs can play as facilitators between COD and the global NGO community. To best fulfill this constructive role, Canadian NGOs need to be able to exchange information in an open dialogue with COD. Therefore, CODs at future COPs should continue the practice of exchanging information at pre-COP meetings with Canadian NGO delegates.

Lesson #2: Communication between COD and NGO delegates during the COP could be improved

On day three of the COP, several members of COD met with delegates from the FCA for half an hour. This was a welcome opportunity for members of the NGO community to communicate with COD but, aside from this brief meeting, it was generally difficult for NGO delegates to gain access to COD. Part of the reason for this was that COD was clearly one of the most hard-working government delegations at the COP and members of COD were not often at the locations to which NGO delegates had access. Members of COD explained that this was because they often had intra-delegation meetings or other meetings with delegations from other governments. However, even when the members of COD were physically available, there were barriers to communication between COD and NGO delegates (however, at the conclusion of the meeting between COD and the FCA delegates, members of COD kindly invited NGO delegates to come up and talk to them in the corridors of the conference centre).

In addition, several NGO delegates from the developing world indicated that they did not feel comfortable approaching members of COD, although this may have been reflective of cultural differences rather than the unwillingness of COD delegates to meet. Neil Collishaw, whose specific role on the delegation was to facilitate communication with NGOs, did a great job of bridging this communication barrier by taking the initiative to engage many NGO delegates in informal conversation.

It is important for all the members of COD to go out of their way, whenever possible, to initiate informal discussions with NGO delegates from the developing world. Three

recommendations to improve communication between COD and NGO delegates during the COP are:

- 1) In light of the useful and important role played by the NGO representative on COD in facilitating fruitful communication with NGOs, Canada should consider adding a second NGO delegate to future CODs to facilitate more information exchange with the global NGO community.
- 2) The government members of COD should make an extra effort to reach out to NGO delegates from the developing world. Meeting formally with the FCA for a half hour was an excellent start, but COD should also recognize the barriers to informal communication faced by many developing world delegates and strive to overcome these barriers by regularly initiating informal communications with NGO delegates from the developing world. This could also be useful in the case of non-Canadian NGO delegates from developed countries, whose priorities are regularly communicated to COD through FCA publications.
- 3) COD should meet formally with Canadian NGO delegates during COP. Occasional brief meetings between COD and Canadian NGO delegates could be very positive if COD is serious about wanting fruitful exchanges with civil society. Canadian NGO delegates have excellent access to NGO delegates from other countries and are therefore in a position to keep COD well-informed about the views of civil society delegates from around the world.

Lesson #3: The COD needs to hear the voices of more than just the FCA in order to hear the voices and priorities of the developing world

The COD paid close attention to the FCA's position papers prior to COP2. While this is positive, the COD should not be overly reliant on the FCA to provide NGO perspectives; doing so will not give COD a complete picture of the views and perspectives of global civil society. While the FCA deserves much praise for paying for many NGO delegates from the developing world to attend the COP, who would not otherwise have been able to attend, the FCA's positions on certain issues do not reflect the consensus of global civil society. This is particularly so in the case of financial aid issues.

(With respect to financial aid, a proposal on aid mechanisms emerged from the floor of Committee B of COP2 (the committee of the COP that dealt with implementation, treaty governance and reporting issues) for which the FCA policy papers provided no guidance to FCA members. MDR therefore worked with other FCA delegates to bring this development to the attention of the FCA as a whole and helped organize a special morning meeting on July 4 to develop an FCA position on this issue. During this meeting, a difference of opinion emerged between FCA delegates from developing countries and one outspoken senior delegate from Europe over what should be the FCA position. Although some progress was made on mediating this difference, during an FCA morning meeting convened immediately thereafter the FCA policy director (also from a developed country) presented his prepared-in-advance talk outlining the FCA "position" on the financial aid issue. Unfortunately, the position he had decided upon was identical to that which the previously noted senior FCA member had taken.)

The FCA is a worthwhile organization that brings a lot of resources and technical expertise to the COP and many of FCA's positions on the issues do manage to reflect the global NGO consensus. It is therefore appropriate that COD continue to pay attention to the FCA as a major NGO actor. However, *COD will not get a full picture of the perspectives and priorities of developing world NGOs if it only relies on the FCA as the voice of civil society.*

Lesson #4: Providing an opportunity for Canadian civil society representatives to attend the COP meetings greatly facilitates the ability of Canada to continue to provide leadership in tobacco control

COP II served as a timely forum for the dissemination of recommendations on Article 11. Dozens of countries are currently revising their tobacco labelling policies and DH's presentations provided an opportunity to share experience and evidence from Canada and other countries. Meeting many of the delegates and NGO representatives from these countries also has helped Canadians to better understand their needs. As a result of the overwhelming number of requests for support, DH will now explore opportunities for assembling a toolkit for parties.

Lesson #5 Providing ongoing opportunities for civil society representatives to publicly participate in FCA activities continues to have great relevance

The FCA is becoming increasingly professionalized and hierarchical; this in turn appears to be limiting the ability of individual members to contribute to, or have a say in, official FCA positions. Publishing the FCA bulletin at COP meetings, on the other hand, provides a direct and accessible means for NGO representatives to report on implementation (or lack thereof) at the national level – something that is often lost in the FCA positions. Therefore, *continuing the bulletin, and other related activities, is of particular importance to NGO cohesion and contribution to FCTC meetings.*