

Reporting back: WHO FCTC COP9 and MOP2



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Summary of discussions

At the ninth Conference of the Parties and second Meeting of the Parties of the WHO FCTC, held virtually on 8-17 November, a global investment fund was created to advance tobacco control, a budget for implementation of the FCTC was approved, an initiative on transparency aimed at addressing the industry's interference was adopted and assistance will be given for financial and technical resources to implement the Protocol to Eliminate Illicit Trade in Tobacco Products.

Agenda highlights

The agenda for the WHO FCTC COP9 and MOP2 included several discussions relevant to global progress of tobacco control implementation, including:

- Establishment of an Investment Fund
- Convention Secretariat Workplan and Budget
- COP9 Declaration
- Global progress report on the implementation of the FCTC
- Global Progress report on the implementation of the Protocol to Eliminate illicit Trade of Tobacco Products

What are the FCTC COP9 and MOP2?

The Conference of the Parties (COP) to the WHO FCTC and the Meeting of the Parties (MOP) to the Protocol to Eliminate the Illicit Trade of Tobacco Products are key events that bring countries (Parties and Non-Parties), International Governmental Organisations and Non-Governmental Organisations together to develop the guidelines, policy options and recommendations through consultative processes with the aim to assist Parties in meeting their legal obligations under the Convention.

Opening the COP9 and the MOP2

The opening of the WHO FCTC Conference of the Parties and Meeting of the Parties saw the Head of the Convention Secretariat, [Dr Adriana Blanco Marquizo](#), acknowledging the exceptional circumstances in which the COP9 and MOP2 are held. She also recalled that smokers were still vulnerable, and the vast majority of the globe is facing health issues due to the COVID-19 pandemic. Dr Blanco mentioned that measures to reduce the tobacco consumption exist such as tobacco taxation that could also serve to finance back health systems that were disrupted during the last two years. She warned about the actions and

rhetoric of the tobacco industry, trying to undermine the WHO FCTC treaties by presenting itself as the solution of the tobacco epidemic that they perpetuate.

The COP9 President, [H.E Esmaeil Baghaei Hamaneh](#), representant of the Islamic Republic of Iran in Geneva, ensured that “...all parties will have the opportunity to engage in fruitful and constructive dialogue.” He also emphasised on the fact that the COP9 is held in a virtual context but building on the experience and procedures of the last 73rd and 74th sessions of the WHO World Health Assembly, where key decisions were adopted. He also reiterated the impact of tobacco industry interference “...can masquerade as assistance for countries that find themselves in a vulnerable position due to the pandemic”.

In the opening of the MOP2, [Dr Tedros](#) highlighted the progress made during these long discussions and recalled the essential role of the treaties as well as the danger of the industry and its product's profitability.

“If tobacco was a virus, it would long ago have been called a pandemic, and the world would marshal every resource to stop it...it's a multi-billion-dollar business that profits from death and disease...”

An exceptional context

The pandemic has disrupted ongoing efforts in tobacco control, with expected long-term effects on health systems and economies and short-term effects such as increase of smoking, delays in implementation of tobacco control laws and industry interference. Plus, with the impossibility for all stakeholders to [convene physically and hold face-to-face negotiations](#), it was decided together with the Parties that only essential items would be addressed during these virtual COP9 and MOP2.

The secretariat suggested to apply “special procedures” to these meetings in order to advance the necessary work and achieve the goals of the conferences in advancing international work on tobacco control. Those special procedures are complementary to the “Rules of Procedures” as stated by WHO and WHO FCTC legal advisors; and have been similarly and successfully applied previously by WHO for the last two WHA (World Health Assembly) and four EBs (Executive Boards).

Those procedures are essential since they regulate the conduct of virtual meetings giving the legitimacy to the COP9 and MOP2. Therefore, any decisions taken won't be contested in the future.

Parties were consulted in the lead-up to the COP9 and welcomed the proposed agenda and procedures in order for items to be approved with minor discussions. In addition, no substantive decisions were expected to be taken and put in the agenda of this COP but deferred to the next COP10.

[Access the FCA Bulletins](#)

Delaying tactics and tobacco industry interference

Despite all the precautions taken by the Secretariat at the legal level and the consultation work performed prior to the COP9, some Parties slowed down the adoption of the agenda and organisation of work from day one by asking to rephrase some agenda items and questioning the legitimacy of the virtual COP9. Consensus could not be reached due to debating discussions on the agenda instead of addressing content such as the creation of the Investment Fund that would require significant discussions.

There was consensus on day two with the adoption of the agenda and items were split between Committee A, where technical matters were discussed and substantive decisions deferred to COP10, and Committee B, where budgetary discussions took place.

COP9 was held over five days and MOP2 over three days. Parties entered in discussions, negotiations and collaborations to achieve the work scheduled. The Convention Secretariat, led by Dr Adriana Blanco Marquizo, was instrumental in facilitating and managing the events, as well as ensuring that the voice of every Parties was heard.

What was addressed?

- **Investment fund**

Critical discussions occurred in Committee B during the 3rd day, where the creation of an investment fund was on the agenda. Such a sustainable and flexible fund would support the implementation of the Global Strategy to Accelerate Tobacco Control and act as a complementary source for the COP budget and work of the Secretariat. The decision was made to create the investment fund with an oversight committee including Parties as well as two NGO Observers of the COP representing the civil society.

[Read more about the funding gap](#)

- **Workplan and budget**

The Parties approved the budget and workplan of the Secretariat, which will allow implementation of the FCTC in 2023.

- **COP9 Declaration**

The parties adopted the COP9 declaration, which includes actions linked to UN SDG target 3a (implementation of the FCTC) and 3.4 (reduce premature mortality of NCDs) in COVID-19 recovery plans and national SDG strategies.

- **Increased transparency**

24 countries out of 28 countries of the Americas region signed an initiative aimed at addressing the industry's interference in COP sessions. The initiative also asked for increased transparency of Parties' delegations participating in the COP and that there be greater adherence to article 5.3 of the WHO FCTC requiring *"...to protect these policies from the commercial and vested interests of the tobacco industry"*.

- **Implementation of the protocol**

The second Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products was held between 15-17 November. The Parties approved the implementation of an assistance strategy that will address financial and technical resources (law enforcement, tax treaties, customs, etc) needed for parties to counter illicit trade. It will

support international cooperation and capacity building to implement the Protocol.

What can we expect for the next COP10?

The next COP10 and MOP3 will be held in Panama hopefully in person. Since multiple items were deferred to COP10, notably discussions on ENDS (Electronic Nicotine Delivery Systems), we can expect the parties and other stakeholders to increase their collaborative preparatory work in the lead-up to the 2023 meetings. In the meantime, we hope that the investment fund would be set, and the budget contributions will allow some countries to implement the protocol to eliminate illicit trade of tobacco products where it is the most needed.