



## **Submission of the President of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products to the thematic review of the 2022 United Nations High-level Political Forum**

*“Building back better from the coronavirus disease (COVID-19) while advancing the full implementation of the 2030 Agenda for Sustainable Development”.*

### **The Protocol and recovery from the COVID-19 pandemic**

The Protocol to Eliminate Illicit Trade in Tobacco Products was developed in response to a growing concern by Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) regarding illicit trade in tobacco products and its role in fuelling the tobacco epidemic. The Protocol's objective is to eliminate all forms of illicit trade in tobacco products by fostering the progressive adoption and implementation of different legislative, executive and administrative measures by countries acting in cooperation with each other. The Protocol entered into force on 25 September 2018 and currently has 64 Parties.

The production and consumption of tobacco products has devastating health, social, environmental and economic consequences. Target 3.a of the Sustainable Development Goals (SDGs) specifically calls for strengthening implementation of the WHO FCTC. The evidence-based tobacco control measures contained in the Convention therefor represent an accelerator for sustainable development<sup>[1]</sup>, but illicit trade in tobacco products undermines their impact. Illicit trade makes tobacco products more affordable and accessible and causes substantial losses in tax revenues. Eliminating the illicit trade in tobacco improves public health and safeguards important revenues that can be utilized by governments to finance recovery from say the COVID-19 pandemic and also to help propel sustainable development, in line with the Addis Ababa Action Agenda. The global revenue potential from eliminating illicit cigarettes is estimated at US\$ 47.4 billion<sup>[2]</sup> per year.

In his submission to the thematic review of the 2021 United Nations High-level Political Forum, the President of the Meeting of the Parties (MOP) to the Protocol has already highlighted the negative impact of the COVID-19 pandemic on the implementation of a new treaty such as the Protocol.

The second session of the MOP (MOP2) – delayed by one year due to the pandemic-acknowledged that technical and financial assistance and capacity-building are crucial for success in the implementation of the Protocol, especially in developing countries and countries with economies in transition. MOP2 also decided to invite competent international and regional intergovernmental organizations to apply for the status of observer to the MOP and/or contribute to the implementation of the Protocol

### **(a) Implementation of Protocol and SDGs 4, 5, 14, 15 and 17 during the COVID-19 pandemic**



The Global Progress Report in the Implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products<sup>[3]</sup> indicated that implementation status seems to be uneven among various articles of the Protocol.

The information below provides a glimpse into the inter-linkages between the Protocol and the highlighted SDGs, noting that the implementation of various tobacco control measures has a synergistic impact on multiple SDGs<sup>[4]</sup> and illicit trade in tobacco products undermines the impact of tobacco control measures.

### **SDGs 4, 5, 14 and 15**

The benefits of the implementation of comprehensive tobacco control measures on the achievement of **SDG 4** (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all), **SDG 5** (Achieve gender equality and empower all women and girls), **SDG 14** (Conserve and sustainably use the oceans, seas and marine resources for sustainable development), and **SDG 15** (Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss) is well documented in a discussion paper jointly developed by the Secretariat of the WHO FCTC and the United Nations Development Programme (UNDP), entitled *The WHO Framework Convention on Tobacco Control an Accelerator for Sustainable Development*<sup>[5]</sup>. It is to be noted that a separate submission to the thematic review of the 2022 United Nations High-level Political Forum is made in relation to the WHO FCTC.

### **SDG 17**

The Protocol provides the legal basis for international cooperation so that Parties can exchange information and act together to address a problem of transnational nature, which can support the achievement of **SDG 17** (Strengthen the means of implementation and revitalize the global partnership for sustainable development).

Articles 20-31 of the Protocol include a full range of mechanisms for Parties to collaborate with each other through information sharing, mutual administrative assistance, mutual legal assistance, and law enforcement cooperation, among other means. Parties to the Protocol are also committed to support each other through training, technical assistance, and cooperation in scientific, technical, and technological matters. Additionally, the implementation of the Protocol requires national coordination, which can enhance domestic capacities for inter-sectoral engagement. In seeking partnerships, however, it is critical to protect public policies against tobacco industry interference, which continues to be a major barrier to effective tobacco control measures.

Article 8 of the Protocol requires the establishment of a global tracking and tracing regime, comprising national and/or regional systems and a global information sharing focal point to be established at the Convention Secretariat within five years of entry into force of the Protocol. The objective of such regime is to further secure the supply chain of tobacco products and assists in the investigation of illicit trade.



Moreover, the elimination of illicit trade in tobacco products has a great potential to strengthen domestic resource mobilization by ensuring that the market is composed of taxed tobacco products. At a global level, MOP 2 adopted a decision to launch an Investment Fund for the Protocol. This new initiative will source financial contributions beyond the traditional health sector, establishing a capital investment fund, the earned revenue of which will be used to support the activities of the Protocol <sup>[6]</sup>.

MOP2 invited Parties to adopt appropriate instruments and measures to facilitate the exchange of information, to continue to share good practices with each other including through Convention Secretariat, to explore benefits of regional actions and to engage and foster cooperation with other international law enforcement organizations <sup>[7]</sup>. MOP2 also strengthened the development of partnerships across sectors and with civil society involved in the implementation of the Protocol and decided to grant observer status to two intergovernmental organizations and eight nongovernmental organizations.

### **(b) Assessment of the situation regarding the principle of “leaving no one behind” against the background of the COVID-19 pandemic and for the implementation of the 2030 Agenda**

Tobacco use exposes and widens inequalities. Illicit tobacco products, often cheaper, are more affordable and accessible to groups in vulnerable situations, who are generally less able to afford health care and have less access to prevention and treatment. It is estimated that close to 10% of the global cigarette trade is illicit. The implementation of the Protocol is an important goal for public health, with benefits in many other areas of sustainable development. Eliminating tobacco-related illicit trade can also potentially benefit wider initiatives to address other forms of illicit conduct given the overlap of actors in illegal activities and since legal, administrative and enforcement frameworks and techniques to combat them have similarities. The Protocol can support domestic resource mobilization that can be later used to assist the most marginalized and ensure that no one is left behind.

### **(c) Actions and policy recommendations in areas requiring urgent attention in relation to the implementation of the SDGs under review**

In the Global Progress Report <sup>[8]</sup>, Parties enumerated their priorities with regards to the implementation of the Protocol. These priorities represent actions that Parties believe require more urgent attention and are closely connected to topics related to SDG17 such as cooperation, capacity development and technology. For many respondents, the highest priority is reported to be the implementation of a tracking and tracing systems for tobacco products (Article 8). Other measures considered as priorities by the respondents were the general obligations under Article 4 of the Protocol, including measures aimed at increasing national capacities to further control the supply chain of tobacco products, cooperation to enhance law enforcement, exchange information, increase the effectiveness of relevant authorities and services, and ensuring the availability of assistance, technical support and capacity building. Strengthening tobacco control policies and defining a national strategy for the application of the Protocol were also mentioned by several respondents.



**(d) Policy recommendations, commitments and cooperation measures for promoting a sustainable, resilient and inclusive recovery from the pandemic while advancing the full implementation of the 2030 Agenda**

One of the main highlights of MOP2 was the adoption of a *Strategy for mechanisms of assistance and mobilization of financial resources to support the implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products*<sup>[9]</sup>. The Decision that adopts the Strategy calls on Parties to strongly encourage international and regional organizations in which they are represented to support the implementation of the Protocol and to acknowledge its role in the achievement of the 2030 Agenda for Sustainable Development. It also calls on Parties to cooperate with each other and to prioritize resource mobilization to eliminate illicit trade in tobacco products at national and international levels.

**(e) Key messages for inclusion into the Ministerial Declaration of the 2022 HLPF**

Based on the above considerations, the following takeaways can be highlighted:

- Eliminating illicit trade in tobacco products has an important role in the achievement of the Sustainable Development Goals and the global revenue from eliminating illicit trade in tobacco products can support the recovery from the COVID-19 pandemic.
- International cooperation between Parties must be strengthened so that the objective of the Protocol can be achieved.
- Relevant competent intergovernmental organizations should support the implementation of the Protocol.

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<sup>[1]</sup> The WHO Framework Convention on Tobacco Control: an accelerator for sustainable development, Secretariat of the WHO FCTC and the United Nations Development Programme (UNDP)

<sup>[2]</sup> Potential impact of eliminating illicit trade in cigarettes: a demand-side perspective

<sup>[3]</sup> 2021 Global Progress Report in the Implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

<sup>[4]</sup> See reference 1

<sup>[5]</sup> See reference 1

<sup>[6]</sup> FCTC/MOP2(8) Investment Fund for implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

<sup>[7]</sup> FCTC/MOP2(7) Assistance and cooperation

<sup>[8]</sup> See reference 3

<sup>[9]</sup> FCTC/MOP2(11) Financial Resources and Mechanisms of Assistance