

A reflection on the experience of COP-3

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Competing interests:

Jonathan Liberman was
Framework Convention Alliance
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2006 to December 2008, a
period that included both COP-2
and COP-3. The FCA is an
international non-governmental
organisation representing over
350 NGOs from more than 100
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implementation of the
Framework Convention on
Tobacco Control.

Like any legal document, a treaty houses countless possibilities. The words of the document are critical, but they can only ever be part of the story. It is not ultimately the text that gives the document breath, but the imagination and the efforts of those who interact with the document and determine what kind of life it leads in the real world.

The life of the FCTC has two primary, inter-related components: the international work of the Conference of the Parties (COP), and on-the-ground implementation. When things work well, the relationship is a dynamic one. The COP promotes implementation—primarily through its standard-setting, assistance mobilisation and implementation monitoring roles—and its work is informed by the successes and challenges of domestic tobacco control activities. COP-3 continued the COP's impressive early performance as a standard-setter. But there is much work to do in its other roles—in ensuring that those standards are turned into real on-the-ground outcomes.

My role at COP-3 was as policy director of the Framework Convention Alliance (FCA). FCA actively contributes to the activities of the COP, bringing to the work of the parties the vast expertise, experience and energy of global civil society. While the COP is an intergovernmental body, the importance of civil society participation

is recognised in the FCTC as “essential in achieving the objective of the Convention and its protocols” (article 4.7).

The impressive policy outcomes of COP-3—primarily strong guidelines on implementation of articles 5.3 (protection of public health policies with respect to tobacco control from the commercial and other vested interests of the tobacco industry), 11 (packaging and labelling of tobacco products) and 13 (tobacco advertising, promotion and sponsorship)—will doubtless be detailed elsewhere.

But in a short personal reflection, even a lawyer finds himself more moved by the momentum that the FCTC embodies and generates, and the people who bring life to it, than by the text itself—the political champions of countries from New Zealand to Thailand, and Palau to Uruguay; the civil society representatives who come from all corners of the globe to advise, support, cajole and, where necessary, criticise governments into action; and the fascinating political processes through which governments at all stages of tobacco control negotiate their way to collective agreement on such high standards. It is an amazing process to watch and to be part of.

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A reflection on the experience of COP-3: Thailand's perspectives

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The COP-3 meeting in Durban holds a special memory for our team from Thailand, not only for the warm welcome we received from our gracious host and the things we accomplished but, more importantly, the connection that we discovered with those who share the same views and those who may see things differently. This COP-3 meeting brought together individuals from every corner of the world and if one could describe the meeting in one sentence, it would be that “it was vibrant”. It was “vibrant” with diverse culture and customs; “vibrant” with personalities, “vibrant” with intensity of commitment, “vibrant” with fervent discussions and “vibrant” with different views. And it was this “vibrancy” that, not only, carried us through the long and arduous days of dialogues, debates and negotiations but energised us to carry our work forward until the next meeting in 2010.

Highlights of COP-3 may differ from one party to another or from one person to the next but for many, including Thailand, it was the adoption of guidelines for article 5.3, which deals with tobacco industry interference, that made our long journey from home a success. For a variety of reasons, many anticipated even before coming to Durban that adopting guidelines for article 5.3 would be

the most challenging task during COP-3. Having participated in the small working group for article 5.3, I understood the sentiments surrounding this article, which were not “either you are for the adoption or against the adoption”. Judgment made on this simplistic conclusion was counterproductive and not conducive to constructive negotiations.

What appeared to be polarisation of views among party members was merely lack of comprehension of the underlying complex issues, diverse cultural experiences and background, insecurity in making commitment owing to fear of unknown outcomes and, most importantly, a barrier in tobacco control literacy and not language proficiency. While being sensitive and respectful of others' concerns, painstaking and intense discussions were allowed to take place during the negotiation process, which could only occur in a small group setting. As a result, views merged and trust was cultivated, which led to the more stringent guidelines for article 5.3. I would venture to state that what transpired during this small working group should be a model for future negotiations related to FCTC.

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