2023 Trends and Opportunities to Watch
Speakers

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Endgame in 2023
Project Sunset
Endgame is Mainstream

New Zealand cracks down on lighting up

The final puff: Can New Zealand quit smoking for good?

Antismoking Law in New Zealand Sets New Frontier in Battle Over Cigarettes

ASH Dedicated to ZERO Tobacco Deaths
Endgame for billions rather than thousands?
TFG is in Vogue
California leading the way in the U.S.
Who’s next?
Article 2.1
In order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.
Over the hump
2023 Trends
Liability and Human Rights
Liability
FDA Rule on Menthol

Save the Date:
August 2023
Monitoring for New Opportunities

- Criminal case
- Human rights litigation
- Endgame
- Other proactive litigation
Human Rights
Convention on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination is starting the elaboration of its General Recommendation n°37 on racial discrimination and the right to health under Article 5 (e)(iv) of the International Convention on the Elimination of All Forms of Racial Discrimination.
FCTC Conference of the Parties (COP 10)

November 2023
Panama
Human Rights Treaty Bodies

- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Elimination of Racial Discrimination (CERD)

- Human Rights Council
- Universal Periodic Review (UPR)
Environmental Treaties and Mechanisms

- Water
- Plastics
- Deforestation
- Clean air
- Etc.
Thank you!

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An Environmental Approach to Tobacco Control
The human right to a clean, healthy and sustainable environment
The most common single-use plastics found in the environment are, in order of magnitude, cigarette butts, plastic drinking bottles,
Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

28 November - 2 December 2022
Punta del Este, Uruguay

Overview

The first session of the ING to develop an international legally binding instrument on plastic pollution, including in the marine environment, will take place in the Punta del Este Convention and Exhibition Centre from 28 November to 2 December 2022.

Why Policy Coherence is Key (for Setting the Stage at the Plastics Treaty INC1)

The Framework Convention on Tobacco Control (FCTC) recognized a conflict of interest between the tobacco industry and public health policy interests. Article 5.3 of the FCTC safeguards policy development from those with vested interests and creates an accountability framework.

On the occasion of WHO’s partnership with UNEP’s Clean Seas campaign for World No Tobacco Day, a WHO manager recognized that: The plastics treaty could be an opportunity to eliminate 800,000 metric tonnes of toxic waste a year from the single most ubiquitous form of plastic litter in the ocean: Cigarette butts. A treaty, the WHO FCTC, further justifies banning such dangerous, deceptive design features as a public health measure. Treaty obligations (under Art 5.3) help governments protect policies against tobacco industry lobbying, PR campaigns, and other forms of interference.

While some countries mentioned coherence with other treaties, remember the WHO FCTC and its article 5.3, which is a model to address conflicts of interest.
Hold business enterprises accountable and protect against conflict of interest

As recognized in the UN Guiding Principles on Business and Human Rights, States should take appropriate steps to prevent all business-related human rights harms including those related to hazardous substances and, where such harms do occur, to ensure access to effective remedies including through judicial process. The new Plastics Treaty should hold business enterprises accountable for the harms caused by their contributions to the plastics crisis. It should also reflect that States have a pre-existing obligation to protect the rights of those harmed by the production and use of plastics. There is a fundamental and irreconcilable conflict between the interests of the plastics industry and businesses deeply implicated throughout its supply chain and the human rights and policy interests of people affected by the plastics crisis. The plastic industry has disproportionate power and influence over policy relative to the general public. Human rights are needed to counter-balance these powerful interests. Clear boundaries on conflict of interest should be established for the negotiations process and the implementation of the new Plastics treaty drawing from existing good practices under international law, for example, article 5.3 of the WHO Framework Convention on Tobacco Control states that “Parties shall act to protect [their public health policies with respect to tobacco control] from commercial and other vested interests of the tobacco industry...”
Next steps: May 22-26, 2023

CONFERENCE

Second session of Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, inclu...

22 - 26 May 2023
Paris, France

Overview  Pre-session Submissions  Pre-session Documents

The second session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, will tentatively take place in Paris, France from 22 to 26 May 2023.
ASH is proud to be a founding and organizing member for the Stop Tobacco Pollution Alliance (STPA), a global coalition of public health organizations who recognize the crucial intersection of tobacco control and environmental health. STPA will actively participate in the UN plastics treaty negotiations from November 2022 through 2024 and remain active to ensure strong implementation of treaty measures that serve to reduce the tobacco epidemic and its toll on the environment.

Key Resources from STPA

- Key Messages
- Plastics Treaty Process and National Policies: A Backgrounder
- Tobacco in Plastics Policies

https://ash.org/plastic-pollution
Opportunities

- Maximize on environmental platforms like SUP Directive, Circular Economy, EU Directive on corporative sustainability due diligence
- EPR, but beware of greenwashing, ensure FCTC Art 5.3 compliance, no industry interference
- Taking into account a key principle of EPR: “to provide incentives to producers to incorporate environmental considerations in the design of their products”
  - BAN FILTERS
- An environmental policy protection strategy to reach an environmental objective of a decreased total environmental impact from a product, by making the manufacturer of the product responsible for the **entire life-cycle of the product**
Opportunities

- COPs and Article 18
- Environmental treaties and platforms
  - UN Ocean Conferences and water conferences (Panamá and US NY March 2023)
  - UN Framework Convention Climate Change (FCCC) COP 28 Nov 2023
  - United Nations Convention to Combat Desertification (UNCCD) (October 2023) (COP17 2026)
  - Engage in reporting mechanisms associated with environmental treaties and Human Rights treaties to expose environmental impact of tobacco and promote EPR for tobacco
- Litigation to hold the tobacco industry accountable
Stay Involved

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NEXT WEBINAR: February 2023
2022 Tobacco Industry Interference Index Launch

Tools for Advocates

Tobacco & Human Rights Hub
ash.org/hrhub

Have you seen tobacco industry interference in public health policymaking? Email us the details at info@ash.org!

U.S. Tobacco Lobbyist & Lobbying Firm Registration Tracker
ash.org/tobacco-money