

First build your echo chamber - how WHO excludes dissent and diversity

written by Clive Bates | 11 October 2016



Most international treaties welcome observers and diversity of opinion. Not the [WHO Framework Convention on Tobacco Control](#), which has its next major [Conference of the Parties](#) on 7-12 November 2016, in Delhi. The WHO carefully choose who it allows to observe its secretive proceedings, ensuring only organisations that agree with it are admitted as observers. It betrays the intellectual void at the heart of the WHO and its treaty - it simply cannot cope with scrutiny, challenge or reconciling other interests or constraints. A comparison with the approach to observers taken by the UN convention governing climate change is instructive...

Observer status requirements: tobacco control versus climate change conventions

The table below compares the rules for participating as an observer in the WHO Framework Convention on Tobacco Control (FCTC) with the UN Framework Convention on Climate Change (UNFCCC).

Admission to the FCTC as an observer is problematic in several ways:

- FCTC observers have to support the aims of the convention, not simply to be affected by it or to have views and knowledge about it. UNFCCC observers just have to be 'qualified' in the matters covered by the convention.
- FCTC requires observer non-governmental organisations to be transnationals. UNFCCC admits national bodies.
- FCTC observers have to be approved by consensus by the Parties (i.e. each party has a veto, whereas UNFCCC requires one third of the parties to block an observer).
- FCTC emphasises contribution to tobacco control. UNFCCC does not require any particular approach.
- FCTC requires observers to report on activities undertaken to implement the convention. UNFCCC does not require reporting by observers or expect them to implement the convention.

You can see how the FCTC Secretariat applies these filters in its recommendations for who should and should not be accredited as new observers at COP-7 [[FCTC/COP/7/3](#)]. Any potential dissenting voice purged.

A comparison between the NGO observer participation in the FCTC and UNFCCC (climate change treaty) is instructive.

FCTC (tobacco control)	UNFCCC (climate change)
<u>Observers</u> <ul style="list-style-type: none">• 26 at the time of COP-6 in 2014• No business NGOs	<u>Observers</u> <ul style="list-style-type: none">• 1,949 in 2015 [statistics]• 41% are environmental NGOs• 14% are business NGOs.• 25% are 'research and independent' NGOs• At UNFCCC COP-6 there were 479 NGO observers

FCTC (tobacco control)	UNFCCC (climate change)
<p>Acceptance criteria Rules of procedure 31.2 - must be international, must be aligned with the FCTC purpose <i>“international and regional nongovernmental organizations whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status.</i></p> <p>To be in “conformity with the ... purpose” of FCTC is to agree to the following: <i>...protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.</i> ...and should there be any doubt what is expected of NGOs it is explicit in Article 4.7. <i>7. The participation of civil society is essential in achieving the objective of the Convention and its protocols</i> And this appears to be enforced. When FCTC secretariat reviewed accreditation of NGOs it requested reports from observers: <i>NGOs were asked to ensure that their reports addressed, in particular, activities undertaken in support of implementation of the Convention by the Parties and internationally, preferably in respect of specific articles of the Convention.</i></p>	<p>Acceptance criteria Rules of procedure 7 - applicant may be a national body and has relevant knowledge: <i>Any body or agency, whether national or international, governmental or nongovernmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented</i></p>

FCTC (tobacco control)	UNFCCC (climate change)
<p>Admission process [link] Timing: 90 days before session. Close of play 8 August 2016 for COP-7</p>	<p>Admission process [link] <i>The organization must have completed at least one full accounting year.</i> Timing 31 August 2014 for admission by COP 21 30 November 2015</p>
<p>Decision-making - secretariat reviews conformance with criteria and makes recommendation to the COP. Rules of procedure 31.2 - requires consent of parties (i.e. each party has a veto - a very low bar) <i>“granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs as well as Article 5.3”</i></p>	<p>Decision-making [Rules of procedure 7] - the secretariat reviews applications makes recommendations, an applicant can only be blocked by one-third of the parties (a high bar). <i>“may be so admitted unless at least one third of the Parties present at the session object”</i></p>

FCTC (tobacco control)	UNFCCC (climate change)
<p data-bbox="375 183 772 215">Qualifiers for observer status</p> <p data-bbox="375 224 788 371">From rule 31.2 as above requires paras 17, 18 from the preamble to be taken into account [FCTC text]</p> <p data-bbox="375 380 788 488">17th para: refers to consumers but stresses contribution to tobacco control:</p> <p data-bbox="375 497 788 1079"><i>Emphasizing the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts,</i></p> <p data-bbox="375 1088 788 1473">18th para: refers to exclusion of tobacco industry interests: <i>Recognizing the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts,</i></p> <p data-bbox="375 1482 788 1863">Article 5.3 refers to exclusion of tobacco industry interests: <i>In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.</i></p>	<p data-bbox="807 183 869 215">Qualifiers for observer status</p> <p data-bbox="807 224 869 255">None</p>

FCTC (tobacco control)	UNFCCC (climate change)
<p>Reporting process [link] NGOs with observer status to the COP will be requested to submit a report on their activities to the Secretariat every two years. Such reports shall be submitted at the latest six months before the opening of the next session of the COP. In this regard, the COP adopted a standard reporting questionnaire to be used by NGOs which will be available on web-based format in due course. See WHO report on observer reports</p>	<p>Reporting process None</p>

So how do smaller organisations get in as observers?

All of the above would be a tiresome impediment to the dozens of small grant-funded groups that attend these meetings. So the problem is solved by having a single observer status for an alliance, which then admits as many members as it likes, under its own membership terms. This the '[Framework Convention Alliance](#)' and I was one of its founders in 1999 - by far the majority of non-governmental organisations attending at COP-7 will attend under this flag of convenience, even though they would not qualify under WHO's rules for observers. See [COP-6 attendees p19](#)

This alliance has the following membership criteria:

- *Membership of the Alliance is open to all non-governmental organisations (NGOs), and NGO alliances and coalitions. Government bodies, inter-governmental organisations or businesses cannot be members of the Alliance.*
- *Individuals not affiliated to an organisation can also join the e-mail conference, but they must first be approved by existing Alliance members, in the same way as groups, and will not appear in any list of Alliance member organisations.*
- *Membership of the Alliance is contingent upon endorsing our 'Vision and Mission' and the FCA Statement on not receiving any funding from*

- tobacco companies or their subsidiaries, agents or consultants.*
- *New members must be endorsed by two current FCA member organisations and receive no objections from current members.*
 - *There is no charge to become a member.*

So you can get in via this route literally no one already a member objects and if you sign up to it the vision and mission

The vision of the Framework Convention Alliance is a world free of death and disease caused by tobacco.

The mission of the Framework Convention Alliance is three-fold:

- *to promote and support a global network for co-ordinated international campaigning against tobacco;*
- *to develop tobacco control capacity, particularly in developing countries; and*
- *to carry out effectively the watchdog function for the Framework Convention on Tobacco Control.*

Hardly a basis for diversity, originality or breaking away from group-think.

Civil society? Not really

The problem with this is that it 'edits' the presence of civil society to a few tobacco control, health or medical groups. No consumer representatives are present, none of the businesses affected have a role, the growers are (shamefully) marginalised. The groups that *are* admitted as observers like to describe themselves as 'civil society'... but they are no such thing. There are literally no grass-roots organisation present. Firstly, the observer status filters mean they reflect a narrow and even extremist perspective in civil society. Secondly, they are largely grant funded from a small number of like-minded donors and (e.g. Bloomberg Philanthropies, Bill and Melinda Gates Foundation etc), so they are not really civil society organisations *at all* - but effectively the paid up ideologically sifted agents of (mainly) American mega-foundations, admitted by WHO because of their duty to be compliant.