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FIFTH ITEM ON THE AGENDA

ILO cooperation with the tobacco industry in the pursuit of the Organization's social mandate

Purpose of the document

This document provides information on the rationale, strategy, and history of the ILO's work in the tobacco sector and the impact of its public–private partnerships with the tobacco industry; ILO cooperation with the member agencies of the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF); potential legal considerations under the model policy of the UNIATF; broader policy considerations and a possible way forward for ILO engagement with the sector.

The Governing Body is invited to provide guidance on a strategy for the ILO's work in the tobacco sector (see an outline of a possible strategy in paragraphs 37–39, and a draft decision in paragraph 41).

Relevant strategic objective: Standards and fundamental principles and rights at work.

Main relevant outcome/cross-cutting policy driver: Outcome 8: Protecting workers from unacceptable forms of work.

Policy implications: Depending on the Governing Body decision.

Legal implications: None.

Financial implications: None.

Follow-up action required: Depending on the Governing Body decision.

Author unit: Fundamental Principles and Rights at Work Branch (FUNDAMENTALS).

Related documents: GB.329/POL/6.

Introduction

1. At its 329th Session (March 2017), the Governing Body: (a) took note of the report contained in document [GB.329/POL/6](#); (b) decided to defer consideration of this issue until its 331st Session (November 2017); and (c) requested the Director-General to provide additional information to that session, taking full account of the issues raised in the Governing Body, in the context of the ILO mandate and constitutional obligations. The additional information requested related to: (1) the impact of the existing public–private partnerships (PPPs) with the tobacco industry and potential alternative sources of funding; (2) ILO cooperation with the member agencies of the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF),¹ particularly those that work on alternative livelihoods in tobacco-growing communities; and (3) potential legal obligations under the *Model Policy*.²

Rationale, strategy, and history of the ILO’s work in the tobacco sector, and the impact of its public–private partnerships

2. The ILO and its constituents have long engaged with tobacco-growing communities and the tobacco industry to promote the Decent Work Agenda. Tobacco growing and processing is a legal industry yet one that is faced with persistent decent work deficits. It is a major source of employment and income worldwide, involving some 60 million people. More than 80 per cent of the world’s tobacco leaves are produced by some 20 countries, the majority in Asia, followed by the Americas and Africa.³ For some countries, tobacco leaf exports are an important source of revenue amounting to more than US\$500 million annually.⁴ For example, agriculture supports the livelihood of more than 90 per cent of the population in Malawi. The country is largely dependent on tobacco, which accounts for 52 per cent of the total export value.⁵ Employment levels in the tobacco leaf growing sector have decreased in some countries, notably Turkey, and increased in others, or remained stable.⁶

¹ The UNIATF was established by [Economic and Social Council resolution 2013/12](#) of July 2013 to, inter alia, “coordinate the activities of the relevant United Nations funds, programmes and specialized agencies and other intergovernmental organizations to support the realization of the commitments made by Heads of State and Government in the political declaration of the high-level meeting of the General Assembly on the prevention and control of non-communicable diseases, in particular through the implementation of the World Health Organization Global Action Plan for the Prevention and Control of Non-communicable Diseases 2013-2020.” The Action Plan is available at: http://apps.who.int/iris/bitstream/10665/94384/1/9789241506236_eng.pdf?ua=1. For further information about the UNIATF, see also: <http://www.who.int/fctc/implementation/cooperation/un-task-force/en/>.

² The *Model Policy* was endorsed by an [ECOSOC Resolution](#) in June 2017 (E/RES/2017/8).

³ ILO: [Tobacco Sector: Employment Statistical Update](#), Geneva, 2014.

⁴ *ibid.*, figure 1.15.

⁵ See: Makoka, Appau, Lencucha, Drope, [Farm-Level Economics of Tobacco Production in Malawi](#), Lililongwe University of Agriculture and Natural Resources, 2016.

⁶ ILO, *op. cit.*, figure 2.10. Additional details of recent employment and industry trends are provided in [GB.329/POL/6](#).

3. In the late 1990s, the ILO began concerted efforts to secure development partner support to tackle child labour in tobacco growing. The justification for this was grounded in research indicating the prevalence of child labour in many countries in tobacco-growing areas, a labour-intensive crop marked by the prevalence of small family farms. Children involved in growing tobacco are exposed to many hazards, notably long working hours; heat exhaustion; respiratory disorders; injuries and accidents; poisoning and health problems from being exposed to pesticides; musculoskeletal injuries; and green tobacco sickness, which is caused by nicotine absorbed through the skin from contact with wet tobacco leaves.
4. Of the 152 million children estimated in child labour, more than 70 per cent work in agriculture, including in tobacco growing. While specific data on the numbers of children involved in tobacco growing globally are not available, it is clear that ending child labour in tobacco growing is a requisite part of attaining the Sustainable Development Goals (SDGs) target 8.7, calling for the elimination of child labour by 2025, and therefore it remains a priority for the ILO.
5. The ILO's strategy to eliminate all forms of child labour in tobacco-growing areas is centred on: (a) improved public policy, legislation and governance; (b) empowerment and protection of children and affected families; (c) enhanced data and knowledge, including about hazards in tobacco growing and alternative means of generating income outside the tobacco sector; and (d) advocating due diligence among enterprises in the tobacco supply chain, including through robust stakeholder engagement, in particular with workers and their representative organizations. The ILO works to address the root causes of child labour such as poverty, poor quality and inadequate coverage of education and social protection, and weak law enforcement. The strategy particularly emphasizes ratification and implementation of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), while taking into account the mutually reinforcing nature of fundamental principles and rights at work and the importance for sustainable solutions of decent work for parents.
6. The ILO's first project to tackle child labour in tobacco-growing communities (2000–06) and in commercial agriculture more broadly, which was funded by the United States Department of Labor (USDOL), was launched in Kenya, Malawi, United Republic of Tanzania, Uganda and Zambia. The ILO proposed these countries and the focus on commercial agriculture and tobacco, and in discussions with USDOL, finalized the project strategy. The ILO received further funding from USDOL for 2001–04 to support qualitative and quantitative research on child labour in Malawi, including in tobacco-growing areas.
7. In 2002–07, the ILO received funding from the Eliminating Child Labour in Tobacco Growing Foundation (ECLT) to support research on child labour in tobacco growing in Indonesia, the Dominican Republic and East Africa, and to tackle child labour in tobacco growing in the United Republic of Tanzania.⁷ The ECLT, a non-profit foundation operating under the supervision of the Swiss Federal Department of Home Affairs, is funded by tobacco companies. An independent evaluation⁸ of the first phase of the United Republic of Tanzania component found that this PPP was relevant and acceptably efficient and

⁷ To date, the total amount of funding received from the ECLT is US\$5,332,835. As is the case with other child labour projects, ECLT-funded projects have been designed by the Office; preliminary proposals are made, and in discussion with the donor the scope, geographical reach and targets are refined and finalized.

⁸ http://www.ilo.org/eval/Evaluationreports/WCMS_130537/lang--en/index.htm.

effective.⁹ It achieved 99 per cent of the target number of children to be withdrawn from child labour (830); 100 per cent of the target number of vulnerable families to be trained in alternative income-generating activities (430), and constructed 93.8 per cent of the target number of classrooms to be built (16). The evaluation noted successful efforts to establish small businesses, such as tailoring and goat raising, as alternatives to tobacco farming that enabled parents to cover education costs and keep children out of child labour, but found that the project design did not account sufficiently for the major impact that HIV and AIDS had in exacerbating child labour in the target areas. A second phase (2007–10) focusing solely on the United Republic of Tanzania was subsequently agreed.

8. An independent evaluation of the second phase¹⁰ found that all targets were attained or surpassed: 1,500 children withdrawn or prevented from entering child labour; 450 families provided income-generating alternatives; 900 farmers trained on the hazards of child labour; and sustainable, community-based child labour monitoring supported.¹¹ Greater engagement with the tobacco industry, recommended by the evaluation of the first phase, was described as “an excellent strategy [that has] inserted child labour awareness into the training of tobacco [company] leaf technicians (LTs) ... there is a dense network of LTs in the tobacco fields, [which is] best placed to carry the child labour message to tobacco growers. A further good practice is the monitoring of school attendance by LTs when the tobacco-growing season begins”. However, while the impact of HIV and AIDS was taken fully into consideration following the recommendation of the evaluation of the first phase, the project was faulted for not being sufficiently gender sensitive.
9. Public funding continued in this period with a USDOL-funded project (2005–08) to support the development and implementation of a country programme against child labour in Malawi, including child labour in tobacco-growing areas. From 2009–13, USDOL funded an additional project against child labour in Malawi, including in tobacco-growing communities. During 2008–12, the Office implemented a project funded by the European Commission, TACKLE, to combat child labour through education, including in tobacco-growing areas in Zambia. In 2007, the ILO joined with the Food and Agriculture Organization of the United Nations (FAO) and other partners in an International Partnership for Cooperation on Child Labour in Agriculture (IPCCLA). The IPCCLA implemented another USDOL-funded project in 2009–13 to help incorporate child labour concerns into national policies and programmes and develop agricultural extension and monitoring services to combat child labour. This project collaborated closely with ILO constituents in the Malawi National Conference on Child Labour in Agriculture in 2012, in particular by supporting the documentation of good practice in supporting alternative livelihoods such as beekeeping, horticulture and aquaculture.¹² Since 2013, ILO participation in the IPCCLA has been assured principally through the use of regular budget funds.
10. In 2009 and 2013, the Office also used the Regular Budget Supplementary Account (RBSA) to sustain the ILO’s work against child labour in Malawi and to bridge funding gaps.

⁹ Independent evaluations are overseen by the ILO’s Evaluation Office. Those with a direct role in project implementation have no role in selecting the evaluators, who are external to the ILO, nor in managing the evaluation.

¹⁰ http://www.ilo.org/eval/Evaluationreports/WCMS_431610/lang--en/index.htm.

¹¹ In visits to the project area in 2016, the Office learned that these community-based child labour monitoring systems were still functioning some six years on.

¹² http://www.eclt.org/wp-content/uploads/2013/07/Assessing_the_Impact_of_Safer_Agricultural_Practices.pdf.

11. The partnership with the ECLT was renewed in 2011, in order to support the development and implementation of a national action plan against child labour in agriculture in Malawi. Following the adoption of the plan in 2012, the Office supported greater collaboration between the labour inspectorate and Ministry of Agriculture, the development and implementation of district action plans against child labour in rural areas, and reinforced the capacity of the Child Labour Unit of the Ministry of Labour. This funding also supports technical assistance related to structural reform of the tenancy system in Malawi, given that elimination of child labour and forced labour and a just transition to alternative crop production depends on such reform. The technical assistance is intended to guard against the adverse consequences to communities of a significant reduction in tobacco production.
12. The most recent agreement with the ECLT was signed in 2015 and ends in June 2018. It aims to reduce hazardous child labour in tobacco growing in Malawi, Uganda and the United Republic of Tanzania, promote South–South exchange among tobacco workers’ organizations and develop evidence-based, practical advice on hazardous work in tobacco growing. The project promotes the ratification of the ILO Safety and Health in Agriculture Convention, 2001 (No. 184), in light of the critical role of occupational safety and health (OSH) in eliminating child labour and promoting youth employment in the agricultural sector.¹³
13. In addition, the Office entered into a PPP with Japan Tobacco International (JTI) (2011–18) whose total value is US\$10,114,200. The PPP supports implementation of the Achieving Reduction of Child Labour in Support of Education (ARISE) programme in Brazil, Malawi, United Republic of Tanzania and Zambia and includes a global training programme.¹⁴
14. In compliance with the ILO’s evaluation policy, ARISE was subject to an independent evaluation funded by the project in 2014, including the components separately implemented by the non-governmental organization (NGO) Winrock International.¹⁵ The evaluation found that the programme “responded to the real needs of an extensive and varied list of the beneficiaries and stakeholders, both individuals and institutions, at the policy level and at the direct or targeted action level”. It found that the implementation of the project at the community, municipality and district levels was highly satisfactory across the three objectives and that it was a “High Impact–Low Scale” intervention. The evaluation noted impact beyond the tobacco sector, including support for the development of national child labour policy and strengthened national capacity and awareness to address all forms of child labour. It found that the intervention model was resource-intensive, raising questions about how scalable it is, and more impact was made changing socio-cultural paradigms related to the role of women than providing economic alternatives to child labour. In response, the project has since ensured that child labour concerns are integrated into strategic policy documents at national level,¹⁶ while training of industry leaf technicians has been greatly increased and expanded to cover all fundamental principles and rights at work. Efforts to

¹³ For details, see GB.329/POL/6, paras 14–15.

¹⁴ For details, see GB.329/POL/6, paras 12, 16–17 and 19.

¹⁵ <http://www.ilo.org/ievaldiscovery/#asqccxu>.

¹⁶ For example, the Malawi Growth and Development Strategy (MGDS II), the Malawi Decent Work Country Programme (MDWCP) and the United Nations Development Assistance Framework (UNDAF).

mainstream child labour concerns into the basic education and teacher training curricula and coordination meetings between the partners have also increased.¹⁷

15. In addition to these funding relationships, the ILO serves as an observer on the Board of Directors of the ECLT and provides the secretariat for the Child Labour Platform, of which the ECLT and JTI are members, and promotes social dialogue in the sector.¹⁸
16. The PPPs with the ECLT and JTI are implemented in accordance with the ILO's policy regarding PPPs, which requires conformity to a set of guiding principles,¹⁹ giving primacy to the mandate and objectives of the ILO. The policy stipulates that the ILO will report partnerships publicly, and incorporate certain safeguards. Any reference that could imply endorsement by the ILO of the PPP partner is disallowed. Parties to PPPs are prohibited from using the name of the other party without written authorization of the party concerned. As regards the ILO, this refers particularly to the name of the International Labour Organization or Office and their abbreviations, or the emblem or other identifiers containing these names or abbreviations.
17. In addition, the Office maintains independence in the design, recruitment of staff and implementation of its PPPs. ILO objectives at the global, national and community levels are paramount, and the projects adhere to and support the implementation of nationally and internationally determined policy and the application of ILO child labour standards. Geographic targeting, scope and the overall strategy are determined by the constituents, in consultation with the Office. The specific intervention models and budgets are reviewed jointly with development partners, who provide feedback on, but do not determine project strategy. Adjustments to strategy are made by project management in response to the findings of project monitoring and evaluation. Any major changes in strategy are subject to development partner approval.
18. Efforts since 2013 at raising additional public and other funds for the elimination of child labour in tobacco-growing areas have so far been unsuccessful. They have consisted of outreach to the EU Delegation to Malawi and Irish Aid; the promotion of an "Adopt a School" approach for consideration of the Employers' Consultative Association of Malawi; and a proposal to the European Commission for a second phase of the TACKLE project, including in Zambia. More recently, in the United Republic of Tanzania, the Office sought to secure funding through the United Nations Development Assistance Plan II, which includes child labour among its priorities. In December 2016, a proposal was submitted to UK aid under its "Leave no girl behind" funding window, which is still pending.
19. The Office continues to seek opportunities for funding to tackle child labour in tobacco-growing areas from a number of public development partners and through RBSA. IPCCLA partners also pursue coordinated fundraising efforts. In order for the Office to maintain its current level of support for the elimination of child labour in tobacco growing in the countries where it currently operates, an estimated US\$2 million annually would be required after 2018 when current PPP agreements expire.

¹⁷ For further information on the impact of the ARISE programme, including the number of children benefiting, see GB.329/POL/6, paras 17–19.

¹⁸ For details, see GB.329/POL/6, paras 10–12 and 20. For more information about the Child Labour Platform see: <http://www.ilo.org/ipec/Action/CSR/clp/lang--en/index.htm>.

¹⁹ http://www.ilo.org/pardev/partnerships/public-private-partnerships/WCMS_190854/lang--en/index.htm.

Cooperation with member agencies of the UNIATF

20. The ILO's collaborative efforts with UNIATF members demonstrate that there is scope for advancing further cooperation to tackle child labour in tobacco-growing communities in order to promote transition to alternative livelihoods. For example, along with the ILO's work with the FAO through the IPCCLA, the two agencies have promoted food security and improved agronomy for food crops, including in tobacco-growing areas in Malawi and Uganda. The ILO has also collaborated with UNICEF, a member of the UNIATF, in the formation of child protection teams in tobacco-growing districts in the United Republic of Tanzania.
21. Managing a just transition away from tobacco production and securing viable alternatives, as foreseen by the Framework Convention on Tobacco Control (FCTC), will require data on the labour force involved. The ILO's last Employment Statistical Update in the Tobacco Sector was published in 2014. The ILO also collaborates with the World Bank and UNICEF through the Understanding Children's Work initiative which has supported child labour surveys, often as a part of broader labour force surveys, in tobacco-producing countries around the world. These surveys typically generate data at the level of the main economic sectors (e.g. agriculture, services) rather than on specific sub-sectors, such as tobacco; however, generating data on child labour and working conditions in individual sub-sectors is feasible.
22. In addition, the Conference of the Parties (COP) to the FCTC has produced a report presenting policy options and recommendations on economically sustainable alternative livelihoods to tobacco growing.²⁰ The FCTC secretariat has requested ILO input into the development of an action plan on the implementation of Articles 17 and 18.

Potential legal considerations for the ILO under the *Model Policy* for agencies of the United Nations on preventing tobacco industry interference

23. The purpose of the *Model Policy* for agencies of the United Nations on preventing tobacco industry interference, drafted by the UNIATF, is to "ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive, effective and consistent across the United Nations system". It contains a non-exhaustive list of non-binding measures aimed at limiting interactions and avoiding any real or perceived partnership with the tobacco industry. Based on the premise that "engagement with the tobacco industry is contrary to the United Nations system's objectives, fundamental principles and values", the *Model Policy* calls on all entities of the United Nations system to "work as One, ensuring a consistent and effective separation between its activities and those of the tobacco industry, to preserve its integrity and reputation and in promoting development".
24. In October 2016, the UNIATF invited members of the Task Force to consider adopting or adapting the *Model Policy* acting in accordance with their respective mandates and guided by their own conflict of interest policies. The Office reserved its position invoking the need to consult with its tripartite constituents on the scope and implications of the *Model Policy*.

²⁰ See http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_12-en.pdf.

25. On 7 June 2017, the Economic and Social Council of the United Nations (ECOSOC) adopted Resolution E/RES/2017/8, which recalls the *Model Policy* and “encourages members of the Task Force, as appropriate and in line with their respective mandates, to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the *Model Policy* for agencies of the United Nations system on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the United Nations system and those of the tobacco industry” (paragraph 10).
26. The adoption of Resolution E/RES/2017/8 does not render the content of the *Model Policy* legally binding for the specialized agencies, but it implies certain obligations for the Organization. These obligations arise under the UN Charter as well as the UN–ILO Agreement of 1946.
27. It is recalled that under Article 62 of the UN Charter, ECOSOC “may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned”. It may also “make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all”. Pursuant to Article 63(2), ECOSOC may also make recommendations and consult with specialized agencies with a view to coordinating their policies and activities. In addition, Article 64(1), establishes that “the Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.”²¹
28. In Article IV of the UN–ILO Agreement of 1946, the ILO agreed “to arrange for the submission, as soon as possible, to the Governing Body, the Conference or such other organ of the International Labour Organisation, as may be appropriate, of all formal recommendations which ... the Council [i.e. ECOSOC] may make to it”, to “enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken ... to give effect to such recommendations”. Moreover, the ILO has affirmed, in paragraph 3 of the same Article, “its intention of cooperating in whatever further measures may be necessary to make coordination of the activities of specialised agencies and those of the United Nations fully effective” and has agreed “to participate in, and to cooperate with, any body or bodies which the Council may establish for the purpose of facilitating such coordination, and to furnish such information as may be required for the carrying out of this purpose”.
29. Being of a non-binding character, the ECOSOC Resolution leaves it to the ILO to decide whether or not to implement its recommendations. Should the ILO decide not to follow the recommendation of ECOSOC and thus not to adopt its own policy bearing in mind the *Model Policy*, it should still report to ECOSOC providing information on other results of its consideration. The ILO should also cooperate in good faith with ECOSOC and the UN system in general in any activities or further coordination efforts in the areas of prevention and control of non-communicable diseases.
30. Conversely, should the ILO decide to develop and implement a policy consistent with the *Model Policy* prepared by the UNIATF, several recommendations of the *Model Policy*

²¹ For a more detailed legal analysis of the legal status of ECOSOC recommendations, see Simma, B. and Mosler, H. (eds): *The Charter of the United Nations: A Commentary*, Oxford University Press, second edition, Vol. II, 2002, pp. 985–1016; and Cot, J.-P., Forteau, M. and Pellet A.: *La Charte des Nations Unies, Commentaire article par article*, Economica, third edition, 2005, pp. 943–987.

would be directly relevant to the ILO's current partnerships with the tobacco industry. The *Model Policy* recommends, for instance, that UN agencies should “reject partnerships, joint programs, non-binding or non-enforceable agreements and any other voluntary arrangements with the tobacco industry” and should “not grant permission to the tobacco industry to use [their] name, logo and emblem”. The *Model Policy* also suggests that “no meetings [with the tobacco industry] should result in partnership or joint work”, that “research funding offered by the tobacco industry can, for example, create real, perceived or potential conflicts of interest and should not be accepted”, and that agencies should not “reward activities described as socially responsible performed by the tobacco industry”.

31. The *Model Policy* was drafted in line with the objectives of the WHO FCTC,²² especially the principle of protection of public health policies from commercial or other vested interests of the tobacco industry, laid down in Article 5.3 of the Convention and the corresponding implementation guidelines.²³ The FCTC is an international treaty creating rights and obligations for the States parties. To date, 181 States have formally expressed their consent to be bound by its provisions, including all but 13 ILO member States.²⁴
32. Article 5.3 of the FCTC requires that “in setting and implementing their public health policies with respect to tobacco control, parties shall act to protect these policies from commercial and other interests of the tobacco industry in accordance with national law”.²⁵ As a measure relating to the reduction of the supply of tobacco, Article 17 of the Convention requires that “Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers.” Further, Article 4(6) of the Convention stresses the “importance of technical and financial assistance to aid the economic transition of tobacco growers and workers whose livelihoods are seriously affected as a consequence of tobacco control programmes in developing country Parties, as well as Parties with economies in transition, should be recognized and addressed in the context of nationally developed strategies for sustainable development”.
33. In conclusion, the principal obligation for the ILO with respect to the recent adoption of ECOSOC Resolution E/RES/2017/8 is to bring it before its Governing Body for consideration and possible follow-up action. Under the existing UN–ILO collaborative framework, the recommendations of ECOSOC with regard to the possible adoption of an ILO policy inspired by, or consistent with, the UNIATF *Model Policy* create also the obligation to inform the relevant UN organs of the outcome of the Governing Body

²² The FCTC is available at <http://apps.who.int/iris/bitstream/10665/42811/1/9241591013.pdf?ua=1>.

²³ The Guidelines for the implementation of Article 5.3, and Articles 8 to 14 of the FCTC are available at: http://apps.who.int/iris/bitstream/10665/80510/1/9789241505185_eng.pdf?ua=1.

²⁴ At present, the following ILO member States are not parties to the FCTC: Argentina, Cuba, Haiti, Indonesia, Eritrea, Morocco, Malawi, Mozambique, Sierra Leone, Somalia, South Sudan, Switzerland, United States.

²⁵ Pursuant to recommendation 3 of the implementation guidelines – which are not binding in themselves but are designed to assist parties in meeting their legal obligations under Article 5.3 – States parties should “reject partnerships and non-binding or non-enforceable agreements with the tobacco industry” while recommendation 6 calls upon parties to “denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”. Under the guidelines for implementation of Article 13, it is recommended, inter alia, to “ban contributions from tobacco companies to any other entity for ‘socially responsible causes’, as this is a form of sponsorship [and] publicity given to ‘socially responsible’ business practices of the tobacco industry should be banned, as it constitutes advertising and promotion”.

discussions and facilitate further UN coordination on matters covered by the resolution. As for the non-binding UNIATF *Model Policy* for agencies of the United Nations on preventing tobacco industry interference, it contains a number of recommendations which would have direct bearing on the current form and level of interaction with the tobacco industry, should the ILO decide to give effect, wholly or partially, to the recommendation contained in the ECOSOC Resolution.

Broader policy considerations: A possible way forward

34. The Office has engaged in informal discussions with ILO constituents on engagement with the tobacco industry in which diverse views were expressed. There was agreement, however, that the Organization has an overarching obligation to pursue its objectives and deliver results through timely and targeted action. This imperative would include development cooperation with Members to promote, upon their request, just transitions to decent work, including through economically viable alternative livelihoods for tobacco workers and growers. It would also include, in general, an approach to decent work that encompasses all sectors.
35. It may be that the surest way to prevent the real or perceived risk of tobacco industry interference in the ILO's work and to prevent a real or perceived risk of conflict of interest would be to immediately discontinue receiving funds from tobacco industry sources. There may also be an expectation that the Office aligns itself with the *Model Policy* notwithstanding its non-binding character and that the existing partnerships are not renewed with a view to avoiding policy incoherence for those Members who are also States parties to the FCTC. However, to do so could cause serious harm in the many communities where the ILO is operating with industry funding, and, it seems clear, would not be in the best interest of the children concerned.²⁶ Ending the ILO's work in these communities when the current PPPs expire at the end of 2018 may jeopardize children's rights, including to health and safety.²⁷
36. Given the ILO's mandate to promote decent work and the elimination of child labour in tobacco-growing communities, on the one hand, and its obligations to advance UN policy coherence and prevent tobacco industry interference, on the other, the Office has been encouraged to present a possible scenario on the way forward. In an effort to facilitate the discussion on that matter, the Office would propose developing a strategy on the ILO's engagement with the tobacco sector to pursue decent work and alternative livelihoods in tobacco-growing communities. The strategy would be based on a three-pronged approach.
37. First, safeguards to prevent risk of tobacco industry influence would be strengthened. In 2016–17, to ensure the independence of research on hazardous work in tobacco cultivation initiated in the framework of the PPP with the ECLT, the Office already substituted ECLT

²⁶ The principle of acting in the best interest of children is established by the 1989 UN Convention on the Rights of the Child, ratified by 194 States, in Article 3 paragraph 1: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

²⁷ The projects were designed to be part of multiphase partnerships, with periodic review of the strategy and budget, with a view to replenishing funding to provide continuity and expand coverage. Stopping activities in 2018 may leave beneficiary children highly vulnerable to returning to, or becoming first engaged in, child labour, as subsequent interventions to support completion of schooling cycles and other measures to promote sustainability would not be carried out.

funding with ILO regular budget funds. In addition, the existing safeguards, outlined in paragraphs 17 and 18 would be reviewed and additional measures would be put in place, pertaining for example to the prohibition of the use of logo or emblem of the Organization, restriction and transparency of interactions with the tobacco industry and other measures as stipulated in the *Model Policy*. These additional safeguards would apply to the existing legal agreements with the tobacco industry until their expiration in 2018 as well as to any other engagement with the tobacco industry, which may not involve industry funding.

38. Second, the strategy would seek to strengthen social dialogue and robust engagement with the members of the UNIATF to eliminate child labour in tobacco-growing communities, as an integral part of the transition to alternative livelihoods for tobacco growers and workers as foreseen in the FCTC and in accordance with the ILO's mandate to promote decent work. Collaboration with UNIATF members would also include enhanced statistics and understanding of decent work deficits in the tobacco sector, labour market trends in concerned countries and communities and socio-economic implications of a transition to alternative livelihoods.
39. Third, efforts to mobilize resources from governments, as well as from non-state actors not associated with the tobacco industry, would be strengthened. Such funding could potentially substitute for industry funding in the future. These efforts would include, inter alia, convening a conference with development partners and securing RBSA funding to consolidate progress while continuing to provide strategic policy advice. If sustained alternative funding has not been secured despite all reasonable efforts and if the health and safety of children in target communities is placed at risk by the cessation of the PPPs, the Director-General would have the discretion to consider the possibility of extending the PPPs for a limited period, subject to the aforementioned strict safeguards. The goal of such a limited extension would be to continue to protect beneficiary children from health and safety risks, ensure that children of primary-school age remain in school and out of work, and that children above the minimum age for work remain in school or have access to decent work that does not jeopardize their health or safety, while implementing an exit strategy of development cooperation programmes.
40. If the approach outlined in paragraphs 37–39 would be agreeable, the Office would prepare a report on the progress of this strategy in 2019 for consideration of the Governing Body.

Draft decision

41. *The Governing Body, taking note of the Model Policy for agencies of the United Nations on preventing tobacco industry interference, endorsed by ECOSOC Resolution E/RES/2017/8, requests the Director-General to further develop and implement the strategy on the ILO's engagement with the tobacco sector outlined in paragraphs 37–39, taking into account views expressed by its Members.*