

## A proposed Pacific legislative framework on non-communicable diseases (NCDs)

### Concept note

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#### Background

This paper responds to a decision during the fifth Heads of Health in April 2017 for a concept note on a regional legal framework on the Non Communicable Diseases (NCDs) for Pacific island Countries and Territories (PICTs) to be presented to the Pacific Ministers of Health in August 2017.

#### The Problem

NCDs are a crisis in PICTs and have been recognised by Joint Forum Economic and Health Ministers as financially unsustainable, threatening the development gains made over the past 20 years.

Pacific island leaders have committed to a range of actions although countries have responded to the NCD crisis individually, without using their collective power to make region-wide changes. There is also the lack of an agreed upon and consolidated list of clearly identified legal priorities to address NCDs in the Pacific.

In order to assist PICTs to implement the recommendations of the *Pacific NCD Roadmap*<sup>\*</sup>, the Pacific Monitoring Alliance for NCD Action (Pacific MANA) was set up to monitor progress on policies and legislation aimed at preventing NCDs. Yet in assessing progress to date, there is considerable variation between PICTs in their level of implementation of the *Roadmap* recommendations.

The latest update on the *Roadmap* to the Heads of Health meeting in April 2017 emphasised the need for ongoing and urgent actions in each country to accelerate to effectively tackle NCDs, and scaling up policy, legislation and enforcement in all relevant sectors.

#### The Opportunity

The proposed regional legislative framework, focusing on the collective will of PICTs, could simplify the process of implementation of the Roadmap, while strengthening accountability across the region. Collective action creates economies of scale and would demonstrate political solidarity across the Pacific region.

There are good lessons to be learnt from existing collective global frameworks such as the WHO Framework Convention on Tobacco Control (FCTC) and the International Health Regulations (IHR), which have succeeded in bringing about commitment and positive changes in implementation at country level.

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<sup>\*</sup> Pacific NCD Roadmap Report 2014

[http://www.forumsec.org/resources/uploads/attachments/documents/2014JEHM.BackgroundA.NCD\\_Roadmap\\_FullReport.pdf](http://www.forumsec.org/resources/uploads/attachments/documents/2014JEHM.BackgroundA.NCD_Roadmap_FullReport.pdf)

## Key benefits

A regional legislative framework for NCDs creates the opportunity for PICTs to address the harm caused by NCDs collectively and with a united voice.

Subject to its scope as agreed by PICTs, a regional framework provides the opportunity to:

- adopt regional best practice, while taking into consideration of national context and priorities;
- adopt common provisions for relatively new or emerging risk factor regulation relevant to PICTs (e.g., plain packaging for tobacco products);<sup>†</sup>
- adopt common provisions in order to address gaps in national legislation (e.g. bans on *trans*-fats; restrictions on alcohol advertising, promotion and sponsorship; or on promotion of breast-milk substitutes);
- consider issues about compliance with the appropriate trade and investment agreements *proactively*, at the design stage.

A regional legal framework would also represent an effort by governments to address the Pacific NCD crisis and set an agenda for wider changes in the policy environment to ensure more successful region-wide implementation. While taking into consideration of country context, this would also simplify the process of region-wide training and enforcement and enable partners to provide targeted assistance to countries.

## Overarching framework

In addition to specific regulation of NCD risk factors, a regional legal framework on NCDs might also include provisions dealing with governance and accountability. For example, PICTs might consider a common approach towards safeguarding the independence of policy-making processes on NCDs from the tobacco, alcohol and sugary drinks industries, and ensure the transparency of any interactions with these industries as part of efforts to reduce industry interference.

## Summary

A new, collective approach to tackle the Pacific NCD crisis is urgently needed to complement existing commitments and actions. A regional legal framework for NCDs would be regionally owned and would harness the power of Pacific voices and Pacific island countries through collective action. ***While agreement to a common approach might be challenging, unanimity would not be necessary because countries could choose to opt in and to take advantage of the regional framework in accordance with their national priorities and circumstances.*** Above all, a regional framework would give countries in the region further opportunity to adopt powerful measures to health problems.

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<sup>†</sup> Tobacco plain packaging has been included in the highly cost-effective “best buys” set out in Appendix 3 of the WHO Action plan on the prevention and control of NCDs. See WHO. Preparation for the third High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, to be held in 2018. A70/27; 18 May 2017. [http://apps.who.int/gb/e/e\\_wha70.html](http://apps.who.int/gb/e/e_wha70.html)