



Pacific Legislative Framework for Non-Communicable Diseases

At a glance

- To expand and/or strengthen Non-Communicable Diseases (NCD) related laws to keep up with the changing environment and to scale up actions on the Pacific NCD Roadmap, the Pacific Legislative Framework (PLF) for NCD has been developed following extensive consultations with legal and health policy experts in the Pacific.
- The PLF is designed to provide a regional framework for legislative reforms addressing key NCD risk factors. In each area, the PLF sets out three components, namely: legislative policies, a legislative plan, and the draft legislative provisions.
- Heads of Health are invited to review the final PLF with a view to endorse and present at PHMM 2021 for further decision; and commit to utilise and adapt the PLF in reforming NCD related laws in respective jurisdictions to accelerate actions on NCD to meet global NCD targets and regional commitments.

Future vision

Legislative measures are critical tools in addressing the growing burden of NCD. While most Pacific Island Countries and Territories (PICTs) have some of the main NCD related laws and regulations in place, these laws may need to be expanded and/or strengthened to keep up with changing environments and needs. Recognising this, in 2017, a concept note for the development of a PLF for NCD was approved by the Pacific Health Ministers. In 2018, Pacific Heads of Health recommended to incorporate all the NCD-related legislative measures, with a focus on NCD risk factors, into the proposed PLF. Following the inaugural regional consultation with legal experts from PICTs and health policy experts from development partners in March 2019, an approach for the PLF that sets out three key components (namely legislative policies, legislative plan, and legislative provisions) was proposed at the Pacific Heads of Health meeting in April 2019, and later at the Pacific Health Ministers meeting in August 2019 where it was endorsed.

The active utilisation of the PLF, following endorsement, will strengthen the use of legislative approaches across all relevant sectors that address NCD and associated risk factors. Strong multisectoral and high-level commitment, will ensure that progress is made. In the next 10 years, utilizing the PLF, it is expected that PICTs would have further strengthened multisectoral actions recommended in the Pacific NCD Roadmap, through updated laws and regulations which would accelerate and contribute to meeting global NCD targets particularly to reduce premature mortality from NCD by one third by 2030, to achieve our vision of 'Pacific people live long, healthy, and productive lives'.

Examples of recent progress

Drafting the Framework: Since the endorsement of the proposed approach on the PLF in PHMM 2019, a legislative drafting consultant continued to undertake legislative policy review; identified key legislation gaps in PICTs using the Pacific Monitoring Alliance for NCD Action (MANA) Dashboards; and drafted the PLF considering global and regional policy frameworks, legislations, and conventions such as the World Health Organization (WHO) Framework Convention on Tobacco Control.

Consultation with PICTs and development partners: The second regional consultation workshop was held in November 2019 in Fiji to review and identify gaps to strengthen the draft PLF. Legal and health policy experts from 21 PICTs, development partners and academic institutions participated in the workshop and provided technical input to strengthen the draft PLF.

Finalising the Framework: In 2020-2021, the draft PLF was further developed and finalised by incorporating the technical input and recommendations from PICTs, development partners and academic institutions. Overall, the final PLF (Annex) is designed to provide a regional framework for legislative reforms addressing key NCD behavioural factors. The PLF covers key areas including tobacco control, liquor/alcohol control, health promotion foundation establishment, code on marketing of breastmilk substitutes, marketing of food and non-alcoholic beverages to children, NCD taxation measures and regulation of salt, sugar, and trans-fat. In each area, where relevant, the PLF sets out three components, namely: legislative policies, a legislative plan, and the draft legislative provisions. The legislative policies are designed to state the main objectives of and the reasons for the policies which will set the legal intentions of draft legislative provisions. The legislative plan sets out the proposed Framework that will guide the drafting of actual legislative provisions. The draft legislative provisions are minimum provisions, which PICTs may adapt when reviewing and reforming NCD related laws in their respective jurisdictions.

Endorsement and implementation: Following consultation with legal experts, it is recommended that a regional endorsement at high level from political leaders i.e., Forum Leaders and/or Forum Ministers level would be the most appropriate endorsement approach to implement the PLF. PICTs are strongly encouraged to use the legislative draft provisions as a guide taking into account the drafting practices and styles and the relevant laws within their jurisdictions. The PLF may need to be reviewed and revised periodically to ensure that it remains relevant to future challenges and changes in the development of NCD risk products in PICTs, to ensure that the NCD laws and those changes advance together.

Why urgent action is needed now

PICTs are now dealing with the COVID-19 pandemic on top of the chronic NCD crisis. The COVID-19 pandemic, natural disasters and other competing priorities have resulted in the delay in developing and implementing NCD related laws. It is highly likely that the burden of NCD will continue to increase due to the emerging issues including the socioeconomic, environmental, and commercial factors influencing the Pacific. The industries' interference through advertising, promotion and sponsorship of unhealthy products continue to undermine the efforts in combating NCD, while the capacity and expertise to

develop and implement NCD related laws remains limited in many PICTs. To cope with these challenges, there is an urgent need for PICTs to strengthen, implement and enforce NCD related laws and regulations to keep up with changing environments and needs in the region.

The PLF is intended to guide the development of NCD related laws and regulations to tackle the Pacific NCD crisis. However, consideration is still needed to identify the most appropriate regional approach for endorsement that would facilitate national level utilisation. While agreement to a common regional approach for implementation might be challenging, unanimity would not be necessary because PICTs could choose to opt in and to take advantage of the regional framework in accordance with their national priorities and circumstances. Given that different government authorities deal with different NCD-related legislation, an integrated government approach and commitment from the political leaders are crucial to strengthen the implementation of the PLF.

The endorsement of the PLF and utilising it to reform NCD related laws in respective jurisdictions will enhance implementation of laws and regulations across all relevant sectors. This will contribute to meeting the global NCD targets and Pacific NCD Roadmap recommendations, and our future vision including Healthy Islands Visions and SDGs particularly through reduction of premature mortality from NCD.

Recommendations to be considered by the Heads of Health

Recommendations for governments

Pacific Heads of Health are invited to:

- **Review** the final Pacific Legislative Framework for NCD (Annex) with a view to **endorse** and present at the Pacific Health Ministers Meeting in 2021 for further discussion and decision;
- **Support** that regional endorsement at high level from political leaders i.e., Forum Leaders and/or Forum Ministers level would be the most appropriate endorsement approach to ensure implementation of the Pacific Legislative Framework and to consider more opportunities for Pacific-level actions; and
- **Commit** to utilise and adapt the Pacific Legislative Framework in reviewing and reforming NCD related laws in respective jurisdictions to accelerate actions on NCD to meet global NCD targets and regional commitments and use MANA dashboard to monitor implementation in five years after endorsement.

Recommendations for development partners

Development partners are invited to:

- **Support** the regional endorsement and the implementation of the Pacific Legislative Framework for NCD at national level, in particular through leveraging cross sectoral opportunities; and
- **Advocate** and raise awareness on the Pacific Legislative Framework at national, regional, and international level.

Annex: Pacific Legislative Framework for Non-Communicable Diseases
(a separate attached document)