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## EVENTS TODAY

### COMING UP THURSDAY

13:30 LUNCHEON SESSION ON NEW RESOURCES FOR PICTORIAL HEALTH WARNINGS, FOR THE AFRO REGION, PART OF AN UPDATE FROM THE SECRETARIAT. PRESENTED BY WORLD LUNG FOUNDATION. ENESEI ROOM

## DEATH CLOCK

SINCE THE OPENING OF THE FIRST WORKING GROUP FOR THE FRAMEWORK CONVENTION ON TOBACCO CONTROL ON 25 OCTOBER 1999,

# 74'448'971

PEOPLE HAVE DIED FROM TOBACCO RELATED DISEASES.  
(AT 9AM 15 OCTOBER 2014)

## ARTICLE 19: LET THE GOOD WORK OF THE EXPERT GROUP CONTINUE!

Imagine holding the tobacco industry accountable, in a court of law, for its decades of deceptive marketing of tobacco products and for the millions of lives that it has destroyed.

To some delegates at COP that may seem like a far-off vision, or even a mirage. But the Article 19 expert group report, slated for discussion today, is a reminder that some dreams can be coaxing into reality – and that there are other potential benefits to legislation that facilitates litigation against the tobacco industry.

Without retrospectively creating new civil or criminal offences, experience in a number of countries shows that adjusting procedural and evidentiary rules – for example by making epidemiological evidence admissible – can help governments and victims of tobacco addiction overcome the obstructionism and delay tactics to which tobacco companies typically resort when sued.

The expert group's report provides more than just examples of good practice from a number of countries; it also looks at, amongst other things:

- Broad categories of legislation that Parties might want to consider to facilitate litigation (para 18 ff);
- Useful approaches to exchange of information between Parties;
- Assistance that the Secretariat could provide to Parties facing litigation with the tobacco industry.

The Annexes to the report provide a good overview of the types of litigation in which countries have engaged, the obstacles they have faced and best practices in overcoming them.

But the expert group's work is not done – so its mandate should be extended.

As detailed in paragraphs 39-41 of its report,

the expert group could and (in our view) should provide more concrete guidance to Parties that wish to improve their civil and criminal liability regimes.

In particular, with due regard to the complexities of providing advice to Parties with differing legal systems and traditions, guidance about the elements of legislation that could facilitate litigation could be a valuable tool. This is unlikely to take the form of a full-blown model law, but could elaborate on the principles that legislative drafters might wish to keep in mind, and perhaps provide a few relevant examples from different legal systems and circumstances.

This kind of guidance, combined with a database of legal experts and a comprehensive list of existing resources, could assist Parties to hold the tobacco industry accountable.

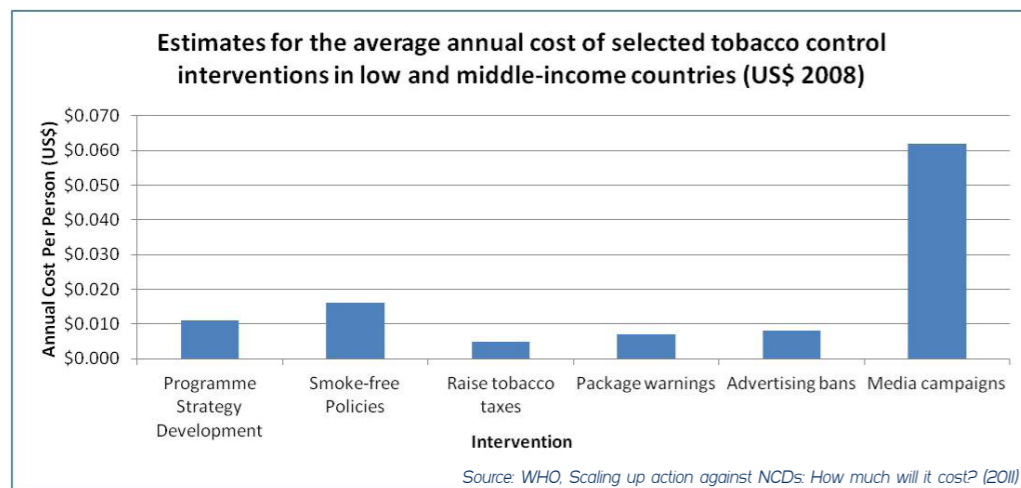
As the expert group notes, this is an area where technical expertise is paramount, and the expert group may need to be expanded strategically to ensure a full range of relevant expertise, particularly in the area of criminal liability.

It is unlikely that a working group, composed of Parties' representatives who may or may not have litigation experience, would find it easy to continue the expert group's work effectively. Nor would it be a useful task for such a group to develop guidelines out of an incomplete piece of work.

The expert group is almost there – but not quite. And given the high quality of the current report, taking it to the next level in time for COP7 is entirely possible.

Hence, FCA recommends that the Conference of the Parties accept the recommendation in paragraphs 40 and 41 of the expert group's report, and request the expert group to develop further guidance, in the form of essential legal elements and/or model laws.

## AT WHAT COST? WE NEED TOOLS TO DETERMINE HEALTH & ECONOMIC IMPACTS OF TOBACCO USE



Uruguay is recognised as an international tobacco control leader and rightly so. Over the last 10 years Uruguay has:

- Passed a comprehensive tobacco control law;
- Significantly increased tobacco taxes between 2005–2010, thereby doubling government tobacco tax revenues;
- Substantially decreased tobacco use prevalence: from 32 percent to 23 percent in adults, and 30 percent to 13 percent in young people; and
- Reduced acute myocardial infarction admissions to hospitals by 22 percent.

In spite of these achievements, the country is facing serious tobacco control challenges. It became a target for attacks by the transnational tobacco companies. For example, Philip Morris is now challenging Uruguay's anti-smoking legislation at the International Centre for Settlement of Investment Disputes (ICISD), using a bilateral investment agreement between Switzerland and Uruguay.

In addition, the Ministry of Health and local advocates struggle with keeping all the relevant sections of government and society actively engaged in tobacco control, which is essential for successful FCTC implementation. Gaining and maintaining support for tobacco control from different government departments - particularly the Ministry of Finance, which is in charge of taxation—has been a difficult task in spite of concerted efforts by the Minister of Health.

In common with most countries, in Uruguay the main reason for the lack of engagement of the Ministry of Finance is the lack of current and detailed data about the negative impact of the tobacco epidemic on the economy and economic growth. Therefore, it is very important to document the costs of the tobacco epidemic and its negative consequences for the country's development, not only in terms of the number of deaths and diseases caused by tobacco use, but also in terms of the economic losses caused by the epidemic using Uruguay-specific data.

The economic costs of the tobacco epidemic can be either direct, meaning the costs related to treatment of diseases caused by tobacco, or indirect, related to the productivity lost when a person becomes too sick to work.

Studies estimating the costs of the tobacco epidemic if nothing is done to reduce tobacco use need to be supplemented by studies estimating the costs of implementing comprehensive tobacco control policies as required by the FCTC. Having reasonably accurate estimates of the costs of a national tobacco strategy will help officials to draft budgets and action plans. Presenting the costs of action and inaction side by side will further clearly demonstrate the return on investment that FCTC implementation offers to governments.

In the run-up to the UN Summit on non-communicable diseases (NCDs) in September 2011, a great deal of time and effort was invested in estimating both the global costs of action and inaction for NCDs including, of course, tobacco as the main risk factor. A useful paper by two key WHO

officials describes the various tools that have been developed. The paper notes that: "The primary use of the WHO NCD costing tool is ultimately directed at the national level." However there is still work to be done before the tools that have been developed are tried and tested at a national level.

And yet the need is clear and urgent for many countries to readily access both tools and technical assistance. This is a critical area of work for the long-term sustainability of the FCTC and, as such, could be usefully advanced by the working group on sustainable measures when it reconvenes after the COP.

**Judith Watt**  
FCA board member

**Eduardo Bianco**  
FCA Regional Director, AMRO

**Dardo Curti**  
Senior Researcher, Tobacco Economics,  
Tobacco Epidemic Research Centre  
(CIET Uruguay)

“

THE PRIMARY USE OF THE WHO NCD COSTING TOOL IS ULTIMATELY DIRECTED AT THE NATIONAL LEVEL

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## TRAVEL SUPPORT IS AN INVESTMENT IN THE FUTURE OF GLOBAL HEALTH

Since COP4, the issue of travel support for low and lower-middle income countries (LLMIC) has led to contentious and protracted debates. A COP4 decision envisaged harmonisation with WHO administrative policies, which would restrict support to Least Developed Countries (LDCs). Interim measures mean that other low and lower-middle income Parties have received an air ticket for one delegate, though no per diem, for COP5 or 6. Even this reduced provision is vulnerable to review. Worryingly, it is increasingly clear that calls for reducing travel support are often advanced on the basis of arguments that don't stand up to scrutiny.

In COP5, travel support was presented as being closely linked to the issue of unpaid voluntary assessed contributions (VACs), leading to discussion of possible sanctions including withholding travel support. The issue of outstanding VACs is hugely important to the work of the WHO Framework Convention on Tobacco Control (FCTC), but the subsequent risk to that work cannot be attributed to LLMICs. Parties currently eligible for travel support account for just 2.7 percent of the total of US\$6.74 million currently outstanding in accumulated VACs since 2006.

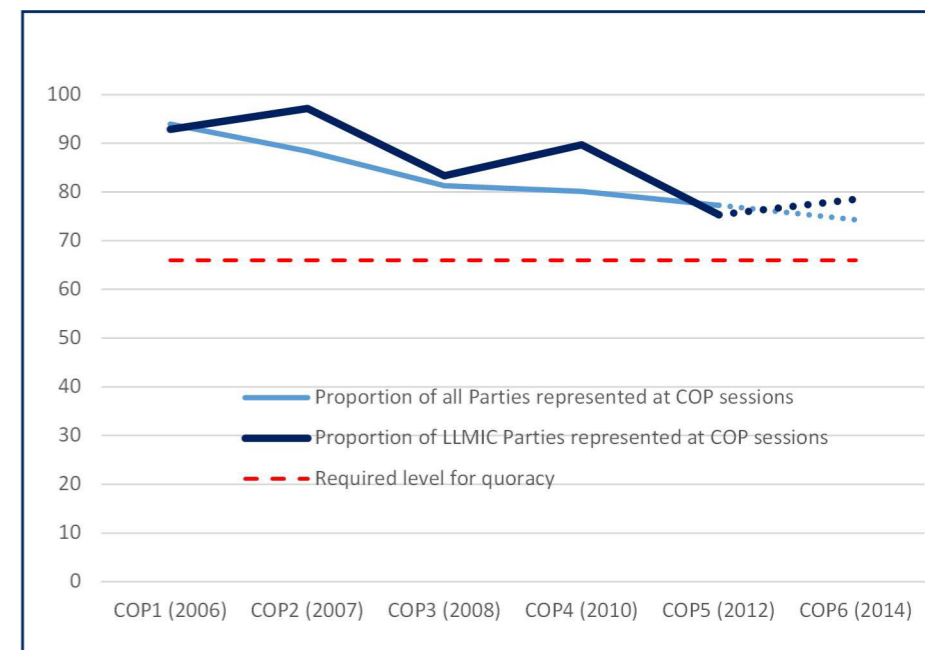
More broadly, there is a tendency to depict travel support as valuable in promoting participation but as being peripheral to progress on core tobacco control issues. Yet, analysis of participation data makes it clear that travel support is central to the viability and success of the FCTC.

Declining participation represents a real threat to future COPs. While attendance has generally been seen as high, there has been a steady decline in representation across consecutive COP sessions – 96 percent of all eligible Parties attended in 2006 but the provisional list of participants indicates only 74 percent are represented in Moscow in 2014.

Since the rules of procedure require the presence of two-thirds of Parties for decisions to be taken, COP participation is getting dangerously close to the point at which it would not be quorate. This would have happened in Moscow had just 15 of the Parties here decided not to come. That

corresponds to just one-quarter of the 79 countries that still receive some travel support, or around half of those countries that would have received no support had the COP4 decision been implemented in full. Given that a future COP is most likely to be held in Geneva, which is an expensive and problematic location for developing country participation, the threat to viability posed by reduced travel support is severe.

This demonstrates that all Parties have a strong vested interest in the provision of suitable travel support, not just its direct recipients. There is a pressing need to reach a consensus that both avoids this issue recurring as a divisive and time-consuming debate for future COPs, and which can underpin the ongoing success of the FCTC. Harmonisation with WHO policies cannot



But there are much more positive reasons for viewing appropriate travel support as an important investment in the success of the FCTC. Ongoing work by researchers at the University of Edinburgh indicates a correlation between representation at the COP sessions and progress on tobacco control measures. Linking participation records with analysis of MPOWER data indicates that countries with higher levels of participation in COP sessions are more likely to perform strongly on key tobacco control measures of taxation levels, smokefree policies and advertising bans. Parties that have attended at least two of the five previous COP sessions are more likely to have implemented strong measures in the key areas. The effect of participation appears to be particularly pronounced for LLMICs. Conversely, among the categories of countries eligible for travel support, countries which have not attended at least two of the five previous COPs have not secured strong tobacco control measures in any one of advertising, smokefree or taxation.

provide such a basis, and would jeopardise future viability. The reasons that initially led to the provision of an air ticket and per diem for one delegate from each low and middle-income country hold even more strongly in the context of declining participation. The restoration of such provision by COP6 would be a major step towards securing the future success of the FCTC.

**Jeff Collin**  
Professor of Global Health Policy,  
University of Edinburgh

*This article draws on ongoing research by Evgeniya Plotnikova, Paula Glancy and Sarah Hill.*

## IMPLEMENTATION REVIEW COMMITTEE AND SUSTAINABLE MEASURES WORKING GROUP

Today, Committee B will return to all four items under agenda point number five (5). If we are as lucky as yesterday, the Chair will move the discussions forward quickly and the Committee will reach consensus on most, if not all, of them.

Yesterday, we saw broad consensus on the need to extend the mandate of the working group on sustainable measures. But we also saw that the issues related to the review mechanism and sustainable measures can be easily mixed up and create confusion. Today, Parties will discuss the mandate for the working group on sustainable measures along with establishing the expert committee to review implementation.

Below we summarise the major features of both these initiatives, and suggest the key points of a strong and ambitious decision:

Agenda item 5.1: Implementation Review COMMITTEE	
Key purpose and focus	A strong decision by COP6 should:
<p>Review Parties' implementation reports</p> <p>Identify progress, best practices and areas where FCTC implementation needs to be strengthened</p> <p>Make recommendations to Parties about FCTC implementation, and link them with stakeholders providing relevant assistance</p> <p>Propose recommendations for the COP on appropriate steps to accelerate implementation of the FCTC</p>	<p>Mandate the expert committee nominated by Parties to: Review implementation reports submitted by Parties, based on an initial technical review by the Convention Secretariat;</p> <p>Inform reporting Parties of issues identified concerning insufficient implementation or non-compliance, and encourage the use of relevant resources and mechanisms of assistance available internationally;</p> <p>Facilitate information sharing, assistance and learning on effective ways to implement the provisions of the Convention;</p> <p>Provide input to the development of the global progress report on implementation of the Convention, prepared by the Convention Secretariat;</p> <p>Report to the COP on its work, including recommendations and challenges identified and, as appropriate, with regard to implementation of the Convention.</p>

Agenda item 5.3: Sustainable Measures WORKING GROUP	
Key purpose and focus	Points a strong decision should include:
<p>Identify tools and activities that will help Parties mobilise political will and resources</p> <p>Identify technical support that may be needed to step up FCTC implementation</p> <p>Clarify roles and responsibilities of various stakeholders involved in implementation, and identify new ones</p> <p>Propose steps to revise and enhance mechanisms of assistance to address Parties' needs</p>	<p>Extend the mandate of the working group, requesting it to make recommendations for COP7 and to consider undertaking the following tasks:</p> <p>(a) complete the review of mechanisms of assistance with a view to ensuring that they meet Parties' needs and to accordingly define an implementation assistance framework for the Convention</p> <p>(b) develop options to strengthen implementation of Article 4.2(d) in relation to tobacco use and tobacco control in the lives of women and girls.</p> <p>(c) Prepare and present for discussion at COP7 a strategy for implementation assistance, including its objectives and key priorities, in line with the recommendations of the working group to accelerate implementation of the FCTC. Develop a FCTC strategy on implementation assistance,</p>

## MESURES DURABLES POUR RENFORCER LA MISE EN ŒUVRE DE LA CCLAT

IL NE MANQUE PAS GRAND-CHOSE À LA DÉCISION POUR QUE LE GROUPE DE TRAVAIL PUISSE CONTINUER À FAIRE DU BON BOULOT ET QUE L'AIDE AUX PARTIES DEVIENNE RÉALITÉ !

Depuis 10 ans, de nombreux pays notamment sur le continent africain, ont fait des avancées tout à fait remarquables. Ceci dans un contexte particulièrement difficile : manque de ressources humaines, de personnels formés et de moyens financiers.

Des points focaux pour la CCLAT, déjà submergés par toutes les tâches qui leurs incombent ont porté la lutte à bout de bras avec le soutien de la société civile nationale et internationale et quelques moyens obtenus grâce à la philanthropie américaine.

Ce système est à bout de souffle. Ceci est aujourd'hui encore plus vrai face à la montée en puissance des attaques de l'industrie du tabac, de plus en plus agressive.

Il a fallu 10 ans pour que l'on se penche sérieusement sur le problème de l'assistance technique et financière pour les pays qui en ont le plus besoin mais aussi pour l'ensemble des Parties.

Mais nous y sommes ! La route est longue mais nous commençons à voir le bout du tunnel. Les Parties qui ont participé au groupe de travail sur les mesures durables destinées à renforcer la mise en œuvre de la Convention (mécanismes d'assistance) se sont mobilisées pour identifier les problèmes et trouver des solutions.

Hier la Commission B, rondement menée, a très bien avancé. Les Parties ont salué le chemin réalisé par le groupe de travail et ses nombreuses excellentes recommandations. La Commission B s'est accordée sur le fait que ce groupe de travail doit continuer pour terminer certaines des tâches qui lui avait été confiées et certaines Parties ont proposé que son mandat soit élargi.

Le Président de la Commission B a demandé aux Parties intéressées de se réunir à 14h aujourd'hui sous le leadership de l'Uruguay pour s'entendre sur un nouveau projet de décision.

La décision telle que rédigée est déjà assez bonne et il ne faudrait pas perdre trop de temps à essayer de revoir ce qui est déjà un consensus de 34 parties représentant toutes les régions.

Toutefois, si les recommandations sont bonnes, afin de les rendre applicables le plus rapidement possible, les Parties devraient rajouter deux éléments au mandat du groupe de travail:

- préparer une stratégie d'assistance à la mise en œuvre, pour discussion lors de la COP-7

- mettre en place le plus rapidement possible une plate-forme pour la coordination de l'ensemble des acteurs qui sont en mesure d'apporter de l'aide et des ressources financières et autres.

Aussi, l'intersectoriel gouvernemental est clef dans la mise en œuvre de la CCLAT, les Parties ont besoin d'aide pour mettre en place l'article 5.2 rapidement. A cet effet, les travaux visant à renforcer la mise en œuvre de l'article 5.2(a) de la CCLAT doivent se poursuivre. Notamment le PNUD et le Secrétariat de la Convention doivent fournir des options pour faciliter l'instauration de mécanismes nationaux de coordination multisectorielle pour discussion à COP-7.

Le travail a très bien commencé, il ne manque plus grand-chose pour que l'on ait, pour la prochaine COP, des recommandations qui ne seront pas restées lettre morte, une stratégie qui devrait enclencher la dynamique nécessaire pour que les pays soient véritablement aidés dans l'accélération de la mise en œuvre de la CCLAT et puissent espérer atteindre les objectifs pour les MNT de 30 de réduction du tabagisme d'ici 2025.

**Sylviane Ratte**  
International Union against  
Tuberculosis and Lung Disease

## UNDP COMMITTED TO ARTICLE 5.3

The UN Development Programme (UNDP) ramped up its support to countries in implementing the WHO Framework Convention on Tobacco Control (FCTC) soon after the 2011 Political Declaration. According to the division of responsibilities in the UN Secretary-General's 2013 report to the UN Economic and Social Council (ECOSOC), UNDP specifically takes into account Article 5.3 of the Convention. UNDP's role in protecting policies against industry interference aligns with its broader mandate on governance, coordination and addressing social determinants of health.

As a relatively decentralised organisation with a presence in more than 170 countries, it was soon evident that country offices needed clear guidance on how to manage their own interaction with the private sector. Thus, last year UNDP revised its Due Diligence Policy on work with the Private Sector. The new guidelines define a set of exclusionary criteria

which outline the business practices considered unacceptable to the organisation. Among the exclusionary criteria are private sector partners involved in the manufacture, sale or distribution of tobacco products. **Partnerships between UNDP and the tobacco industry, and foundations financed by the industry, are thus precluded.**

The UNDP HIV, Health and Development Group is using the revision of the policy as an opportunity to engage with UNDP country offices to make them aware of the new exclusionary criteria and UNDP's role in WHO FCTC implementation generally. The new policy will feature in an upcoming UNDP/WHO webinar for all country offices. Additionally, UNDP and WHO are collaborating to produce a broader Guidance Note on Health Policy and Industry Interference that can be applicable to staff of all resident UN agencies at country level.

Beyond simply refraining from working with the tobacco industry, UNDP's core mandate calls on it to actively engage policy-makers in order to protect public health policies and practices wherever they may be compromised as a result of undue influence from industry. This may take the form of identifying such influence, bringing it to the attention of policy-makers and amending laws, policies and practices. As the industry strategies are very consistent from country to country, UNDP can have a role in advising health policy-makers on how other countries and regions have countered such tactics. Given the strong focus on Article 5.3 at this COP, UNDP stands ready to support countries to protect their public health policies.

**Dudley Tarlton**  
UNDP

## CONTROLLING BIG TOBACCO: A FARMING PERSPECTIVE

Tobacco workers in Malawi call on governments to adopt the WHO Framework Convention on Tobacco Control (FCTC). That move might seem surprising, but they are against Big Tobacco too.

Malawian labour recruiters look for poor, landless people, with children who can also work, to become tenant farmers on tobacco plantations. Tenant farmers receive such low prices for the tobacco they harvest that they can't afford adequate housing or food, and get trapped in debt cycles to their landlord.

Those primarily responsible for poverty amongst tobacco farmers are the cigarette manufacturers and leaf buying companies. Many farmers cannot grow tobacco profitably because of the exploitative purchasing practices of the tobacco companies. For instance, US-based leaf buying companies in Malawi have allegedly operated as a price-fixing cartel to keep leaf prices artificially low. Malawi's late President Bingu Wa Mutharika called the buyers "exploiters" and "thieves" because prices at the burley auction floors, were less than it cost the farmer to produce the leaf.

As a result of this exploitative system, Malawi has one of the world's highest rates of child labour in tobacco growing (78,000 in one estimate). But it is not alone. The US Department of Labor (DOL) found that in 2013, children worked in tobacco production in 15 countries. The DOL report also documented forced labour in Malawi's tobacco production.

In many of these countries, cigarette manufacturers and leaf buyers exploit smallholder and tenant farmers through contract arrangements and price fixing. Low wages, a lack of collective bargaining agreements, polluted soil and a lack of capital all perpetuate child labour and debt bondage.

Big Tobacco and the tobacco industry-funded International Tobacco Growers' Association (ITGA) claim that tobacco control hurts tobacco farmers. In reality, ITGA, as a proxy for Big Tobacco, represents the interests of cigarette makers, leaf buyers and an elite group of tobacco farmers that benefit from farmer exploitation by keeping leaf prices low and corporate profits high.

Smallholder and tenant farmers in the Tobacco and Allied Workers Union of Malawi (TOAWUM) know that producing tobacco cannot ensure safe, resilient livelihoods, and they are fighting to break Big Tobacco's stranglehold. On 10 October 2014, TOAWUM sent a letter to the Government of Malawi, saying it "must demonstrate courage and commitment to breaking our addiction to tobacco," and calling on the Government to adopt the FCTC as an initial step.

FCTC Articles 17 and 18 are vital for improving farmers' lives. In interviews conducted by the World Lung Foundation in India, Bangladesh and Indonesia, for example, farmers reported successfully shifting to alternative livelihoods. They described a range of benefits in doing so, including avoiding multiple layers of middle men who are common in tobacco, more control over prices, avoidance of health harms from handling tobacco, and reduced degradation of their lands.



THOSE PRIMARILY RESPONSIBLE FOR POVERTY AMONGST TOBACCO FARMERS ARE THE CIGARETTE MANUFACTURERS AND LEAF BUYING COMPANIES. MANY FARMERS CANNOT GROW TOBACCO PROFITABLY BECAUSE OF THE EXPLOITATIVE PURCHASING PRACTICES OF THE TOBACCO COMPANIES



Articles 17 and 18 also present a unique opportunity to hold the industry accountable for the harms it does to producers as well as consumers. While the working group report is flawed – particularly by its over expansive research mandate and potential access for industry-funded groups to affect policy – it contains a number of important steps that parties should undertake:

1. Set as a top priority bringing an end to exploitative labour practices by promoting "collective bargaining and better contract practices, including the introduction and enforcement of labour rights in contracts."
2. Encourage Parties to develop policies that protect workers from abusive price fixing and contracting practices.
3. Prioritise policies and rural development

programmes that lead to broad crop diversification, especially food crops, by strengthening the power of farmers to decide their own priorities.

Most importantly, to achieve these goals, Parties at COP6 must establish strong partnerships with civil society, not industry groups, to achieve each of these priorities.

**Marty Otañez**  
Assistant Professor, Anthropology Department, University of Colorado, Denver, and Board Member, Human Rights and Tobacco Control Network ([hrtcn.net](http://hrtcn.net))

**Abby McGill**  
Director of Campaigns, International Labor Rights Forum, Washington, D.C.

**Raphael Sandramu**  
General Secretary, Tobacco and Allied Workers Union of Malawi

## NEW BOOK: INDUSTRY CLAIMS ABOUT TOBACCO FARMING FALSE

A lot of research has been done on tobacco prevention, control and cessation. Contributions from a supply-side perspective, however, are underrepresented to date. This vacuum allows for tobacco industry front groups like the International Tobacco Growers' Association (ITGA) to feed media campaigns with misrepresented facts and figures of tobacco control measures as they lobby against the implementation of the WHO Framework Convention on Tobacco Control (FCTC).

A week before COP6, the Canadian International Development Research Centre (IDRC) published a book that is poised to fill this vacuum with facts. Separating myth from reality, it presents comprehensive research on tobacco farming, industry practices and alternative livelihoods.

The book consists of three parts: Section I looks at the claim that tobacco control demand-reduction measures impact farmers. It examines global leaf market trends and

presents country case studies from Malawi and Lebanon that explore how the tobacco industry manipulates demand at the national level. Section 2 is an extensive review of research literature that shows how the tobacco industry harms farmers and that tobacco is not as lucrative as claimed,

especially when including the labour burden of unpaid family members. Section 3 presents alternative livelihood projects implemented in Brazil, Bangladesh and Kenya. The annex gives valuable policy recommendations.

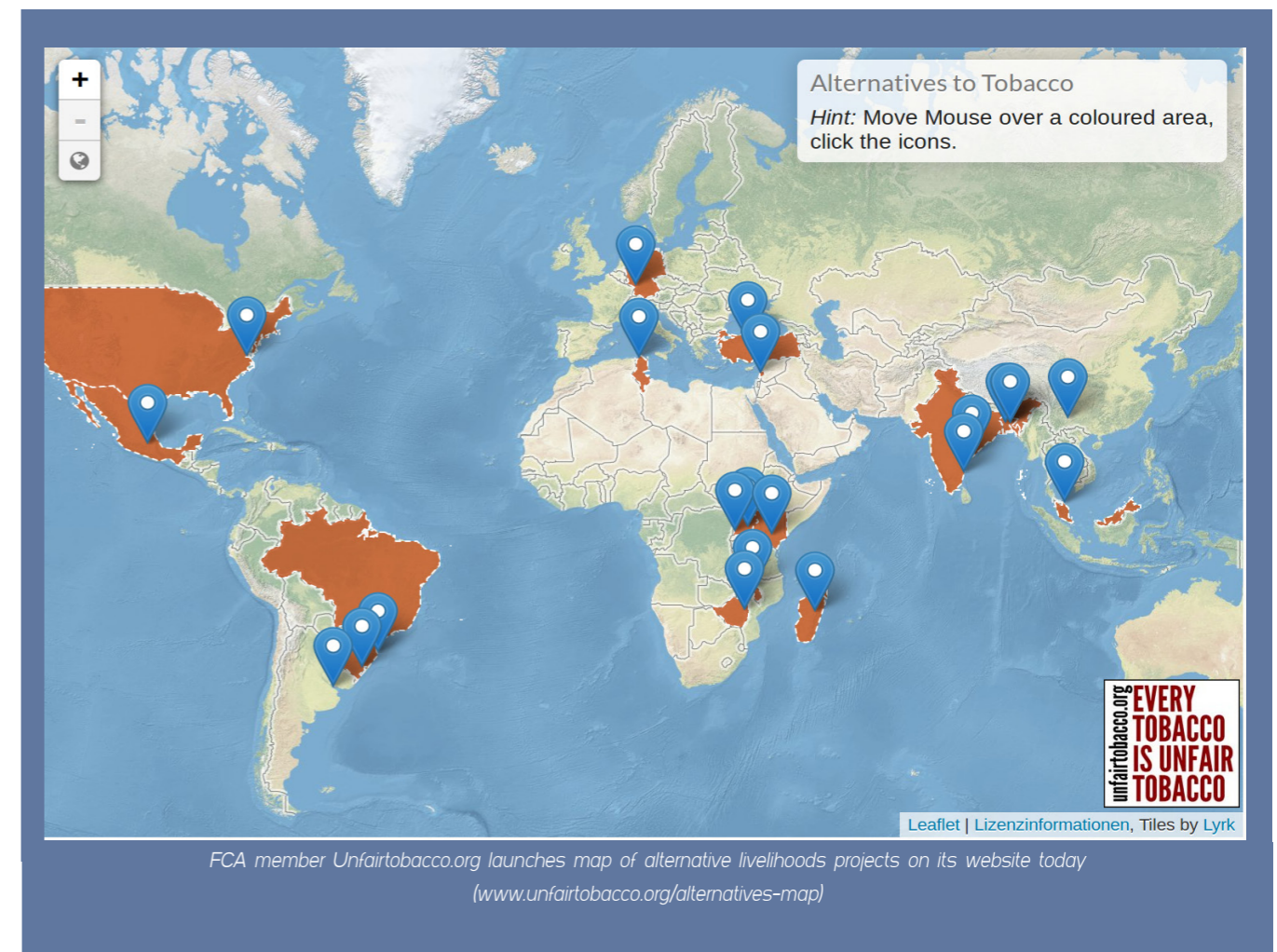
More research is necessary: we have to keep up to date to ensure that a vacuum which the tobacco industry and ITGA could fill will never appear again. We also need more analysis on the profitability of tobacco vs. other crops that includes the real costs for farmers. Additionally, there is a lack of recent research on environmental destruction by tobacco companies.

The IDRC book is a must-read for policy-makers around the world who are confronted with industry interference and/or want to implement alternative livelihoods for tobacco growers.

**Laura Graen**  
For *Changemakers & Unfairtobacco.org*

### NO. 1 MYTH: TOBACCO CONTROL MEASURES WILL SUPPRESS LEAF DEMAND AND HURT FARMERS.

Research findings: Tobacco consumption will not decrease for the coming 30 years, and neither will leaf demand. In reality, prices and demand for tobacco leaf are controlled by a monopolistic industry whose corporate strategies include putting tobacco farmers in a weak bargaining position and shifting production to countries and regions with lowest labour costs and environmental standards.





## DIRTY ASHTRAY AWARD

To the former Yugoslav Republic of Macedonia, for twisting the truth and calling draft Article 6 guidelines a WHO proposal.  
**#industrypropaganda**



## ORCHID AWARD

Thailand, for pointing out that the goal of free trade is the free flow of goods, and **"tobacco is no good"**



The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors.

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# THE FUTURE OF TOBACCO IN TRADE IS IN COP'S HANDS

"Trade is about the free flow of goods - tobacco is no good!" Those words were spoken by a delegate from Thailand during the Committee B discussion on the Malaysian draft decision on future trade and investment agreements.

Acceleration of globalisation of trade and investment, to the benefit of the tobacco industry, hovers like the shadow of the grim reaper over the public health obligations of the Parties to the WHO Framework Convention on Tobacco Control (FCTC).

The arguments against Malaysia's proposal fell into three basic categories:

- 1) Misrepresenting the purpose of the proposal by arguing that the FCTC and trade agreements are equal obligations, and therefore the tobacco industry must be allowed to use trade rules to prevent countries from acting to effectively implement the FCTC.
- 2) Stating that the pursuit of health has to coexist with the promotion of tobacco because of the beneficial arrangements the tobacco industry enjoys in world trade: health might be able to win sometimes, but only if it follows trade rules.
- 3) Arguing that since some trade and investment agreements already exist, future ones should operate under the same rules, which currently benefit the tobacco industry. This argument was amplified by the assertion that health may have to pay the price for trade agreements that benefit citizens economically.

In some ways this echoed the question asked by Parties promoting health: "Why do we have to do things this way?". This was answered by the trade and investment response (loved by the tobacco industry): "because we have always done it that way".

We haven't advanced so far in tobacco

control by accepting that things "have always been done this way and we cannot try anything new". We got to where we are because we refused to accept the status quo, and decided to do things differently. That is why the FCTC came into existence and why so many nations are working hard to effectively implement the Convention.

We won't accept a peaceful balance with the tobacco industry, in which millions would continue to die every year from the harm caused by tobacco use. Sadly, it seems that while there is considerable consensus on condemning the tobacco industry, there is too much acceptance of current trade and investment rules and on decisions that treat tobacco just like any other product and the tobacco industry as just another business.

As Committee B continues its work this week, we hope that everyone can agree that we are fighting this global epidemic because

of the deplorable behaviour of the tobacco industry, including in the trade and investment context. That behaviour should be condemned by every delegate to COP6.

During the discussion one delegate was overheard saying, "FCTC is about general standards."

Not really! As the delegate from Nigeria pointed out: "The objective is to protect human health, and if there are conflicts, health should prevail."

**That delegate certainly got it right!**



**WE GOT TO WHERE WE ARE BECAUSE WE REFUSED TO ACCEPT THE STATUS QUO, AND DECIDED TO DO THINGS DIFFERENTLY. THAT IS WHY THE FCTC CAME INTO EXISTENCE AND WHY SO MANY NATIONS ARE WORKING HARD TO EFFECTIVELY IMPLEMENT THE CONVENTION.**

