

WHO Framework Convention on Tobacco Control (FCTC) Article 5.3

“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.”

BAT threatens Namibia’s tobacco control law

In March 2011, Namibia proposed amendments to its national tobacco control law, the Tobacco Products Control Act of 2010. Since then, British American Tobacco (BAT) has aggressively lobbied government officials to weaken the proposals concerning labelling, which would require graphic warning labels covering 60 percent of tobacco packages. Such warnings are a critical element of a comprehensive approach to tobacco control and a key way to counter tobacco marketing to children and youth.

The 2010 Act also includes a comprehensive ban on tobacco advertising, promotion and sponsorship, among other life-saving health measures to prevent youth smoking and reduce overall tobacco consumption.

Namibia is not alone in facing Big Tobacco’s bullying tactics. The industry, led by BAT, Philip Morris International (PMI) and Japan Tobacco, is currently challenging policies in countries including Australia, Uruguay, Norway, the Solomon Islands and the United Kingdom that implement the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) and aim to protect the public from the deadly effects of tobacco.

BAT controls about 85 percent of the Namibian tobacco market and spent months lobbying against the new law. Health officials stood strong in spite of the industry’s efforts and so in November 2011, BAT threatened the government with a lawsuit. Using legal arguments the industry has used elsewhere around the world, in countries like Uruguay for example, BAT claimed the graphic health warning labels would infringe intellectual property and commercial free speech laws.

Namibia’s civil society organisations continued to support the Act by sending letters and offering technical assistance to Minister of Health and Social Services, Dr. Richard Kamwi. They also urged him to implement FCTC Article 5.3, which obligates FCTC Parties to protect their health policies from tobacco industry interference, as one tool to stand up to BAT.

In May 2011, on the occasion of World No Tobacco Day, Dr. Kamwi noted, “this is not an easy law to implement because of the multibillion-dollar tobacco industry,” adding, “It is not easy to say no to money, but we are and remain determined to implement this act.”



According to Muyunda Ililonga of the Zambian NGO, Zambia Consumer Association, “British American Tobacco is aggressively working to expand the sales of its deadly product here in Southern Africa, despite advances in tobacco control policy, but countries, large and small, refuse to be intimidated; they are standing up to the industry’s bullying.”

“Namibia is setting an example for the rest of the region by refusing to give in to these underhanded tactics,” Ililonga added.

At the time of publication, Namibia’s health ministry plans on implementing the proposed amendments to the law, despite BAT’s intimidation tactics.

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