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DEATH CLOCK

Since the opening of the first working group for the Framework Convention on Tobacco Control on 25 October 1999,

13,439,520
people have died from tobacco-related diseases.
(At 9 am 26 February 2003)

US Told To Leave

Leading US public health groups yesterday called on the US government to withdraw from FCTC negotiations, rather than continue to undermine the efforts of the rest of the world to adopt a strong treaty.

The American Cancer Society, American Heart Association, American Lung Association and Campaign for Tobacco-Free Kids made the demand, citing heightened US ef-



orts to water down nearly every provision of the treaty. "The FCTC is a historic opportunity for the world's nations to address a global tobacco epidemic that is projected to kill 500 million people alive today," said Matthew L. Myers, president, Campaign for Tobacco-Free Kids. "Since the US has not supported a strong,

(Continued on page 2)

Article 13: Giving Equal Status to the Flat Earth Theory

How much more American vanity can the rest of the world stomach? The US is trying to force weak language into Article 13, which would give equal status to meaningful measures (a comprehensive ban) and meaningless empty words (unspecified 'restrictions'). It's about as scientific as giving equal credibility to the knowledge that the earth is round and the belief that it is flat.

Let us be clear - there is *absolutely nothing* in the second option of 13.2 of the draft FCTC that the US could not live with. What is driving the US negotiating position is *appearances*. The US is prepared to block a near-global consensus favouring language giving priority to comprehensive advertising bans, and this is because they don't want the world to recognise as a norm anything that conflicts with their constitution.

The American constitution is a vi-

sionary and inspired statement of principle, but its authors would be horrified by the way it is being misused: first by the weird jurisprudence that found that advertising had the same standing as political free speech, and second by the way the US is trying to force this distortion on everyone else.

Developing countries have shown amazing strength and solidarity in seeking a comprehensive ban, and virtually all other countries agree that a comprehensive ban should have priority. This is so important that they must hold firm, and force a vote if necessary. The text absolutely must give priority to the meaningful, and not elevate useless gibberish to the same status.

As the giants of the American public health movement said to the US delegation yesterday: "please go home" - a view that we hear echoing around the halls.

Today's Weather: Scattered Clouds
High 11° C Low 1° C

Can Tobacco Ad Bans be Constitutional? A Canadian Court Says Yes

On December 13, 2002, the Quebec Superior Court upheld Canada's federal *Tobacco Act*, rejecting a constitutional challenge brought by the tobacco industry. This Act contains significant restrictions on tobacco advertising and promotion, including a total ban on tobacco sponsorship.

The tobacco industry had argued that the *Tobacco Act* restrictions were an unjustified infringement of freedom of expression as protected by the constitution. The Court concluded, however, that the rights of tobacco companies to advertise "cannot be given the same legitimacy as the government's duty to protect public health".

The Court's conclusions included the following:

- "Parliament is seeking to prohibit tobacco advertising, with a few specific exceptions. This is part of a world-wide trend, one that is far from unreasonable."
- "Fact: there is incontrovertible evidence that advertising and sponsorship encourage

people, especially adolescents, to consume tobacco products. Advertising is designed to reassure smokers and relies on associating cigarettes with a positive lifestyle."



- "All sponsorships necessarily relate to a lifestyle associated with the sponsored activity, a lifestyle that is then associ-

ated with a brand of cigarettes." The Court cited an example of photography sponsored by the cigarette brand du Maurier. Only C\$39,333 was spent on the sponsorship, but 28 times that amount, C\$1.1 million, was spent on promoting the sponsorship.

"Although the tobacco companies deny it, their marketing efforts target new smokers, especially adolescents, through advertising deliberately designed to have this effect."

"The industry has always known that light cigarettes are as damaging to health as regular cigarettes but has nevertheless mounted a subtle marketing plan that leads smokers to infer that they should smoke light cigarettes if they are concerned about their health."

"The industry was a willing accomplice of black-market cigarette smugglers."

- Rob Cunningham

(Continued from page 1)

effective treaty, its negotiators should pack their bags and go home... The US has...played the role of obstructionists, suggesting weakening amendments and ineffective proposals, and strong-arming other delegations to support them. Rather than protecting public health, they have continuously chosen to protect the tobacco industry."

"The US government has demeaned the value of...the US Constitution, by using it to defend its opposition to a ban on tobacco advertising," said Dr. Alfred Munzer, past president of the American Lung Association.

"The US government has squandered an opportunity to lead efforts to develop a strong

FCTC. It has instead chosen to be the handmaiden of the tobacco industry... The most honorable thing the US can do now...is to tell its delegation to go home."

As home to Philip Morris, the world's largest tobacco company, the US has a special obligation to provide leadership in negotiating a strong treaty.

During the negotiations, the US delegation has introduced proposals that would not only weaken the treaty, but hinder compromise among delegates seeking to craft a strong treaty. They include:

- **Advertising:** The US delegation has continued to fight against a ban on tobacco advertising to the extent per-

mitted by each nation's constitution. The most effective way to eliminate the influence of tobacco marketing on youth is through a comprehensive advertising ban.

Health vs. Trade: Most countries have supported a provision to protect tobacco control measures from trade challenges, while the US has led the fight against it.

Secondhand smoke: The US delegation introduced a proposal obligating parties to neither adopt strong measures nor take any action on secondhand smoke. Secondhand smoke kills. Given that there is no safe level of exposure, protection must be obligatory.

¿Adios Estados Unidos?

Las sociedades americanas del Cáncer, de los Pulmones, del Corazón y de la Campaña de Niños Libres de Tabaco, pidieron ayer el retiro del delegado gubernamental de los Estados Unidos de la reunión del Convenio Marco, aduciendo estar trabajando sistemáticamente para debilitar el Tratado.

El documento fue divulgado por la Alianza de Organizaciones No Gubernamentales (FCA) que oficia de observadora en las deliberaciones, pero sus 180 representantes no pudieron acceder a la ronda de negociaciones, tras un pedido de puertas cerradas de los Estados Unidos, Japón y China.

“Eso es increíble, pedimos a los Estados Unidos que observe la primera regla del Juramento Hipocrático,” sostuvo un párrafo de la declaración, y añadió que “el

delegado de Estados Unidos debe apartarse y permitir al resto del mundo que complete un tratado que sea bastante fuerte a fin de cambiar el curso de la epidemia del tabaco.”

La Sociedad Americana del Cáncer describió que “el consumo del tabaco no es solamente un problema de los Estados Unidos, sino una epidemia mundial que requiere una respuesta mundial.”

La FCA largó otra estimación que “el tabaco matará a un millar de millones de personas durante este siglo. La inmensa mayoría de esas muertes ocurrirán en países de bajo ingreso, donde la industria mundial del tabaco, dirigida por Altria Group basada en los Estados Unidos (anteriormente Philip Morris Companies), ahora está enfocando su poderoso marketing.”

La Sociedad Americana del Cáncer se lamentó que los Estados Unidos se han opuesto a medidas cruciales del tratado, relacionadas con la publicidad, promoción y el patrocinio del tabaco; el comercio internacional de este producto, advertencias sanitarias, los mecanismos del tratado y una multitud de temas que abarcan los más de 100 artículos e incisos del documento.

El delegado gubernamental de Tailandia, Hatai Chitanondh, calificó al delegado norteamericano de “arrogante” por haber amenazado con retirar las asistencias económicas a los países en vías de desarrollo ante una presión del resto del mundo para aceptar la prohibición total de la publicidad del tabaco.

- Marcial Yiyó Riveros

Adieu aux Etats-Unis

Les ONGs Américaines représentant la société civile des Etats-Unis ont réclame hier que la délégation des Etats-Unis se retire des négociations de la CCLAT.

La Société Américaine contre le cancer, l’American Lung Association, l’American Heart Association et la Campaign for Tobacco Free Kids ont déclaré que, vu que la délégation de leur pays est en train d’affaiblir toutes

les dispositions qui permettraient à la CCLAT d’être efficace, le gouvernement américain devrait se retirer des négociations plutôt que de continuer de saper les efforts de la majorité qui veut une Convention Cadre forte et efficace.

Il semble qu’il y a une grande divergence entre les pays riches exportateurs de cigarettes qui veulent rédiger une CCLAT inefficace et qui n’oblige à rien, et

les pays en voie de développement qui veulent une CCLAT qui protégera leurs citoyens contre le fléau du tabagisme.

Comme la suggéré le Docteur John Seffrin, le président de la l’American Cancer Society, il est temps que « les Etats-Unis se mettent à part et permettent au reste du monde de diriger les négociations. »

Australia Lectures EU on Behalf of Formula One

Strange days – Australia, amongst the most loudly self-proclaimed champions of tobacco control, told the European Union not to ban international sponsorships like Formula One by July 2005, and to wait for 2006 like Australia.

A letter from Senator the Hon Kay Patterson to EU health Ministers and the European Commission on 2nd December 2002 urged amendment of the EU legislation to restore the date of October 2006, blindly repeating a series of

ludicrous Formula One lobbying points (see Alliance Bulletin, 18 Feb).

A letter from Max Mosley, President of the FIA – governing body of the world’s largest and most aggressive tobacco advertising medium – followed 10 days later, frothing with indignation over the treatment of his new ally: “*Whilst it is disappointing that the FIA’s concerns have been ignored, it is truly remarkable that the request of the Australian Health Minister has been brushed aside.*”

And brushed aside it was... on 2nd December, the EU agreed on a directive that phases out tobacco sponsorship in Europe in 2005, effectively two seasons before the Australian ban.

But there was no need for Australia to pitch in behind the Formula One lobby...all the tobacco-sponsored teams are based in Europe, which means most tobacco money will leave Formula One to the EU timetable. The EU’s action will have global impact, and may even help in Australia.

Une CCLAT Forte Modèle

Il est intéressant de voir comme au cours des négociations, l'opposition à une CCLAT forte provient de la part des pays les plus riches du monde, notamment les Etats Unis, le Japon et l'Allemagne.

Souvent l'on entend dire parmi les délégués de ces pays, qui cependant ont des politiques intérieures fortes qui protègent leurs citoyens contre le tabagisme, que la CCLAT ne devrait pas être un instrument trop restrictif vis-à-vis du commerce des cigarettes.

D'après ces délégués, rien n'empêche aux pays importateurs de cigarettes d'adopter des législations et des politiques plus fortes à fin de protéger la santé publique.

Malheureusement, nous savons que beaucoup de pays ont souvent eu des difficultés quant ils ont voulu mettre en application des nouvelles politiques qui contrent la volonté

des cigarettiers implantés dans leurs pays.

Pour cette raison, une CCLAT forte servirait d'exemple et engagerait tous les pays signataires à protéger la santé publique plutôt que les intérêts commerciaux des cigarettiers et



des pays exportateurs de cigarettes.

Cependant, une CCLAT faible pourrait servir aux cigarettiers en tant qu'un instrument pour faire valoir leurs besoins commerciaux, et ne protégerait pas la santé des citoyens du

monde.

Si nous voulons diminuer le nombre de décès associés au tabagisme, qui s'approche à 5 millions de morts inutiles chaque année, il est important que les désirs de la majorité des pays qui veulent une Convention forte et utile prévalent et que nous ayons un texte fort à la fin des négociations.

Comme l'a dit la semaine dernière Dr Gro Harlem Brundtland, la Directrice Générale de l'OMS, « le but de ce traité est de sauver des vies, des centaines de millions de vies ».

Même Tom Novotny, l'ancien chef de délégation des Etats Unis d'Amérique, supporte la notion que le but de la CCLAT est de protéger la santé publique. Pour cette raison, il a quitté son poste de chef de délégation à fin de « protester contre les ordres du Président Bush qui étaient d'affaiblir le texte de la CCLAT. »

- Laurent Huber

La protection des non-fumeurs : une partie intégrale pour le succès de la CCLAT

« Le moment est venu de parler haut et fort. Nous avons le droit de respirer de l'air pur. Nous avons le droit d'être en bonne santé et de protéger nos amis et notre famille. Nous devons éliminer la fumée ambiante. » - Dr Gro Harlem Brundtland

Un aspect vital de la CCLAT est de reconnaître les risques sérieux posés par la fumée ambiante et d'encourager les états membres à mettre en place des politiques qui protégeront la santé publique.

Malheureusement, l'article 8 du texte du Président ne protégerait pas d'une façon adéquate les citoyens du monde contre les effets de la fumée secondaire du tabac.

Le texte du Président demande que chaque Partie favorise l'adoption et l'application, au niveau gouvernemental approprié,

des mesures législatives, exécutives, administratives ou autres mesures efficaces prévoyant une protection contre l'exposition à la fumée du tabac



dans les lieux publics, les transports publics et les lieux de travail intérieurs.

Cette demande de « favoriser l'adoption » de mesures permettraient aux cigarettiers de contrer tout essai d'interdire de fumer dans les lieux publics.

Afin d'être efficace, l'Article 8 doit demander que chaque Partie adopte et applique au niveau gouvernemental approprié, des

mesures législatives, exécutives, administratives ou autres mesures efficaces interdisant l'exposition à la fumée du tabac dans les lieux publics, les transports publics et les lieux de travail intérieurs.

Les risques liés au tabagisme concernent aussi les non-fumeurs, qui subissent les émanations toxiques de la fumée du tabac. Les scientifiques sont d'avis qu'aucun niveau d'exposition au tabagisme passif n'est dépourvu de danger.

« Les victimes du tabagisme passif ...doivent faire valoir énergiquement leur droit à l'air pur et ne pas se laisser duper par les politiques d'auto-réglementation de l'industrie du tabac. Les gouvernements doivent donner la priorité à une législation contre la fumée de tabac ambiante. » - Dr Gro Harlem Brundtland

- Laurent Huber

Show Us The Money

Rather than a constructive dialogue on how Article 26 can create an equitable and effective funding mechanism for the FCTC, the negotiations have evolved into a dialogue between the 'haves' and 'have-nots.'

Funder nations suggest that support to implement the FCTC can be managed through existing funding mechanisms. They are steadfast in their opposition to the establishment of a "Global Fund" to assist countries to develop and implement comprehensive tobacco control measures. Some suggest that the blame for current under-funding of global tobacco control lies with poor countries for not prioritizing tobacco in their requests for assistance.

Some developing countries suggest that tobacco control will have negative economic consequences that will require compensatory financing. They are steadfast in their request for a "Global Fund" to provide diversification support and help in implementing their treaty obligations. They suggest that the blame for current under-funding of global tobacco control lies with the absence of dedicated funding, and with bilateral and multilateral agencies which have complex cri-

teria, and which play favourites among recipient countries.

In the space between these two highly polarized positions lies a great deal of mistrust, mixed history with the Global Fund on AIDS, Malaria and Tuberculosis, and suspicion about the genuine and sustainable interest of bilateral aid agencies for tobacco issues.

Dedication and commitment

What's needed from all parties to this convention is a commitment to fund the FCTC, and dedicated funding for tobacco control.

All countries – rich and poor – have access to excise and other tobacco taxes to pay for their treaty undertakings.

All countries – rich and poor – can afford some contribution to fund the Secretariat, the Conference of the Parties, and its subsidiary bodies.

All countries – rich and poor – can integrate tobacco control with social and economic development programs, be they funded by external aid or internal revenues.

Poor countries can boost the confidence of rich countries by joining in a global commitment whereby all countries make obligatory payments to fund core

operations of the FCTC – the Conference of the Parties, secretariats and subsidiary bodies.

Rich countries can boost the confidence of poor countries by making firm financial commitments to strengthening tobacco control in developing and transition countries.

By dedicating some new funding for existing bilateral and multilateral aid agencies and indicating that at least some part of their overall commitment will be under the authority of the Conference of the Parties, they demonstrate their trust in the FCTC process.

Partnership, not finger-pointing

Treaty-making is, at its heart, a commitment to partnership. Those negotiating section 26 have not yet shown a willingness to put their money where their mouth is – and to make this partnership work.

It is not too late. The regrettable and sterile dialogue of the deaf can be transformed into an effective and fruitful global partnership. If everybody gives a little, we will all gain a lot.

- Cynthia Callard and Neil Collishaw, Physicians for a Smoke-Free Canada

Civil Rights and Tobacco Control in Uzbekistan

Slow progress towards development of civil society is occurring in Uzbekistan, including principles of democracy, primacy of law, respect for individual rights, and freedom of speech. These are accompanied by practical measures aimed at health promotion.

For many years, transnational tobacco companies acted almost unrestrained by government. They stimulated development of tobacco growing and increased production and import of tobacco products. They used their funding to influence government and mass media.

There is currently no National Action Plan on Tobacco Control in the country, no coordinating body, no research on smoking prevalence among youth or adults, no

prohibition of smoking even in medical and educational buildings.

Nevertheless, thanks to recommendations of the WHO and influenced by the FCTC, a new law on advertising was adopted in autumn of 2002, which tightened existing rules. Unfortunately, we still lack other tobacco control legislation.

I am sure that adoption of the FCTC at the World Health Assembly will cause significant improvement in the situation regarding smoking in Uzbekistan.

There is much reason for optimism regarding the FCTC. Our president, I. Karimov, consistently states that he is in accordance with civilised standards. There is

an increased voice of public opinion demanding positive change. Anti-tobacco messages have increased following a competition among mass media representatives for the best articles or programs on tobacco control. The tide is turning.

While we have a long way to go in Uzbekistan, what once seemed impossible now seems inevitable. We have strong hopes for the FCTC and the benefits it will bring to Uzbekistan.

We only hope that other nations will act to strengthen the text and support the rights of governments to control the tobacco industry, rather than allowing the industry to control governments.

- Alo Hodjaev, Uzbekistan

International Treaties the US Has Not Ratified

EXAMPLE 5: Protocol to the Biological Weapons Convention

Date Adopted: 1972 (Convention)

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin

Weapons and on their Destruction, was signed by the US.

It requires parties to have destroyed all stockpiles of biological weapons by 1975 and to cease production except for peaceful purposes.

An inherent flaw in the treaty is that it did not provide for verifica-

tion of compliance, and included no mandatory reporting requirements. The Protocol is designed to correct that flaw by establishing means for monitoring country compliance.

Talks on the Protocol ended when the US rejected the draft protocol in 2002.

Incomplete Ad Bans: Leapfrogging through Loopholes

Recent response by the tobacco industry to India's announcement that it is imposing a "blanket ban" on cigarette advertising illustrates the creativity and determination of the industry to find loopholes, and thus the need to write comprehensive legislation.

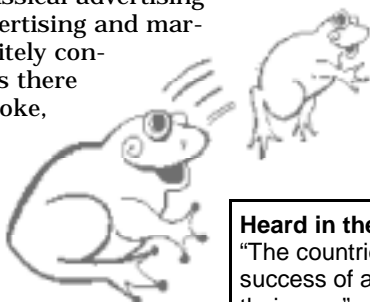
Advertising executives in India claim that the ban will have little impact on cigarette sales. Why? One CEO commented, "This decision would ban classical advertising but innovative advertising and marketing would definitely continue. ... As long as there are people who smoke, ways and means of promoting cigarette sales will continue. In any case there are several loopholes and some marketing mechanism will evolve as long as there are customers."

Another advertising executive remarked, "The government will now have to clearly spell out what

is surrogate advertising. For instance, does advertising the Wills range of sportswear constitute surrogate advertising?"

There can be no question that the industry will find whatever ways it can to avoid stopping its advertising. There is no room for flexibility in banning ads. It is like leaving one door open when locking your home—the thief will still find his way in.

Source: "Tobacco ad ban not to affect sales", Business Standard (India) Friday, February 21, 2003



Heard in the hall:

"The countries that care least about the success of a negotiation usually get their way."

Lost: Article 17 on subsidies

A reward of €1,000 million is offered by European Union taxpayers for the safe return of Article 17, last seen heading for Doha where it is likely never to be seen again.

International Chamber Of Commerce Reveals Its True Self

Has the International Chamber of Commerce (ICC), the large corporations' international pressure group, forgotten its commitment to support in good faith the efforts of the United Nations to make a better world? There is disturbing news that the ICC is actively lobbying to demolish key provisions to restrict or ban tobacco advertising.

Yet, in July 2000, the ICC had pledged to co-operate in good faith with the UN, when Secretary General Kofi Annan launched with the Chairman of the ICC the UN *Global Compact* as a new form of UN partnership with the private sector.

A snake can change its skin, but it's still a snake (no offence to reptiles).

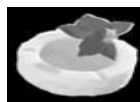
FRAMEWORK CONVENTION ALLIANCE

The Framework Convention Alliance (FCA) is an alliance of NGOs from around the world 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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Orchid Award

[Temporarily suspended due to lack of information.]



Dirty Ashtray Award

Cuba, for attempts to destroy the liability provisions.

