



INB-4 Saturday

ALLIANCE BULLETIN

Framework Convention on Tobacco Control

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Urgent Appeal From Civil Society

NGO intervention prepared for INB4 final plenary session

Inside this issue:

- Intervention on trade discussion 2
- L'Organisation mondiale du commerce, le tabac et la Convention-cadre 3
- Majority support strong treaty 4

Friday Quote du jour

"Elimination of section J (Compensation and Liability) is considered by the delegation of the Kingdom of Tonga as the height of irresponsibility by WHO Member States."

—Tonga delegation

DEATH CLOCK

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

9,694,080

people have died from tobacco-related diseases.

(At 9 am 23 March 2002)

On behalf of the **Consumers International, International Non Governmental Coalition Against Tobacco, International Union against Cancer, Commonwealth Medical Association, Infact and World Heart Federation**, we offer our concerns on the FCTC at this final plenary session of INB4.



Mary Assunta

When countries gathered in October 1999 for the first Working Group, there was deep concern for the graveness of the tobacco epidemic and a sense of real urgency to find a global solution. The issue was clear – tobacco use is the single most preventable cause of disease and death. Countries were charged with an awesome mandate: To develop an international treaty — the Framework Convention on Tobacco Control — that will effectively reduce the epidemic of disease and death caused by tobacco.

After 2 1/2 years, six international meetings and hundreds of thousands of printed sheets of paper, we appear to be caught in a maze of contorted linguistics. While it is necessary to be thorough, we

must make meaningful progress.

Precious time has been lost debating structures, procedures, commas and brackets. Countries seem at times uncertain whether public health is indeed more important than trade and profits. The talking continues but the actual negotiations are still to happen. There is great risk in allowing the weeds of semantic disagreements to tangle our feet and obstruct our progress.

The pace of INB4 should reflect its mandate. At times the proceedings have appeared unnecessarily protracted. We fear that bureaucratic machinery may have taken control. Consensus building is important but should not result in weak positions. Meaningful consensus can not be based on policies that benefit the multinational tobacco companies. Consensus must build bridges but only when those bridges lead to meaningful reduction in tobacco related diseases.

Civil society waits anxiously for their government representatives to draw up a scheme of secure, watertight protections from the tobacco epidemic.

We are all familiar with the phrase "Out of the mouths of babes come profound truths." Unfortunately, our children are the future customers and victims of tobacco. They cannot be here to remind us of our responsibility towards them and to put a sense of urgency into this process. Their hope is that governments will do the right thing so that those who are enslaved by tobacco addiction and manipulated

(Continued on page 2)

(Urgent Appeal... Continued from page 1)

by industry advertising will not suffer a premature and painful death from tobacco.

The tobacco epidemic was born of globalization and its growth nurtured by a most cruel, avarice drive for profit. But this epidemic can be controlled. Indeed, we believe with the commitment and leadership of this body, the pandemic of tobacco-related death projected by WHO can be prevented.

The nations assembled here have taken brave and difficult steps towards a truly noble goal: to protect and preserve the lives and the quality of life of the peoples of the world. Although the beneficiaries of your labours are not in this room, they wait for word of hope...for word of your success.

There is risk in failing to resolve differences but there is greater risk in sacrificing substance to compromise. Let us remember, unlike many life-threatening illnesses, with respect to tobacco, we do know the remedy.

The remedy lies in the political will to act.

Thank you, Mr. Chairman.

Intervention on Trade Discussion

This intervention would have made it to the floor had Working Group 2 allowed discussion on trade.

Food is essential for human beings and pharmaceuticals are useful, but the use of tobacco is disastrous. In the past, public health was given precedence over the trade in food when BSE (mad-cow disease) threatened Europe. Public health was given precedence over the pharmaceutical trade when North America was alarmed by anthrax and ciprofloxacin was in demand. Yet, when the tobacco epidemic threatens to ravage developing countries, there is reluctance to place public health at a higher level than tobacco trade. In resolving this paradox, the delegations must ensure that conscience prevails over commerce.



"Health trumps trade."

—Ira Shapiro,
former
US Trade
Representative

Thanks!

Oof.

Another crazy week in Geneva has drawn to an end, and we successfully met six only occasionally hair-raising deadlines to publish the FCA Bulletin, our running commentary on the crucial health issues all delegates (well, most delegates) care deeply about.

From INB to INB, the list of people involved in writing, editing, laying out, printing and distributing the Bulletin gets longer and longer. As editor, it is an enlightening and often humbling experience to hear tobacco news from all corners of the planet, written by enormously talented people from many different professions: my first thanks go to the many contributors of articles and images.

The layout team for INB-4 kept awake, alert and patient well into the night, with cheap coffee,

From the Editor

chocolate, and mumbled gratitude as their only reward. They include Carmelita Canila, Elinor Devlin, Véronique Le Clézio, Ulysses Dorotheo, and Phillip Karugaba. Many thanks also to the UICC (particularly Ruben Israel) for providing us with office space and computer equipment for our late-night efforts.

Michael Chaiton, Eduardo Bianco and Aureljus Veryga took on the early-morning task of running off hundreds of photocopies of the Bulletin. Dozens of FCA members then handled distribution to delegates.

FCA Co-ordinator Belinda Hughes took care of producing the electronic version of the Bulletin, including (for the first time) an HTML version.

Very special thanks to Debra Efrogmson, our multilingual copy-editing star. Debra's extraordinary knack for distilling rambling texts

into crisp copy is particularly impressive for someone with no formal journalistic training. Her editing speed and traffic-control skills left me free to roam through the halls to solicit articles and occasionally even lobby delegates and stir up trouble.

This issue, the final issue of INB-4, is being edited by Jack Boomer, no doubt ably assisted by Ulysses Dorotheo and Phillip Karugaba. Unfounded rumours notwithstanding, my temporary absence from the editor's chair is due entirely to exhaustion and other engagements, not to abduction attempts by displeased delegations of any nationality, European or otherwise. Echt.

Thanks to everyone. And please, can we hurry up with negotiations and get out of here for good by May 2003?

Francis Thompson (Canada)

L'Organisation mondiale du commerce, le tabac et la Convention-cadre

Comment concilier politiques de contrôle du tabac et règles commerciales dans le contexte d'une économie de plus en plus mondialisée ? Voilà l'une des plus importantes questions qui restent encore en suspens après quatre rondes de négociations de l'OIN.

Certaines délégations prétendent que les mesures adoptées pour donner suite à la CCLAT seront de toute façon protégées par les règles déjà existantes de l'Organisation mondiale du commerce, notamment l'article 20 du GATT, qui s'applique en principe aux mesures « non discriminatoires » (à l'égard des intérêts commerciaux étrangers) prises pour des raisons de santé publique.

Cependant, il y a de sérieuses raisons pour vouloir soustraire le tabac à une partie des règles commerciales internationales et pour inclure dans la CCLAT des dispositions claires donnant la priorité à la santé publique.

En particulier, il y a lieu de rappeler que les règles de l'OMC partent de la notion que la libéralisation des échanges commerciaux est une chose souhaitable. En conséquence, pour l'OMC, les exceptions entravant le libre-échange doivent être soigneusement justifiées et étroitement interprétées.

Mais la prémisse de base sur les bienfaits du commerce libéralisé ne s'applique tout simplement pas aux cigarettes. L'expansion du commerce de cigarettes n'apporte aucun bénéfice, mais plutôt

une augmentation de la maladie et de la mortalité. Pour cette raison, la présomption habituelle en faveur de la libéralisation des échanges ne devrait pas être appliquée dans le cas des cigarettes ; les panels de l'OMC ne sont pas le forum approprié pour juger de la pertinence d'une mesure de contrôle du tabac.

Les États-membres de l'OMS ont commencé à élaborer la CCLAT parce qu'ils ont compris que les cigarettes constituent une menace importante pour la santé publique ; les délégués engagés dans



ce processus depuis de deux ans sont tous ici parce que ce produit nécessite un traitement spécial.

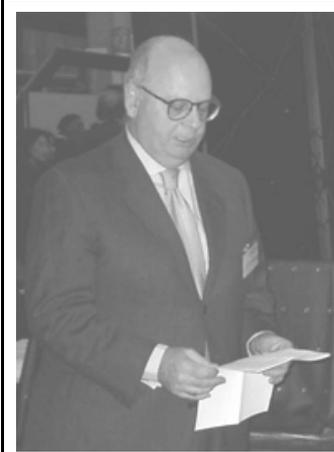
Il serait aberrant de conclure, au bout du compte, que les règles qui s'appliquent au blé ou aux ordinateurs devraient s'appliquer

telles quelles aux cigarettes. Le texte de la CCLAT doit clairement spécifier que la santé publique a le dessus vis-à-vis du commerce et que les nations doivent avoir la latitude d'adopter avec impunité des fortes mesures de contrôle du tabac.

Dans d'autres domaines, les États ont déjà reconnu le besoin de traiter les produits nocifs différemment. Le commerce d'armes a été exclu des règles du GATT et l'OMC. Les narcotiques et les substances psychotropiques font l'objet de règles très strictes qui s'accordent au danger du produit. Les traités internationaux ont aussi établi des règles spéciales pour les produits chimiques qui détruisent la couche d'ozone ou pour les polluants organiques persistants.

Dans le passé, les cigarettiers ont utilisé des gouvernements pour s'opposer aux mesures de contrôle du tabac. Par exemple, le Japon a menacé de contester l'interdiction des descripteurs « légère », « douce » et « mild » par l'Union européenne, alléguant une entrave aux règles de l'OMC.

Le but de la CCLAT est clairement de promouvoir la santé publique par le biais de politiques de contrôle du tabac. Pour cette raison, afin d'assurer le succès de la CCLAT, la Convention doit préciser que les mesures de protection de la santé publique qui ont pour but de contrôler l'épidémie du tabac ont priorité sur toute considération commerciale.



Recognition of Chair Ambassador Luiz Felipe de Seixas Corrêa

Framework Convention Alliance members were heartened following their first meeting with the new Chair Ambassador Luiz Felipe de Seixas Corrêa yesterday. The meeting provided a welcome opportunity for the Chair and members to exchange views on the FCTC process and role of NGOs. The Chair acknowledged the importance of the participation of civil society in the FCTC process and the vital role that NGOs must play in mobilising community and public support for a strong FCTC. The meeting ended on a very positive note with the Chair expressing a desire to improve communications with the NGOs.

Majority of Nations Support Strong Treaty But Small Minority Hamper Progress

– Statement of the Framework Convention Alliance –

This fourth round of negotiations made it clear that the vast majority of countries favour a strong and enforceable tobacco control treaty that obligates nations to take specific actions to reduce the death and disease caused by tobacco use around the world.

While Framework Convention Alliance members wish that more progress had been made this week, we are heartened by the valiant and so far successful efforts of nations that support a strong and effective treaty. Progress this week had been hampered by a small number of countries, including the United States, Germany and Japan, that continue to work to weaken critical provisions on advertising, smuggling, the primacy of health over trade, and other issues. These countries, home to multinational tobacco companies, continue to put the protection of the tobacco industry ahead of the protection of public health.

Nations that support a strong treaty were able to keep some effective provisions on the table. These efforts were led by developing countries that are the primary targets of the tobacco industry and are bearing the brunt of the tobacco epidemic. These countries know firsthand

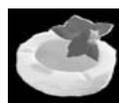
why the FCTC must include a total ban on tobacco advertising, promotion and sponsorship; effective measures to combat cigarette smuggling; a prohibition on misleading claims such as “light” and “mild”; and an end to all tobacco subsidies. The Convention should also call for other proven tobacco prevention and control measures, including increased tobacco taxes, an end to duty-free sales of tobacco products, and effective measures to eliminate passive smoking.

Perhaps the central issue of the negotiations is whether the Convention will include a provision that gives health priority over trade and protects tobacco control measures from being challenged as violations of trade agreements. The tobacco industry has a long history of using trade law as a tool to thwart tobacco control policies. If the Convention fails to put health before trade, it would allow the industry to continue this practice and open other measures in the Convention to challenge. The result would be devastating for public health.

At the start of this round of negotiations, WHO Director General Gro Harlem Brundtland reminded the world’s nations what was at stake: eight people die every minute due to tobacco. More than 4 million

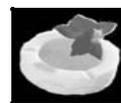
lives are lost every year, with that number projected to rise to 10 million by 2030. Since the opening of the first working group of the Framework Convention on Tobacco Control on October 25, 1999, more than 9,694,000 people have died from tobacco-related diseases, and many more than that have endured disabilities from tobacco use. A strong treaty that puts the health of people ahead of the prosperity of tobacco companies can save millions of lives each year. If the majority of nations that support a strong Convention stand their ground, and if nations negotiate without sacrificing basic principles, we can achieve this goal.

Orchid Awards



India for pointing out that ‘restrictions’ on duty free are entirely meaningless.

AFRO for taking a strong stance on health over trade.



Dirty Ashtray Award

Watch this space!

