



INB-6 Tuesday

Inside this issue:

| | |
|----------------------|-----|
| Global Round Up | 2-3 |
| la publicidad | 3 |
| Formula 1 | 4 |
| Strength in Africa | 5 |
| A Vaccine that Works | 6 |

**TUESDAY'S
DELEGATE
BRIEFING**

**NGO BRIEFING ON
THE REVISED
CHAIR'S TEXT**

**13:00—14:00
Salle XXIII**



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

13,351,398
people have died from tobacco-related diseases.

(At 9 am 18 February 2003)

ALLIANCE BULLETIN

Framework Convention on Tobacco Control

Geneva, Switzerland

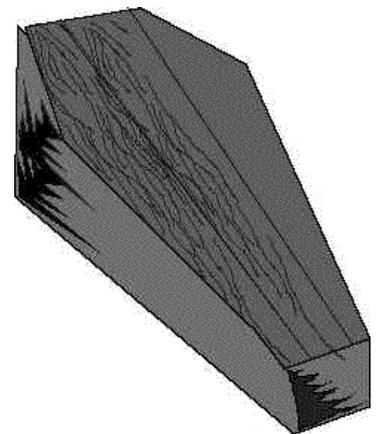
Issue 37

18 February 2003

Cigarettes, a Coffin and the Ever-Increasing Numbers

In what has become FCA tradition, the death clock was again formally unveiled at the start of the INB negotiations yesterday. While a requiem played, four NGO representatives carried a coffin symbolizing the more than 13 million people who have died from tobacco-related causes since the FCTC negotiations began.

Representatives of different regions then spoke a few words in memory of those who die each year from tobacco in their country, and threw empty cigarette packs from their country into the coffin. Performers from Mauritius were present via a music video, singing « le tabac est caca ». As she unveiled the clock, Director-General of the WHO, Gro Harlem Brundtland, urged delegates to take strong action to slow the death toll.



13,351,398

... and counting

Since the negotiations of the FCTC began three years ago, over 13 million people have died from tobacco-related diseases. In a moment when the death clock is unveiled, you will have the exact figure. This clock is a reminder to us that the life we value so much is threatened and wasted away, one every eight seconds, by the use of tobacco—both deadly and unnecessary.

Governments gathered here have been entrusted with the responsibility of devising an instrument that can be used to reverse this carnage caused by tobacco. As you enter the final rounds of negotiations, this is your last opportunity to negotiate a convention that truly protects public health and saves lives. It must be a proportionate response to the global catastrophe.

We appeal to governments not to race down to the lowest common denominator and weaken the treaty. It will be a betrayal if you squander high standards in a race to find consensus.

The value of life should not be reduced to fit legislation, administration, and other measures. The bureaucratic machinery must change to serve life and protect public health. In this last negotiation you have the power to decide what to do to slow down the death rate for our future generations. Endeavouring to do your best is simply not enough. It is vital you do what is necessary to reverse the global epidemic.

**—Mary Assunta
speaking at the
unveiling of the death clock**

Today's Weather: Cloudy
High 2 °C Low -4 °C

Mixed Progress in Azerbaijan

Last year began with adoption of an anti-tobacco law in Azerbaijan. The law is a substantial document containing many positive tobacco control measures, including a ban on direct and some indirect advertising, sponsorship and promotion of tobacco products; prohibition or restriction of smoking in almost all public places, workplaces and transport; and clear and contrasting health warnings on all cigarette packages.

Unfortunately, these measures are incomplete, because indirect advertising of tobacco products is still allowed. For example, some non-tobacco products are advertised with a tobacco brand name, and Formula One races mean the continuation of cigarette company sponsorship on TV. We are also faced with smuggling of tobacco products. The price of tobacco products in the country is quite cheap, at an average of about US\$0.7 per pack. Misleading claims and descriptions are not prohibited in Azerbaijan, so we have a wide range of cigarettes claiming to be ultra low, mild, and light. These deceptive descriptions may cause an impression that some brands of cigarettes are less harmful than others. Weaknesses in the law and its enforcement also mean that smoking in some public places continues.

Tobacco crops are grown in northwest Azerbaijan. About 8000 hectares of land are devoted to tobacco farming, and our law stimulates local farmers to grow tobacco. The difficult social and economic situation in our country prevents the government from stopping tobacco subsidies. Meanwhile, lack of funding inhibits its efforts towards crop diversification, infrastructure development, or activities that would produce public goods rather than tobacco.

These sets of problems exist in many countries and can be settled with the adoption of a strong international treaty, but only on the condition that the FCTC contains strict tobacco control measures, helping governments to strengthen, not weaken, national legislation. The FCTC should ban all forms of advertising, promotion, sponsorship and other forms of indirect advertising, ban deceptive claims on tobacco products, and provide strong measures against tobacco smuggling and illicit trade. We believe that health is far more valuable to most people than commercial interests, and the FCTC should reflect those values.

Rufat Nasibov

BAT Uganda Cries Foul.



To ban smoking or not to ban smoking in public places is the question that still lingers in the corridors of a government smitten by the "apparent economic contribution" of the tobacco industry. So fixated on tobacco taxes is the government, it recently appealed a court ruling ordering the National Environment Management Authority (NEMA) to regulate smoking in public places by Christmas this year.

On December 11th 2002, the High Court of Uganda declared that smoking in public places is a violation of non-smokers' rights to life and to a clean and healthy environment. The landmark case was filed on May 31st 2000, by The Environmental Action Network (TEAN), a local public interest litigation group involved in tobacco control.

On December 11th 2002, the High Court of Uganda declared that smoking in public places is a violation of non-smokers' rights to life and to a clean and healthy environment. The landmark case was filed on May 31st 2000, by The Environmental Action Network (TEAN), a local public interest litigation group involved in tobacco control.

TEAN filed the case against the Attorney General and the National Environment Management Authority seeking a declaration that smoking in public places is a violation of non-smokers' rights to life and to a clean and healthy environment; a declaration that BAT Uganda has described as a violation of smokers' rights.

NEMA has proceeded with consultative meetings on proposed regulations to ban second hand smoking in public places. On January 23rd 2003, NEMA held its first consultative meeting where the Director of Policy Planning and Information, Eugene Muramira said, "We are united with the scientific community that second hand smoke causes serious harm to non-smokers and that there is no safe level of exposure to

second hand smoke." NEMA pledged to facilitate public awareness programs on the dangers of second hand smoke and to produce signs prohibiting people from smoking in certain areas.

However, government officials from various ministries are still concerned about the enforceability of second hand smoking regulations and the effect the measures may have on tax revenue from the tobacco industry. (The tobacco industry contributes 8% of the tax revenue, or approximately \$35 million.) To address their concerns, NEMA has resolved to do a cost-benefit analysis on tobacco to convince the Finance Ministry that second hand smoking regulations will not affect tax revenue from tobacco.

In the meantime, BAT Uganda is accusing NEMA of excluding them from the consultative process after they were locked out of the first meeting. Henry Rugamba, Head of Corporate and Regulatory Affairs for BAT Uganda, is quoted in a local paper as saying,

"Something inclusive needs to be done. NEMA must include all, right from BAT, bar and restaurant owners and nightclub owners since these are the places where the ban will be effected. You just don't go into someone's premises and put a stop to public smoking. They are landlords and they decide what is best for their clientele or not. Imposing regulations without their input is not right".

We await with baited breath to see if the FCTC will help governments such as ours to take a stand against the tobacco industry, or whether the industry will be allowed to continue to pollute the air with its lies and weapons of mass destruction.

-Florence Kayemba, TEAN Media Advisor

La restricción de la publicidad, promoción y patrocinio del tabaco no basta para proteger a la salud pública

El texto sobre la publicidad de productos de tabaco propuesto por el Presidente no es suficiente para proteger a la salud pública si se acepta tal cual. El texto propone la adopción de "medidas legislativas, ejecutivas, administrativas u otras medidas eficaces para restringir la publicidad, la promoción y el patrocinio del tabaco" (Artículo 13).

Medidas que "restringen" la publicidad del tabaco no protegerán a la salud pública ya que solo algunos medios de publicidad estarán bloqueados.

Si se bloquean algunas formas de publicidad, las compañías tabacaleras aumentarán otras formas de publicidad. Si se prohíbe la publicidad en algunos medios de comunicación, se aumenta la publicidad a través de otros medios.

Si se prohíbe la publicidad directa, las tabacaleras aumentarán las formas de publicidad indirecta. Por

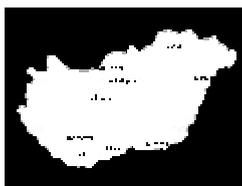
ejemplo, cuando se eliminó la publicidad directa de cigarrillos en Malasia, aparecieron un gran nombre de productos y publicidades con el nombre de marcas de cigarrillos pero sin mencionar los cigarrillos.

Existe una multitud de ejemplos que demuestran que las compañías tabacaleras aprovechan cualquier debilidad en las leyes para seguir inundando nuestros países con mensajes que incitan la población a fumar.

Por esas razones, el texto del Convenio Marco debería endosar la única medida eficaz relacionada a la publicidad del tabaco para la cual hay una base de evidencia: una prohibición completa de todas formas de publicidad del tabaco.

Lorenzo Huber, ASH America

Vocal Support for a Strong FCTC in Hungary



Broad consensus has recently emerged in Hungary for a Chair's text that will totally ban tobacco promotion and sponsorship, increase the size of health warnings to 50% of the packet, and place pictorial warnings on every cigarette package.

These proposals were developed at a seminar recently organized by the Health 21 Hungarian Foundation (H21HF). The Foundation organized the seminar to increase knowledge on the aims and objectives of the Framework Convention on Tobacco Control (FCTC) among health professionals, decision-makers and the media in Hungary.

A total of 25 colleagues participated at the one-day event. The list of participants included tobacco control advocates, researchers from universities, representatives of local branches of the National Public Health and Medical Officer Service, NGOs, the media and health professionals.

The participants reviewed the new Chair's text and developed textual proposals to strengthen the document. Participants also expressed their commitment to supporting a strong FCTC and having its recommendations adopted in Hungary as soon as possible.

**Dr. Tibor Szilágyi, MD
CEO, Health 21 Hungarian Foundation**

Doctors Group Encourages Government to Control Tobacco



The Japan Medical Association has decided to lobby the government to take tougher action against smoking, due to concerns that the government will prevent the World Health Organization from reaching agreement on the FCTC.

The group also plans to compile its own declaration for the nation's medical profession to combat smoking.

The Chair's text has been significantly watered down in a number of areas due in part to Japan's opposition.

Japan has been described as a "tobacco heaven" for smokers due to its lack of restrictions, with cigarettes available through vending machines nationwide that minors can readily access. The proportion

of male adult smokers is much higher than for other industrialized nations—49% compared with the U.S. level of about 20%.

With opposition from both the domestic tobacco industry and also the government—due to its concerns over losing tax revenues—Japan, together with Germany and the United States, has been criticized internationally for being reluctant to impose restrictions on smoking.

Under such circumstances, Japan Medical Association President Eitaka Tsuboi condemned the government's stance towards the convention, saying, "Japan is an uncivilized country that's making negative and reckless efforts at the international forum to short-sightedly give priority to immediate economic benefits."

—Yomiuri Shimbun

Formula One – driving up the smoking rate

Remember at INB-4 when the World Health Organisation and the governing body of world motor racing embraced and agreed to phase out tobacco sponsorship by 2006? But that may now change, supposedly because tobacco sponsorship will be banned in the EU by July 2005. I examine four claims made by Max Mosley, President of the *Federation Internationale d'Automobile* (FIA) that supposedly justify this move.

Claim 1.

That Formula One contracts are incompatible with the new EU directive. Mosley says:

"We've now got the teams with contracts to 2006 and an EU ban from July 2005. The only way they (the teams) can observe those contracts in 2006 is to reduce the number of Grands Prix in the EU to a point where the tobacco companies don't object."

Commercial contracts do not have supremacy over government legislation, and any competent contract lawyer constructs the agreement to take account of such political risks. If they had signed contracts for 20 years, would the EU have to fit in around that too?

The FIA has known that tobacco sponsorship bans are likely EU policy since 1997. The current round of contracts (the Concorde Agreement) was negotiated to come into effect in 2002. In March 1998, Max Mosley said:

"The FIA could bring in a world-wide ban on tobacco advertising/sponsorship in the Formula One World Championship on expiry of the current Concorde Agreement between the FIA and the teams in 2002. Such a ban, which could take effect before the deadline set in the EC Directive, would apply to all Formula One Grands Prix, including those held outside the European Union..."

The idea that they wrote multi-million dollar contracts while knowing that a sponsorship ban was likely, yet failed to include *'force majeure'*

clauses that take account of legislative developments is laughable.

Claim 2.

That teams will fight for continued tobacco sponsorship after 2005.

According to the BBC:

"Mosley said the EU ban could lead to pressure from teams for the FIA to continue with tobacco because the teams' contracts run to the end of 2006."

The second great scam is the blurring of team and event sponsorship. Most tobacco money goes into teams and all those sponsored by tobacco companies are based in Europe – and therefore have to stop tobacco sponsorship by 2005. So after 2005, the pressure from the teams will be against tobacco.

Claim 3.

Tobacco sponsorship regulation in the EU is causing the *Grands Prix* to leave Europe.

The gradual move of Grands Prix from the EU into 'emerging markets' in Asia, Eastern Europe and the Middle East has strong commercial logic, due not to tobacco but rather to TV audiences and global branding. Many events would move from Europe anyway. There are plenty of non-tobacco sponsors willing to sponsor events in Europe, but there is only time for a limited number of races and going global means having fewer in Europe.

Claim 4.

That global TV coverage will ensure the EU legislation will be 'a waste of time'.

According to the BBC...

"Mosley said the EU ban was a waste of time, because tobacco advertising would be beamed into Europe on television from the races where tobacco advertising is allowed."

The ban on European team sponsorships greatly reduces tobacco visibility - even at events that are tobacco-sponsored. For example, Michael Schumacher will not be wearing a Marlboro logo at the 2005 Chinese Grand Prix sponsored by Marlboro. Furthermore, new non-tobacco sponsors may elbow tobacco companies out of event sponsorship outside the EU.

Formula One and its governing body think they are more powerful than any government. The arrogance of the FIA and its bogus arguments give a clear example of why the FCTC needs a complete global ban on tobacco advertising and sponsorship.

**-Clive Bates
ASH U.K.**



Resolve of African Nations Critical in Reversing Global Tobacco Epidemic

NGOs attending the fifth African Consultative Meeting (ISM) on the FCTC called on African nations to maintain their leadership role in the treaty process, as the continued resolve of the African region is critical to the success of the FCTC.

The African delegates met February 6th to 11th in Dakar, Senegal to finetune their positions on the treaty.

"The great majority of nations in the world have voiced their commitment to an FCTC that prioritizes public health over the profits of transnational tobacco corporations. Rather than building on the progress made at the most recent talks, the Chair seems to have given in to the demands of a handful of wealthy nations—namely the US, Japan and Germany—and their powerful corporate tobacco lobbies, in some of the treaty's most critical areas. African nations must work to strengthen the text at this critical moment in the FCTC process," says Inoussa Saouana of SOS Tabagisme-Niger.

According to the NGOs, the revised Chair's text is too weak to reverse the global tobacco epidemic, as it:

- Fails to ban all tobacco advertising, promotion and sponsorship;
- Omits any language that clearly prioritizes public health over trade;
- Fails to prohibit duty free sales of tobacco products;
- Calls into question the industry's responsibility for the harms caused by its deadly products and ignores the important role of compensation in holding tobacco corporations accountable;
- Inadequately addresses the issue of funding mechanisms, which could impede implementation of the provisions in the FCTC; and
- Contains many phrases, such as "in accordance with national law," that would weaken the treaty and create loopholes in the implementation process.

"This meeting is a unique opportunity to send a strong signal on the African region's resolve to support a strong FCTC. African delegates must

continue to be courageous in pushing for an FCTC that is worth all of the energy and resources that have been put into it over the past several years. We have come too far with too much promise to settle for a treaty that is meaningless," says Oluwafemi Akinbode of Environmental Rights Action/Friends of the Earth, Nigeria.

John Kapito of Consumers Association of Malawi urged African nations to "resist the efforts of the few wealthy nations that are trying to block progress on the FCTC."

The NGOs called on delegates to ensure an FCTC that:

- Bans all tobacco advertising, promotion and sponsorship;
- Ensures that tobacco corporations can be held liable for harms to people and the environment, while facilitating the ability of individuals and governmental bodies to be compensated for the high costs of tobacco;
- Establishes a funding mechanism to speed up conversion to sustainable alternatives to tobacco and make it more politically viable for governments to support the FCTC;
- Prioritizes public health in the event of conflict with international trade and investment agreements; and
- Protects public health policy from interference by tobacco corporations.

**Combo Laokein,
Reseau Sante Sida population/
Conseil des ONG Dappui**

**Inoussa Saouana,
SOS Tabagisme-Niger**

**Medard Basseine,
Movement Anti-tabac du Senegal**

**Oluwafemi Akinbode,
Environmental Rights Action/
Friends of the Earth, Nigeria**

Quotable Quotes

"As we observe the world today, we note that many of society's problems result from the state of our mental health or, putting it more simply, the mere difficulty of coping... Although I do not mean to suggest that cigarette smoking is any panacea for these problems, does it really make sense to bear down relentlessly on those who choose to relieve the daily stress of life through smoking?"

Lee Pollok (Executive Vice President and Assistant General Counsel for Philip Morris International) (draft speech)

Proven Vaccine Saves Lives!

The potential devastation caused by the global tobacco epidemic calls for strong measures.

Unlike the early stages of many communicable disease epidemics, we know enough now to prevent the tobacco epidemic from spreading. In essence, we now have a "vaccine" that works!

While it took almost 50 years to reduce smoking rates by 44% in the United States—at a rate of about 1% a year—we now have the technology to drop rates two-to-three times faster.

Our "vaccine" has four components—increased price, exposure to tobacco smoke bans, cessation treatment, and counter-marketing.

Despite being outspent 10-to-1 by the tobacco industry, by applying our vaccine, in just six years smoking by US high school seniors has declined nationally from 36.5 to 26.7%—about double the decline we would expect, given an average annual decline of 1% per year.

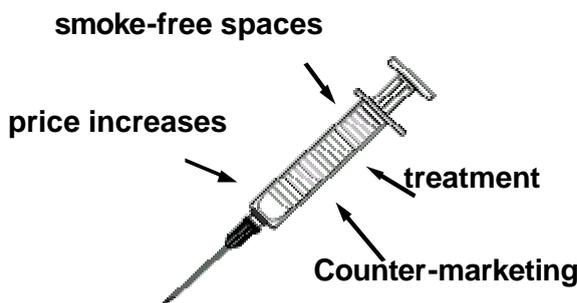
These are national numbers, but states that have applied the vaccine the most thoroughly experienced even more impressive results. California, the first state to substantially raise taxes in 1988 and to use all components of the vaccine, has reduced adult smoking prevalence 3 times faster than the nation—dropping 33% since 1988, while the US rate declined only 22%.

Between 1995 and 1999, youth use of cigarettes in California dropped 43%, compared to no change nationally. Tobacco consumption in California is down by more than 58%.

Massachusetts increased its tax in 1992. Revenue funded a comprehensive tobacco control program. Here, too, the numbers dropped faster than nationally—6th grade prevalence declined an incredible 70%, while smoking among high school students dropped by 27%. Exposure to second-hand smoke declined 43%. Adult smoking dropped by 21% and smoking by pregnant women declined by 50%.

Minnesota, after a 36% increase in teen smoking over the previous 6 years, cut the teen rate in 2000 by 25%.

Mississippi, Florida, Maine, and New York tried variants of the vaccine, and it has worked there



too. New York's 55-cent tobacco tax increase in 2000 dropped sales 20% in one year. Smoking in New York 10th graders declined 19% in one year versus 1% nationally.

So what do these declines mean in dollars saved? In just 10 years, California decreased lung cancer deaths by over 14%, compared to only 4% nationally. The tobacco control program has also prevented 33,000 heart disease deaths and saved over \$500 million in medical care costs. For every dollar spent on tobacco control, California saved \$3.62.

This same result is possible for nations that apply the vaccine—increase the price of tobacco, ban smoking in all public places, public transport and indoor workspaces, provide effective treatment for tobacco addiction, and mount effective counter-marketing campaigns. Other, more progressive, countries have also banned advertising and promotion and adopted graphic warning labels.

We know what works. Now is the time to apply an even better "vaccine" globally. Doing so will save lives and money.

Nancy Kaufman,
Campaign for Tobacco Free Kids

FRAMEWORK
CONVENTION
ALLIANCE

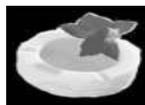
Dirty Ashtray Award

To **Argentina**, for being easily confused with the tobacco industry.



Orchid Award

To **Iceland** and **Norway**, for standing firm in Europe for a comprehensive advertising ban



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.
Framework Convention Alliance
46 Ventnor Avenue
West Perth, 6005
Australia
Tel. 61 8 9212 4333
Fax. 61 8 9212 4334