



# ALLIANCE BULLETIN

Framework Convention on Tobacco Control

Geneva, Switzerland

Issue 38

19 February 2003

INB-6 Wednesday

Inside this issue:

Protest in Berlin against German Obduracy 2

Weakening of the Text, and Ways to Fix It 2

US Stance Called Embarrassingly Weak by Former US Delegate 3

Western-Style Diplomacy 3

Contrabando de cigarrillos en Colombia 4

Chronique d'une chasse aux adolescents africains 5

A Few More Ways to Purchase a Government 5

Why the Closed Door Policy? 6

The US Says Yes to Child Soldiers 6

And the Winners Are... 6

**DEATH  
CLOCK**

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

**13,362,408** people have died from tobacco-related diseases.  
(At 9 am 19 February 2003)

Fatuous rubbish

## Total ban or comprehensive ban on tobacco advertising?

As part of its campaign to justify a text on advertising acceptable to the United States, the WHO secretariat has advised many delegates and the Chair that only three countries in the world have *total* tobacco advertising bans.

But this really misses the point. Most countries that have good *comprehensive* advertising bans make some minor exceptions for practical reasons.

For example, business-to-business advertising within the tobacco trade, advertising at the point of sale (which may be no more than a display of prices), or some types of cross-border advertising that it would be impossible or excessive to try to stop.

One way of specifying a comprehensive tobacco ad ban in the FCTC would be to agree to a general principle banning all forms of tobacco advertising, and then allow exemptions to be specified in national legislation according to local needs. For example:

### 1. General prohibition

Each party shall, in accordance with its national constitution, prohibit all forms of direct and indirect tobacco ad-

vertising, promotion and sponsorship not described in paragraph 2.

### 2. National provisions

The Parties acting individually or jointly may establish specific provisions related to the following categories of



tobacco advertising... business to business advertising exclusively within the tobacco trade, display of tobacco products, point of sale advertising, and cross border advertising. (*This list could be added to or reduced.*)

Declaring that only three countries have total advertising bans, when the goal is comprehensive bans, does a great disservice to countries that either aspire to or already have moved to ban the advertising of this deadly product.

- Clive Bates

## Que voulons nous?

Un traité pour faciliter l'industrie des cigarettiers et leurs alliés, ou un traité de santé publique pour les biens du plus grand nombre ?

Nous constatons jusqu'à ici un affaiblissement considérable du texte du président, l'exclusion encore plus systématique des Organisations Non Gouvernementales représentant la société civile, alors que des représentants de l'in-

dustrie du tabac se trouvent parmi les délégations des pays réfractaires à une convention cadre de la lutte anti tabac (CCLAT) efficace

**Réagissons !** Une minorité de pays riches visant à saboter l'essentiel de ce traité, comme l'interdiction totale de la publicité pour les produits de tabac, ne devrait pas être autorisée à maintenir en otage les débats de la CCLAT.

-Laurent Huber et Véronique Le Clezio

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

## Protest in front of Chancellor Schröder's office in Berlin

About a hundred tobacco-control activists rallied outside German Chancellor Schröder's office in Berlin last Wednesday, accusing Chancellor Schröder of the bad record of the German government with respect to tobacco control in general and the FCTC in particular.

The speakers vocalized their distress about the government's previous record in FCTC negotiations, most notably its objection to an effective ban on tobacco advertising. In so doing, it has prevented the European Union from taking an adequate stand on tobacco advertising, much to the concern of all other EU member states, and thereby undermined the whole treaty.

The speakers acknowledged the announcement that the German government now intends to go along

with the current Chair's text and to thereby precipitate a common stance of all EU member states. However, the speakers criticized the fact that the backing of the current draft does not go nearly far enough, as the text is a skeleton of previous versions. The weakened text is due largely to Germany's previous position, which effectively held the health of the rest of the world hostage to its own tobacco industry-driven strategy.

"Then again, it is at least refreshing to find an area of stupid and self-defeating policy that is not directly linked to the White House."

—David Swenor

The demonstrators further denounced the claim that constitutional constraints prevent Germany agreeing to a comprehensive tobacco advertising ban. The convention explicitly stipulates that the extent of any advertising ban would be in accordance with national constitutions.

At the very least, the demonstrators stated, if Germany is not ready for an effective international response in controlling tobacco, it should no longer stand in the way of other nations' efforts to protect the health of their citizens.

A collection of over 2,000 signatures on the petition letter to Chancellor Schröder, calling on him for a turn around in German tobacco control politics, was handed over to his office at the end of the protest.

- Annette Bornhaeuser



## Urgent: Eliminate weakening wording!

*Looking for weakening wording in the Chair's text and eliminating it could be a stimulating game, but the issue is too serious to be taken lightly.*

It would be bad enough if the Chair's Text "only" failed to clearly state evidence-based and effective tobacco control measures, avoided verifiable obligations for the Parties, and avoided being explicit about the tasks, timetable, and support for the Conference of the Parties. But the problems with the Text do not end there. There are dozens of instances throughout the text of well-hidden weakening wording, which need to be removed if the Convention is to have any effect.

Identifying these is urgent, because they have to be removed while the agenda still allows for changes in detailed wording.

Many of them are identified in the side-by-side presentation of the Chair's Text and NGO Comments by ASH (London), but just to understand how important such changes are, let us look at some of them together.

→ "...or other measures": This means that the effective measures do not have to be taken; the ASH Comment mentions a dozen instances where this wording is used, namely 4.1, 5.2b, 6.2, 7, 8, 9, 10,

12, 13, 15.2, 16.1, 16.7, 16.8, and 21.1a. The wording "or other measures" should be deleted.

→ "Each party shall develop...": This means that the individual countries are forced to act in isolation against the powerful globalized tobacco multinationals. Since many countries cannot afford the needed experts, and duplication of efforts is to be avoided, this should be replaced by joint measures of the Conference of the Parties. Example: Art. 14.1, 20.1.

→ "In accordance with national law"; or "subject to national law": An international Convention should improve the situation in the ratifying countries and therefore lead to new legislation. This should not be limited by existing laws. ASH identified eight instances in the Chair's Text where this formulation should be deleted, namely 11.1, 12.c, 13.1, 13.3, 15.2, 15.4, and 15.6. 19.3 should be looked up as well.

These lists of instances of weakening wording are most probably incomplete, and looking for further such instances would certainly be a useful and rewarding game!

- Theodor Abelin

World Federation of Public Health Associations

---

## Former Head of US Delegation Blasts Weak U.S. Stance at FCTC

Thomas E. Novotny, MD MPH, former Chief U.S. Delegate to the FCTC,  
issued the following statement on 12 February 2003 in San Francisco

There has been a major change in America on tobacco in the past two years. After a tremendous push in the 1990's to regulate tobacco products and restrict American tobacco companies' expansion abroad, there has been no effort under the Bush administration to regulate tobacco through the Food and Drug Administration (FDA) or to encourage states to adequately fund proved tobacco control programs. In addition, during the negotiations on the FCTC, the US has shown little leadership in tackling tobacco as the global health scourge.

We have learned a great deal about tobacco control in this country, yet we also bear responsibility for much of the dissemination of tobacco use throughout the world. Our movies glamorize smoking, the multi-national tobacco companies based in the US aggressively market their products to the developing world, and the US refuses to consider binding international obligations based on public health principles to control tobacco use.

Even with all the talk of war and bio-terrorism, it makes no sense to be weak on domestic or international tobacco control. Each year tobacco use results in more than 400,000 smoker deaths, another 50,000 or so non-smoker deaths, and \$75.5 billion in direct U.S. medical care costs. It is also estimated that there will be 10 million annual tobacco fatalities worldwide by 2030. Years of scientific research and policy advocacy have taught us how to reduce tobacco's devastating impact on societies and economies—we just are not doing it.

The FCTC is the first international treaty effort to address the global problem of tobacco use. However, U.S. negotiators have taken weak positions on restricting passive smoking, banning the misleading labelling of cigarettes, banning all advertising and promotion of tobacco products, and raising taxes to reduce consumption.

Tobacco products are unlike any other traded product; when used as directed, they kill. Therefore, we need strong international agreements to control this cross-border hazard. The Department of Health and Human Services (HHS) should work harder with Congress and the White House, where there is substantial influence by the tobacco industry, to show good faith in this multilateral effort. In fact, many of the interventions addressed by the Convention are based largely on scientific evidence developed here in the United States.

Right now, the U.S. is embarrassingly weak in support of many proven actions to prevent and control tobacco use, in particular the banning of all tobacco advertising and promotion, and support for strong actions to ban exposure to passive smoke.

It's time to show more leadership in Framework Convention negotiations in Geneva. It's time for our government to listen more closely to public health professionals both inside and outside government, to the tobacco control advocacy groups, and to our international partners on this issue. It's time to do the right thing.

- Ross Hammond

---

### *Cowboy Diplomacy*

#### A New Report Alerts FCTC Delegates to the US's Track Record on International Agreements

As negotiators press toward a final draft of the FCTC, a report released today documents the US's history of derailing international agreements on health, the environment, and human rights. *Cowboy Diplomacy: How the US Undermines International Environmental, Human Rights, Disarmament and Health Agreements* finds that the US has increasingly isolated itself from the global community on issues of enormous humanitarian and environmental consequence.

The release of *Cowboy Diplomacy* is intensifying pressure on the Bush administration regarding its position on the FCTC at a time when concerns about US unilateralism are particularly high.

With analysis of the US role in the Kyoto Protocol, the Convention on the Rights of the Child, and the Landmine Ban Treaty, among others, the report warns FCTC negotiators not to allow history to repeat itself. As demonstrated in *Cowboy Diplomacy*, too of-

ten when the US has succeeded in watering down treaties, it fails to ratify them anyway.

There is a clear pattern in recent history of the US negotiating down to the lowest common denominator—then failing to support environmental, human rights and other treaties. This pattern has already begun to undermine trust that the US enters negotiations in good faith.

Members of the Network for Accountability of Tobacco Transnationals (NATT) are releasing *Cowboy Diplomacy*, an Infact report, at a press briefing today. (Copies are available at the NATT display table.)



- Patricia Lynn, Infact

## Contrabando de cigarrillos en Latinoamérica: El caso Colombiano

Cuando quiere penetrar un mercado difícil de acceso, la industria tabacalera está dispuesta a utilizar métodos ilícitos. Esto está ilustrado en el juicio por contrabando entablado contra Philip Morris por los gobernadores de 25 de los 32 departamentos de Colombia, más el distrito capital de Bogotá.

Según los Gobernadores, las compañías mantenían un control en serie de todos los aspectos de la distribución ilegal de cigarrillos, desde la producción hasta la venta. Además, la ruta de contrabando transatlántica para las demás marcas de Philip Morris incluye asociaciones entre el contrabando de cigarrillos y el blanqueo del dinero para los carteles de narcotraficantes. Los alegatos en el caso de los gobernadores colombianos declaran: "Desde 1991, como mínimo, LOS DEMANDADOS PHILIP MORRIS vendían cigarrillos a individuos a quienes conocían como presuntos contrabandistas de drogas."

El Centro para la Integridad Pública reportó que: "Durante más de 50 años, el principal distribuidor de Philip Morris en Latinoamérica fue la Mansur Free Zone Trading Company, N. V.... En agosto de 1994, los Estados Unidos encausaron a los primos Eric y Alex Mansur, junto con otras 52 personas presuntamente involucradas en una empresa de blanqueo masivo de dinero".

En lugar de terminar sus relaciones con estos distribuidores, Philip Morris simplemente decidió utilizar rutas de ventas más secretas, de modo que el contrabando y el blanqueo del dinero pudieran continuar en condiciones más favorables.

Según los gobernadores, una compañía Suiza, Weitnauer, coordinó la entrega de los cigarrillos Philip Morris de contrabando. *Leslie Thompson, el gerente de ventas de RJR condenado por contrabando, dijo que Weitnauer era uno de "los clientes que más se usaban para dar servicio al mercado negro de las fronteras del sur." Weitnauer también estaba en la lista de los documentos de BAT como un cliente de "comercio general" y de "tránsito."*

Los alegatos en el caso colombiano afirman que estas operaciones de contrabando fueron tan beneficiosas para Philip Morris que los contrabandistas recibieron condiciones financieras particularmente favorables. Estas condiciones permitieron efectuar el pago del contrabando entregado en fechas posteriores a las que se habrían ofrecido a comerciantes de cigarrillos legítimos. Con estos incentivos, el volumen de cigarrillos contrabandeados que ingresaba a Colombia se mantenía muy alto.

Los alegatos colombianos captan una de las dificultades inherentes a la presentación de pruebas contra casos de contrabando de cigarrillos: la carencia de un registro de documentos completo. Las empresas han adoptado muchas precauciones, y Philip Morris y las demás tabacaleras estadounidenses aparentemente han tenido más cautela que BAT para evitar la divulgación innecesaria de documentos incriminantes. Los alegatos indican además que: "Los propios registros de PHILIP MORRIS muestran que en los años 90, los DEMANDADOS PHILIP MORRIS destruyeron registros, incluidos archivos de pedidos y correspondencia relacionados con "Zeinal", "Mansur Trading" y otros — todos ellos entidades que PHILIP MORRIS ha descrito abiertamente como sus clientes 'libres de impuestos'".

Aun así quedaron varios documentos que implican tanto a Philip Morris como a BAT y RJ Reynolds en el



contrabando de cigarrillos, incluidos documentos que sirvieron de base para el juicio de los gobernadores colombianos, y muchos otros que se han revelado en informes anteriores. El litigio que entabló Colombia ilustra lo que puede ocurrir si se permite

que el contrabando se propague sin controles. El contrabando de las marcas de una sola tabacalera puede conducir al contrabando de otras. El contrabando se convierte en algo común, el cumplimiento de la ley resulta laxo y a menudo corrupto. En este proceso, el contrabando elimina los ingresos del impuesto al cigarrillo que el gobierno necesita desesperadamente.

Hoy en día, las autoridades fiscales y aduaneras colombianas informan que todavía siguen confiscando grandes cantidades de cigarrillos de contrabando, a pesar de los convenios firmados con Philip Morris y BAT en los que éstas se comprometen a hacer todo lo posible por detener el comercio ilegal.

Mientras las compañías tengan incentivos, ellas estarán dispuestas a recurrir a métodos ilícitos para aumentar su parte del mercado. Los gobiernos tienen que eliminar incentivos que hacen que el contrabando sea lucrativo para las compañías y tienen que imponer que figure sobre el paquete de cigarrillos algún tipo de marca que permita identificar el origen y la destinación del producto.

--Lorenzo Huber

# Chronique d'une chasse aux adolescents africains

Décidément Philip Morris et Compagnie ne manquent pas de souffle. Alors qu'au Nord, les batailles contre le tabac font rage et que les industries de tabac commencent à reconnaître leurs responsabilités dans les maladies tabagiques, elles mènent au Sud des campagnes de publicité ravageuses en direction des jeunes. Marchés prometteurs, impunité totale : tous les coups sont permis en Afrique pour pousser les jeunes à fumer. Témoignage de ce florilège de slogans recueillis :

Au Sénégal :

- « Le goût de l'Aventure »
  - « Lancez-vous sur la route de l'Aventure »
  - « Camel, le goût de l'Action, fabriqué aux USA »
  - « HOUSTON, USA authentic »
  - « Excellence, passionnement foot »
- Et en Guinée (Conakry) voisine :
- « Avec la cigarette, on est convoité par toutes les filles »
  - « Fumer redonne du courage au travail »

• « La cigarette donne de la puissance au corps et à l'esprit »

• « Fumer rend indéfectible les liens entre deux conjoints »

• « La cigarette procure du plaisir dans la fidélité »

Ces messages, débités aussi bien par les tableaux que par les voitures des multinationales qui sillonnent les pays font mouche. « Pour être à la page, il faut absolument fumer car la cigarette est indissociable de notre époque, » entonne un jeune. La méthode de séduction est directe : des jeunes filles en tenues spéciales distribuent aux jeunes des gadgets (tee-shirts, bics porte-clés et, bien sûr, cendriers, briquets et autres articles pour

fumeurs).

« Nous travaillons avec les filles car elles peuvent convaincre facilement les jeunes à épouser notre marque, » déclare un importateur de cigarettes. « Rien qu'en voyant ces belles demoiselles, » confirme un de ses collègues, « tu es tenté de les aborder. Alors si elles viennent vers toi pour te proposer une cigarette, tu ne peux pas résister à leur offre ».

Dans le domaine du sponsoring, les multinationales ne lésinent pas sur les moyens non plus. Marlboro offre des comptoirs à environ plus de 50% des

boutiques au Sénégal (comptoirs portant l'effigie et le slogan de Marlboro et disposé de manière à frapper l'œil du passant). « Je ne fume pas, c'est plutôt l'argent qui m'intéresse, » dit un bouquier.

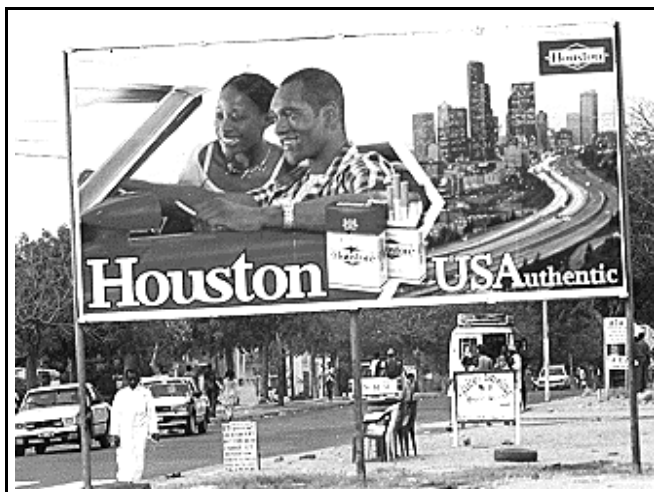
Les multinationales déroulent ostensiblement leurs banderoles dans les lieux de fréquentation des jeunes (manifestation des jeunes, concerts, boîte de nuit...). Dans ces lieux, des manequins, habillés en T-shirt portant la mar-

que de tabac font la basse besogne (distribution des gadgets).

Ce n'est pas tout : des kiosques des CRAVEN « A » sont construits dans la plupart des grands carrefours de Dakar (kiosque construit à l'image de CRAVEN « A », où on ne distribue et vend non seulement les produits tabagiques mais aussi du bonbon, du biscuits, du chewing gum; ne sont employés dans ces kiosques que des jeunes femmes). A cette liste s'ajoute l'inondation du marché des sachets plastiques, des parassoles portant la marque de tabac. Sous l'œil bienveillant de leurs complices nationaux.

Jusqu'à quand cet état d'impunité perdurera t-il en Afrique?

- Laokein Combo



## How to buy a government?

**Q** uotable  
uotes

“...we should attempt to locate worthwhile research projects in Germany, so that we are in a position, in dealing with the German government, to point to ongoing research projects in that country. ... As I understand it, there are regular consultations between government and industry scientists, as well as constructive discussions regarding smoking-related laws and regulations.”

“Although I do not believe litigation is imminent in Germany, should it occur, the fact that we are sponsoring research...could be of substantial help in convincing a court that we are fulfilling our duty to conduct research.”

- Philip Morris 1992

# This shameful secret negotiation

The negotiation of the FCTC is not a transparent process despite all the early WHO rhetoric about the FCTC being a 'public health movement' rather than a mere treaty. The exclusion of NGOs from the substance of the first week's deliberations marks a new low in the marginalisation of civil society in the FCTC.

The NGO role is to assist delegates with ideas and advice, challenge flawed proposals, and begin the process of gaining public acceptance for the treaty. Freedom-loving delegations such as the US and China offer no explanation or excuse for their opposition to NGO access, it is just that they don't like it and they can get away with it.

To be clear about what we are asking for, NGOs do not expect to be present in contact groups, bureau meetings or other 'hot-house' negotiating situations. Nor are we asking to make interventions. However, the exclusion of observers from so-called informal meetings is unjustifiable. In fact the rules

already suggest that NGOs should be present. The rules say

"...nongovernmental organisations in official relations with WHO should have access, as observers, to the plenary and working groups that functioned as committees of the whole".

The current informal meetings are indistinguishable from 'working groups that function as committees of the whole'. The meetings follow a highly formalised format and include representatives of the vast majority of delegations - including those that have tobacco industry representatives on their delegations.

**We would like to ask all delegates to support the inclusion of NGO observers in the main working group meetings.** That will bring advantages to all those negotiating in good faith for public health, because they have nothing to hide and everything to gain from transparency in the FCTC.

## International Treaties The US Has Not Ratified

### EXAMPLE 1: CHILD SOLDIERS

The United States ratified the 1989 U.N. Convention on the Rights of the Child on February 16, 1995.

However, in 2000 when the U. N. attempted to pass the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, the United States raised strong objections and still refuses

to ratify it.

President Clinton signed the Protocol in May 2000, but the Republican-dominated Senate did not ratify it, raising the objections that the treaty undermines the rights of parents and is unfair to the U.S., since the U.S. currently recruits and deploys 17 year-olds for service.

The Bush Administration is taking no action on ratification.

*(To be continued)*



*"[It is] not isolationist to suggest that the United States has a special role in the world and should not adhere to every international convention and agreement that someone thinks to propose . . .*

*A Republican administration*

*will proceed from the firm ground of the national interest, not from the interests of an illusory international community." (Foreign Affairs, Jan-Feb. 2000)*

*- Condoleezza Rice  
National Security Adviser*

## 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.

Framework Convention Alliance  
46 Ventnor Avenue  
West Perth, 6005  
Australia  
Tel. 61 8 9212 4333  
Fax. 61 8 9212 4334  
FCA@globalink.org  
www.fctc.org

### Dirty Ashtray Award

**USA and China**, for opposing NGO access to the informal sessions.



### Orchid Award

Orchid Award not awarded: information unavailable, see above.

