



INB-6 Friday

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

13,461,552
people have died from tobacco-related diseases.
(At 9 am 28 February 2003)

ALLIANCE BULLETIN

Framework Convention on Tobacco Control

Geneva, Switzerland

Issue 45

28 February 2003

INB-6 – A Footnote to the negotiations

As we approach the final hours of this negotiation we are at last seeing the willingness to face down the client states of the tobacco industry. A footnote doesn't sound like much, but it reflects a final snapping of the patience of the governments that are negotiating in good faith. NGOs and most other parties have long recognized that a treaty that meets the needs of United States, Japan and Germany (acting under the cover of the EU) would be more suited to the needs of Big Tobacco than any kind of credible response to a problem now killing almost 5 million per year.

The conduct of these negotiations has been shocking in many respects. Firstly, at almost no point in the process have the official texts reflected the overwhelming view of the developing countries. Every text has tried to accommodate the demands of the United States, Europe and Japan, leaving the developing countries to fight and scratch their way back to acceptable language. The Secretariat

and the Chair have overstepped the mark by anticipating and including 'concessions' that it should have been up to governments to make – if they wanted to and if they got something back.

Secondly, too much effort for too long has gone into meeting the needs of countries negotiating in bad faith. Even though their approach has been clear since the very first discussion, they have been hugely indulged and accommodated. But for what? Footnotes could have been used three INBs ago. In fact some entire delegations could have been usefully footnoted.

Thirdly the working practices in the final hours are unacceptable and grossly tilted in favour of large, highly organised delegates. The sleep deprivation and exhaustion of the progressives are the tools of the wreckers and obfuscators.

(Continued on page 3)

Package Warnings: Consensus At Last?

Consensus was reached yesterday on the issue of package warnings. Countries agreed that package warnings should preferably be 50% or more, but at a minimum shall be 30% or more, of the principal display areas of the package. Countries will have the option of using pictures or pictograms.

The recommendation of the Framework Convention Alliance has been that warnings cover at least 50% of the principal display areas of the package. While the FCTC text does not fully implement this recommendation, a worldwide standard of 30% to 50% or more will be of assistance to governments, and will be of clear benefit to global public health.

Consensus was reached despite the

disagreement of the United States, the only country to maintain opposition to a mandatory minimum size of 30%.

The opposition of the United States cannot at all be justified, given that package warnings are in federal, not state, jurisdiction, and that there are no freedom of speech impediments.

Further, there is widespread support among the U.S. public, including both Republican and Democratic members of Congress, for improved package warnings.

Package warnings, a demonstrably effective tobacco control intervention, will be a key achievement in the FCTC. Best of all, the cost of implementation will be borne by the tobacco industry.

Run the Marlboro Man out of town

As we write, we don't know what the final treaty will look like, but we know already that it will not be enough if only its minimum requirements are met. We would like to leave this INB by urging all delegates to take the *strong interpretation*, which is what terrifies the tobacco industry and what will work for public health. It includes a near total ban on tobacco advertising, banning all cross-border advertising, pervasive smoke free-areas, warning labels covering 75% of the pack with gruesome pictures and a ban on any branding that conveys any positive values about this product. It means holding tobacco companies liable, taxing them hard and removing their tax breaks. It

means developing countries accessing serious funding and other resources from developed countries.

"I have a Dream"...

Now imagine the awesome and inspiring situation at the WHA when country after country or entire regions that have championed this treaty declare that they will take the strong interpretation. Despite the best efforts of their client governments, just imagine for a moment the blind panic in the board rooms of Philip Morris, BAT and Japan Tobacco when delegates one after another declare that they will take the strong interpretation, and drive out these agents of addiction, disease and death.

Letter to Byrne



NGOs from around the world have written to EU Commissioner for Public Health, David Byrne on Thursday, urging him to attend the final, crucial stage of the FCTC negotiations in order

to strengthen the EU position.

Commissioner Byrne, who is seen by many as a staunch supporter of strong tobacco control regulations and a champion in fighting the tobacco industry is urged to offer leadership against the 'opponents' of the treaty: Japan and the US.

The letter's signatories appeal to Commissioner Byrne on behalf of developing countries who have looked to the EU for leadership and vision. No answer has, as yet, been communicated from Commissioner Byrne's cabinet.



Try it—a strong FCTC?

Transparency Prevents Corruption

The implementation as well as the substance of the FCTC is critical. Implementing the FCTC will require another level of negotiations, hard work, and political commitment within individual countries to create legislation and regulatory infrastructures, raise awareness, and earmark resources.

The involvement of the civil society in tobacco control, both at the international and national levels, is fundamental. There should be an oversight committee that will independently monitor the compliance to the FCTC provisions by both the government and the tobacco industry. A global tobacco control committee, similar to the Human Rights Committee, should be strongly considered, with proper representation by NGOs. This mechanism will ensure civil society participation.

Transparency prevents corruption, just as sunshine is one of the best disinfectants.

Of Orchids, Ashtrays and the Human Spirit

The Bulletin has proved to be required reading for INB delegates since our first issue. We realise that everyone has appreciated the briefings, evidence-based analysis and political wisdom of our contributors. We like to think that this has informed the debate at critical stages of the negotiation process.

But this simple trust in human nature may well be misplaced. Observation of readers during INB6 indicate that the back page is the first to be read. This all has to do with our popular awards section – ashtrays and orchids in particular. Who has won what is the critical question, taking precedence at the beginning of every day's negotiating.

So who has won what, over our 45 issues? The bad news first: Japan and its allies (Japan Tobacco) are way ahead in the Dirty Ashtray league, with a total of six separate awards. The USA has four, plus a special Lifetime Achievement Award. This was bestowed on 23rd November 2001. The USA's subsequent behaviour fully justifies the prescience of the award panel at the time. The runner-up is Germany, with four awards. Let's not squabble: together these three countries have been the most badly behaved throughout the negotiations.

The good news has been the positive role played by so many countries worldwide. The AFRO and SEARO regions have each been awarded four Orchids. India has four Orchids in its own name, with Kenya (3) following closely behind. In equal third place we find Canada and Pulau.

This is remarkable given that Pulau has just one delegate. Let no one forget the power of the determined individual. We may all be present at these negotiations on behalf of institutions: governments, WHO, NGOs or whatever. But the greatest strength we bring is ourselves: our own individual commitment, energy and enthusiasm. Thank you to Dr Caleb Otto, for his constant reminder of this basic truth.

The US Bullies Other Countries to Weaken the Treaty: It's a Fact

A week before these INB6 meetings began, many countries were earnestly preparing for the negotiation of what they believed could be a strong and meaningful FCTC, a first and historic treaty on health. The US government, on the other hand, seems to have adopted a 'bully boy' approach in order to 'coax' other governments into adopting its own non-negotiable and economically motivated trade position. According to an article in Newsday.com yesterday, a letter has surfaced from the US embassy in Riyadh to the Saudi Arabian Ministry of Foreign Affairs, in which the US position on trade issues is outlined. It is 'suggested' that the Saudis stand behind a non-discrimination provision on trade in the FCTC 'negotiations'.

On Wednesday 26 February 2003, three US lawmakers wrote to the President in disgust, urging the administration to reverse its unhealthy course and work towards a strong tobacco treaty. The letter from Henry Waxman and Lloyd Doggett of the US House of Representatives and Richard Durbin of the US Senate points out that "there is no conflict between existing trade rules and the FCTC" and that non-discrimination provisions on trade would allow the US, for example, to sabotage strong cigarette regulations in a developing country.

As Dr Brundtland pointed out in her opening of INB6 on Monday 17 February, the treaty is a "treaty for all"... US please note!

(Continued from page 1)

Finally, the attitude to public interests NGOs reads like a plot line from a Franz Kafka novel, rather than a celebration of the principles of sustainable development. If government officials think that excluding public interest NGOs protects their reputations, they are wrong. If they think that more timely and engaged public interest NGO input would not improve the treaty, improve the buy-in and contribute to attaining the objective, they are wrong again.

Violation of Consumers' Rights at the INB?

Consumers' rights are well recognised in consumer policies and consumer protection laws. But the last round of negotiation on the Framework Convention on Tobacco Control has seen flagrant abuse of consumers' rights:

- The right to a safe and healthy environment, with the inability of the UN and WHO to provide a smoke free environment while the FCTC negotiations are on-going.
- The right to representation and participation in the FCTC process, with the systematic disenfranchisement of NGOs from the negotiations.
- The right to be heard, with the barring of NGOs from formal channels to speak.

- Carmelita Canila

Interdiction totale de la publicité : non au compromis; non à la compromission

A un mal endémique, il faut un remède approprié. Les actes commis par l'industrie de tabac relèvent d'une cruauté inimaginable. C'est un constat d'école. C'est un constat de gendarme. Les chiffres avancés ici et là par l'OMS parlent d'eux-mêmes.

Devant une situation aussi gravissime, la communauté internationale est tenue d'apporter une action énergique et proportionnée.

Aujourd'hui le devoir impératif vous interpelle, vous Messieurs les délégués et chefs de délégations. Celui de négocier une convention beaucoup plus forte, beaucoup plus contraignante, qui rend l'industrie de tabac responsable de ses actes.

Et vous avez tous les moyens de le réussir. Il suffit de le vouloir. Il suffit tout simplement de mettre la santé au-dessus du commerce.

En effet, en vertu du poids de votre responsabilité politique, vous êtes tenus de conclure à l'interdiction totale de la publicité avec ou sans la voix du groupe réfractaire. Il s'agit de la santé des populations. Il s'agit de l'avenir des générations futures. Il n'est pas question de faire de compromis ni de compromission. Cette responsabilité politique, elle est unique; elle est historique. Prenez la. Ne vous en dérobez pas.

- Laokein Combo



Thank You and Farewell

Warm thanks to our wonderful volunteer staff!!!

The Bulletin would not be possible without the contributions of many. And let us not forget a thanks to the many delegates who have put so much time and effort into sincere efforts to make the world a better place, one clause at a time.

Apologies to any we may have forgotten!

The layout artists: Carmelita Canila, Rodolfo Bautista, Florian Striehl, Sophie Kazan, and Cynthia Callard.

Our late-night photocopiers: Ehsan Latif, Saifuddin Ahmed, Eduardo Bianco, Orna Uranchimeg, Véronique Le Clézio, Julie Monk, Shoba John, and Aurelijus Veryga.

The late night suppliers of food at Mike Wong and Parfums de Beyrouth.

And of course, all who have written for the Bulletin or translated articles for us.

An especially big thank you to **UICC** for their technical support and their exceptionally kind permission and extreme generosity, in allowing us to use their premises, computer, printer, and photocopying machines, night after night! Without their invaluable help, the FCA could not possibly produce this Bulletin.

Best of luck to everyone as they return to continue this important work in their own countries!

- The editors

(Debra Efrogmson and Andrew Hayes)

You can run - but you can't hide

The US delegation can run to catch their planes, but they are not going to get away with it. The insanity of their *Health for US Citizens Only* approach will backfire on them.

The international agenda this year is full of important trade-related meetings where the US (and the EU) will pursue their campaign to promote their trade-liberalisation agenda, imposing on developing countries conditionalities that sink developing country markets even further into crisis and poverty.

Will US Trade Representative Robert Zoellick manage to speak with a straight face in September at the next ministerial meeting of the World Trade Organisation in Cancun when he claims again that his country promotes trade liberalisation to alleviate poverty in developing countries? They got away (so far) with the international trade controversy over genetically modified organisms with far-fetched arguments. But Zoellick will have a hard time explaining that the US effort to subordinate tobacco control to trade was a philanthropic move.

In the aftermath of September 11, a number of commentators said that the *anti-globalisation movement* was running out of steam. There is little doubt that the US delegation has given them a new set of arguments this week.

We don't mind going to Cancun, really. But perhaps it would be smart for WHA to fix up this mess in May instead. Don't trade away public health!

- Remi Parmentier

International Treaties the US Has Not Ratified

EXAMPLE 7:

Biosafety Protocol

Date Adopted: 29 January 2000

The Cartagena Protocol on Biosafety covers living genetically modified foods, seeds and some pharmaceuticals.

The protocol requires advanced informed agreement by importing countries, giving countries the right to full assessments of the risks products pose to human health and

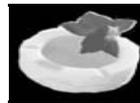
the environment.

Northern countries including the US are accused of weakening the protocol, and of causing the collapse of negotiations in 1999.

According to a member of the Canadian Environmental Law Association, "The US role there was entirely to make it as weak as possible...Despite the fact that the US couldn't sign the protocol, and it was clear it never would, they had the largest delegation there. ... They wield a very heavy club."

Orchid Award

INDIA, for leading the fight to prioritise a comprehensive advertising ban.



Dirty Ashtray Award

GERMANY, for dragging the EU down to the level of the USA.



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