



INB-5 Monday

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TODAY'S DELEGATE BRIEFING

**Translating data into action through the Global Youth Tobacco Survey**

Vera Luiza da Costa e Silva, Manager, TFI  
 Rosemarie Henson and Wick Warren  
 Office on Smoking and Health, CDC  
 and representatives from WHO regional offices  
 12:30-2:00 in Salle 3

**DEATH CLOCK**

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

**12,029,472**  
 people have died from tobacco-related diseases.

(At 9 am 22 October 2002)

# ALLIANCE BULLETIN

Framework Convention on Tobacco Control

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## Consensus will wreck the FCTC

**T**here is a stark choice that must no longer be ducked in the negotiations.

Either continue with the pointless effort to agree a consensus treaty that is acceptable to three major cigarette-exporting states of USA, Japan and Germany, or recognise the will of the overwhelming majority and move to a progressive FCTC that contains meaningful and evidence-based measures.

We detect a whiff of diplomatic arrogance among some senior negotiators who believe, wrongly, that completely opposite positions and perspectives can be squared with clever wording. The result of that approach can only be empty or ambiguous words, and an insult to the vast majority. The right diplomatic approach is to go with the large progressive core that wants a strong FCTC.

This is what we propose:

1. Those chairing the negotiating meetings adopt text favoured by the overwhelming majority and be prepared to exclude the views of the small number of obstructive states — notably the

USA, Germany and Japan.

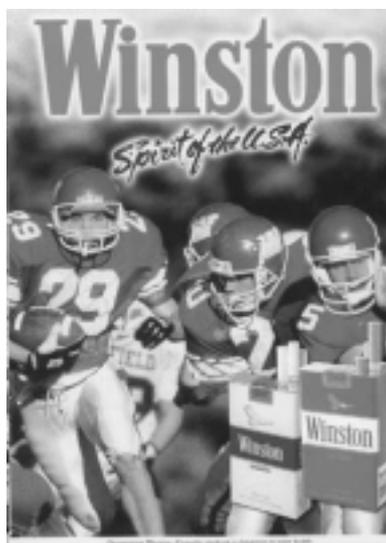
2. The obstructive states stand aside in these negotiations and let the progressive majority agree a treaty capable of ratification by more than 100 parties.

3. A return route is left open should political circumstances change in the future. The FCTC, like many treaties, is a 'long game' and ratification can come later for some. This is the approach favoured by many states in the wake of the US refusal to ratify the Kyoto Protocol on climate change.

4. Above all... the progressive majority should actively refuse to allow the text to be watered down. So far it is the ob-

structionists that are relying on the drive for consensus to drag the negotiations down to their level. What happens to the much-vaunted 'consensus' when progressive states refuse to agree to weak language?

The substantive differences in positions must be faced, not glossed over. It is time to sideline the obstructive delegations and start listening to the real and very positive mood of the majority of negotiators.



*Just what the United States needs to improve its international reputation. Ironically, this advertisement from the Philippines was actually placed by Japan Tobacco.*

Photo: Yul Dorotheo.

Today's Weather: Cloudy with occasional rain showers  
 High 12 °C Low 9 °C

## *Tobacco control in South Africa*

# Constitutions are not writ in stone

South Africa is widely regarded as a success story in tobacco control. Undoubtedly, the country has much to be pleased with, but what has it achieved and how was it done?

The how is explained by the steely determination of two successive Health Ministers, Dr Manto Thshablala-Msimeng and her predecessor, Dr Nkosazana Zuma. Their 'political will' is typified by an incident that took place in late 1994. The tobacco industry had obtained its first meeting with Dr Zuma, then a freshly appointed minister in President Mandela's fledgling government

After the initial introductions, the three men from the industry got down to business. They bluntly told the Minister that her proposed new health warnings on tobacco products were unconstitutional, and that if she did not make the warnings smaller and less prominent then "they reserved the right to take whatever action was necessary to protect their interests". The threat to take the matter to the Constitutional Court was thinly disguised.

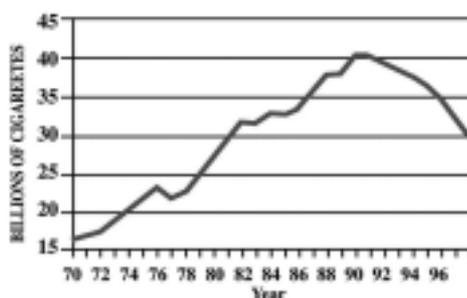
I caught my breath as I waited for her reply. The Minister calmly responded: "The Constitution is not written in stone. If the Constitution does not allow me to protect health then the Constitution must be changed."

That was a defining moment in

the history of tobacco control in South Africa. The message to the industry was clear — this lady was not for turning. Its threats would not work. She would do whatever it took to defend policies she believed were in the public interest. It was a moment of courage and rare commitment to public health.

Dr Zuma unleashed the winds of change in South Africa. Before

### SA Cigarette Consumption 1970 - 1997



1994, the tobacco industry had been protected by the apartheid regime and tobacco sales had spiralled upward and upward.

Today, all tobacco advertisements, sponsorships and promotions are banned. Non-smoking is the rule in all public places including the workplace, public transport, restaurants, bars and casinos. Smoking is only allowed in clearly signposted, physically isolated and separately ventilated areas. Explicit

health warnings are required on all tobacco products.

A telephone Quit Line offers free advice to those who want to stop smoking. Since 1993, cigarette prices have increased faster than the price of any other commodity surveyed by the SA Statistical Services. Cigarette excise taxes increased by 482% between 1994 and 2001, while real government tobacco excise revenues doubled.

The full impact of these policies is still to be felt, but tobacco use is on a rapid downward curve. The number of smokers has declined by a third — 24% of adults smoke cigarettes in 1999 compared to 35% in 1995. Cigarette sales fell by about 29%, from 35 billion sticks in 1994 to 25 billion sticks in 2001. (Figure)

Importantly, cigarette smoking dropped more sharply among the poor and among young adults, aged 16-24 (-20%), than among other groups. The strategy of making cigarettes less affordable by increasing tobacco taxes has primarily reduced smoking among those with less disposable income.

Societal norms are also changing and smoking is increasingly regarded as socially unacceptable. The Judge President of the Northern Cape Supreme Court ruled in July 2001 that a child's constitutional right to live in a clean and unpolluted environment is far more important than an adult's right to smoke. In a custody hearing, the judge ordered a one-year-old child's mother to "ensure that the child is not in a room or vehicle where smoking takes place".

## Scare-mongering and reality

In the lead-up to adoption of much-strengthened tobacco legislation in South Africa in 1999, opponents called it unworkable and predicted a series of disaster if the law wasn't stopped.

Yet a survey six months after the law came into effect (in 2000) showed that 90% of workplaces had restrictions on smoking.

The survey also found that restaurant's fears of losing custom because of the new laws were unfounded.

Before the law was passed the National Council Against Smoking (NCAS) had argued that people will not stop eating out simply because they cannot smoke. The hospitality industry association, Fedhasa, on the other hand made inflated claims that fewer people were dining out.

Research conducted by ACNielsen in 2001 resolved the dispute. The findings supported the NCAS position that the legislation has not had a great effect on peoples eating habits. The survey of 3282 urban adult households found that 53%

said they would not change how often they go out to eat, while 24% said they would eat out more and 23% claimed they would eat out less often as a result of the new law. Among wealthier groups 70% said they would not change their behaviour.

In February 2002, a spokesman for Fedhasa conceded that restaurants generally had adapted to the new law and many had chosen to go for non-smoking. "Businesses were toeing the line and either providing a separate smoking space or declaring the restaurant to be smoke-free."

Fears that a tobacco advertising ban would bankrupt newspapers, radio stations and advertising agencies were also unfounded. *The Star* newspaper, which initially opposed the tobacco Act, wrote six months after the laws became effective: "When the law banned cigarette advertising, newspapers saw their lifeblood being drained away. So did many sports codes when they could not rely on tobacco sponsorship. But we are all here, aren't we, and there is no reason for despair."

The South African Football Association (SAFA) too had gone to Parliament in 1998 to oppose the Act, but SAFA has also switched sides and the national soccer team has joined the campaign to persuade young people not to start smoking.

## ¡Chicos, consigan su identidad de adultos aquí!

A primera vista, la idea parece buena: si quisiéramos impedir seriamente la venta de los adictivos productos del tabaco a los adolescentes, ¿por qué no incluir un “No se vende a menores” en el paquete?

Pero un gran número de países progresistas — y la abrumadora mayoría de las ONG — están contra esta idea. Las compañías tabacaleras generalmente la apoyan. Entonces, ¿dónde está la trampa?

El empaquetado de los cigarrillos es un gran vehículo para comunicarse con los consumidores, incluyendo los adolescentes. Los fumadores manipulan sus paquetes varias veces por día, dejándoles sobre la mesa mientras trabajan o socializan. Por lo tanto, tiene mucho sentido el proporcionar detallada información sobre salud directamente en el paquete.

Pero, ¿cual es el propósito orientado a la salud pública, de decirle a los fumadores, *después* de que han comprado sus cigarrillos, que es ilegal vender cigarrillos a menores?

La información no es relevante para los adultos fumadores. Para los

adolescentes fumadores, no hay razón para creer que ellos fumarán menos si se les recuerda que la persona que les vendió los cigarrillos cometió un



acto ilegal. De hecho, hay considerable información científica que muestra que una de las razones por las cuales los niños comienzan a fumar es para demostrar que ellos no son más niños.

### ¿A quien está dirigido?

En muchos países, es ilegal para los minoristas vender

productos del tabaco a los menores. Pero muy pocos han puesto como ilegal, para los adolescentes, *comprar* los productos del tabaco — y las organizaciones de salud pública generalmente creen que estas prohibiciones son inefectivas y contraproducentes.

Por lo tanto, si alguien necesita ser recordado que las ventas a menores son ilegales, son los vendedores minoristas y distribuidores — y los fabricantes que orientan sus campañas de publicidad a los jóvenes.

Los paquetes de cigarrillos no son un buen vehículo para comunicarse con los minoristas. Si los gobiernos creen que los minoristas y distribuidores necesitan un recordatorio, tiene mas sentido colocar grandes carteles en los puntos de venta, y dejar los paquetes de tabaco para colocar información sobre salud.

De esta manera, los gobiernos pueden maximizar el espacio de los paquetes para proporcionar información a los consumidores, y evitar reforzar la apariencia del paquete como un pasaje a la adultez.

## Responsabilidad Social Empresarial de la Industria Tabacalera en Brasil

En Brasil, la publicidad de productos de tabaco esta prohibida, excepto en los puntos de venta. A partir del 2003 también estará prohibido el patrocinio de eventos culturales y deportivos.

En este momento, las compañías tabacaleras invierten mucho en la “responsabilidad social”. Patrocinan proyectos sociales principalmente en las áreas del medio ambiente y la juventud. Como no pueden utilizar la marca de cigarrillos, utilizan el nombre de la institución tabacalera para promover sus actividades.

Como los grupos vulnerables

hacen parte de los nuevos mercados que las tabacaleras intentan conquistar, no es una casualidad que las tabacaleras quieran subvencionar programas sociales para niños y jóvenes. De este modo hacen marketing e intentan presentar una imagen “positiva” de la industria cuando no pueden hacerlo con publicidad directa.

Incluso cuando hay una legislación fuerte, como en el caso del Brasil, la industria encuentra



soluciones para seguir exponiendo su presencia y su imagen. Imagínense lo que ocurriría en el caso de una legislación débil. Por esta razón, es importante apoyar un CMLAT fuerte que prohíba toda forma de publicidad, incluso cualquier tipo de patrocinio institucional.

*La compañía Souza Cruz (BAT) se presenta como una empresa “responsable” — y habla todavía de “asociación” entre el consumo de tabaco y “varias enfermedades”.*  
*“Ningún otro producto ha sido sometido a tan rigurosa discusión científica y pública.”*

(sitio de Web de la Souza Cruz)

## Treaty precedent exists for a total advertising ban subject to constitutional limitations

In these negotiations, many states have called for the FCTC to include a total advertising ban subject to constitutional constraints. Some countries have called for even a stronger measure, with no exemption for domestic constitutions.

On the other hand, a very small number of countries, including Germany, Japan and the USA, have even opposed a total ban with a constitutional exemption. This opposition is strikingly inconsistent with the ratification by

these three countries of the 1971 Convention on Psychotropic Substances, a treaty that deals with illicit drugs.

This 1971 Convention, in Article 10(2), states that "Each Party shall, with due regard to its constitutional provisions, prohibit the advertisement of such substances to the general public." Fully 171 countries are parties to this Convention.

If it is possible for Germany, Japan and the USA to agree to a treaty banning advertising of psychotropic substances "with due regard to its constitutional provisions," why exactly should they find it so hard to agree to a similar provision in the FCTC, especially

given that the global harm to health from tobacco exceeds that from illicit drugs?



**Constitutionally protected?**

Photo: Dr Judith Mackay (Japan, 1994).



## Finding Funds for our Work : Thailand's Experience

Much ambitious work is being outlined here in Geneva, but as many of us realise, the funds to achieve it are often lacking. Where can we find the money we need to carry out research and surveillance, to control smuggling, and to engage in the other work to which many of us are committing through the FCTC?

Fortunately, a source of money is readily available to all governments. By raising the tax on tobacco products, we can ensure an ongoing, steady supply of funds for our work. What's more, those most influenced by price — youth and the poor — will be far less likely to take up smoking, and more likely to quit, than if we kept the tax low. For government revenue and public health, tobacco tax increases are truly a win-win proposition.

The Government of Thailand was initially reluctant to raise tobacco taxes, for fear that it would harm the economy and cause the government to lose popularity, particularly among smokers. A combination of desire to prevent young people from taking up smoking, and the need for more government revenues, eventually caused the Government to raise tobacco taxes from 55% to 60% in December 1993.

Despite concerns about smuggling, the Government was pleased to find that tax revenue actually

increased tremendously — from 15 to 20 billion baht, a 5 billion baht increase as compared to the previous annual increase of less than half a billion baht. The experiment was so successful that the Government has raised the tax six times from 1993 till now, with the tax now at 75% of the retail price of cigarettes.

Thailand's experience demonstrates that increased tobacco tax benefits both the economy and public health. The Thai government has gained *more than US\$1 billion* in additional revenues through cigarette tax increases, while smoking prevalence has decreased from 26.3% in 1992 to 20.5% in 1999.

But the Government did not stop there. It decided to create a Health Promotion Foundation, called ThaiHealth, funded by 2% of the alcohol and tobacco tax. One specific purpose of the Foundation would be to reduce both alcohol and tobacco consumption. The Bill establishing the Foundation was passed and enacted in November 2001.

Some people are concerned that using the tobacco tax to fund health promotion means a partnership with the tobacco industry. This is not the case. After all, why would we invite the fox to guard the chicken coop? All organisations working with or receiving funds from ThaiHealth have to sign a disclosure form that they do

not partner with or receive funding from the tobacco or the alcohol industry.

The tobacco industry is not giving us its money, as in the case when it funds youth smoking prevention campaigns, or conducts other so-called philanthropic ventures. They have no say over the way we spend the portion of the tobacco tax that we receive. Now, in addition to the decline of smoking rates caused by tax increases alone, we are sure of funding each year to carry out other programmes to supplement policy measures to reduce tobacco use.

As Dr Brundtland said in her speech last Tuesday, tobacco kills 4.9 million people each year. If we do not act decisively, a hundred years from now, our grandchildren and their children will look back and seriously question how people claiming to be committed to public health and social justice could allow the tobacco epidemic to grow unchecked.

A strong FCTC is the solution to the tobacco epidemic. A dedicated tobacco tax will guarantee sustainable funding to implement tobacco control policy and initiatives. With continuing tax increases, we no longer need wonder how to fund our tobacco control activities.

— Bung-On Ritthipakdee,  
ThaiHealth

## What should a Global Fund be for?

**I**s there a need for a global funding mechanism to implement the FCTC?

When we examine the Chair's text, we find many items which should not require additional funding. Increasing the size and effectiveness of package warnings will cost governments virtually nothing, as will a complete ban on advertising. Raising taxes would actually cause an increase in gov-



Photo: Ron Gilling/Lineair Foto/Peter Arnold Inc.

ernment revenues. Controls on smuggling would have an initial cost, which would potentially lead to an increase in revenues in the future, if the problem of smuggling diminished.

Other aspects might well require additional funding and technical assistance for many countries, such as surveillance, research, and mass education. In countries where there is nobody full-time on tobacco control, funding one or two positions could also create tremendous impetus for progress.

The use of a funding mechanism to provide technical assistance and some financial support for implementation of the treaty for low-income countries should not be controversial, and is something to which the donor countries should readily agree. Such funding does not necessarily require a specific fund, but it does require a *donor commitment*, for example to include FCTC in development

budget lines.

Where the issue becomes controversial is when the funding mechanism is intended to support farmers currently growing tobacco to switch to alternate crops. Some people are concerned that if the FCTC is ratified, tobacco use will decline dramatically, and many of those currently employed by tobacco will lose their jobs. It is unlikely that tobacco use will decline so dramatically and quickly, though not all areas or economies may be (un)affected equally.

Moreover, if we assist some farmers to switch from tobacco to other crops, how will we determine whom to assist? It might require maintaining databases of tobacco growers and ensuring it includes neither a) those who have let their land go idle for years but are registered as tobacco growers, or b) those who begin growing tobacco in the hopes of receiving funds to stop.

According to Inoussa Saouana of Niger: "Assistance to help poor farmers stop growing tobacco is not appropriate for the FCTC. This is a topic that must be addressed through development assistance. It is very difficult to channel this assistance appropriately. Governments have other priorities, and WHO has no experience with crop substitution. The International Tobacco Growers' Association (ITGA) is part of the tobacco industry. Some other mechanism would have to be found to help the farmers."

Regardless of the likely effect of the FCTC on tobacco growers, there is no question that something needs to be done to address the problems of poor tobacco farmers. These include the landless poor who serve as day labourers, and owners of small amounts of land who are trapped in a debt cycle due to tobacco growing. They may have no experience growing other crops and might need help with technical assistance, as well as small loans, to switch.

It is an open question whether large landholders currently growing tobacco would be in any need of assistance to switch to other crops. It is also a question how a fund would be managed in such a

way as to provide assistance to those most in need, rather than to those with the most power to access the fund, which is highly unlikely to include poor farmers.

"Governments are too busy with other duties to handle issues like small loans to farmers to diversify," says Fred Odhiambo of Kenya. "Our tobacco farmers desperately need help and education from development agencies. The problem is to find an appropriate way to get this support to them."

Where the issue of transitions to alternate crops is mostly one of making loans available for inputs such as seeds and fertilisers, government policies, rather than a global funding mechanism, may be the answer.

Subsidies to farmers in rich countries to grow tobacco, as well as the policy of tobacco companies to encourage over-production of tobacco, keep the price of tobacco in poor countries low. It is unclear how a global funding mechanism could help resolve this problem. Many of the issues of inequity and poverty are related more to global trade practices and forgiveness of debt than specifically to tobacco, and thus would be better addressed through mechanisms other than the FCTC.

### Some of the essential questions about a global funding mechanism might include:

- How should the mechanics of the treaty, such as the Secretariat, COP, and any obligations placed on WHO, be funded?
- What support (financial and technical) is needed to help poorer nations meet their commitments under the treaty?
- How can this treaty stimulate political support for development initiatives (bilateral and multilateral) that would assist diversification and better livelihoods for tobacco farmers as part of a wider move to improve the position of developing country agriculture?

## Le rôle essentiel des ONG

Certaines délégations gouvernementales, en particulier celles des pays planteurs de tabac, semblent éprouver beaucoup de réticence à l'idée que les ONG puissent assister aux discussions régionales lors de cette présente session de négociations.

L'Alliance pour la Convention-cadre, qui marque par une forte présence les sessions de négociations pour la Convention-cadre pour la lutte antitabac, regroupe actuellement plus de 190 ONG réparties dans 70 différents pays. On y retrouve les différentes ligues et associations pour lutter contre les maladies respiratoires et cardiaques et les cancers, de même que des associations de protection du consommateur, de protection de l'environnement et des droits de la personne.

L'agenda de la lutte antitabac des ONG est clair : elles sont les porte-parole de la société civile, en étant actives sur le terrain. Elles recherchent le dialogue avec les différents ministères concernés par les problèmes liés au tabagisme : en priorité le ministère de la santé, mais aussi celui des finances, de la sécurité sociale, des droits de la femme et des enfants...

Elles leur rappellent régulièrement les enjeux du phénomène du tabagisme : morts prématurées et évitables, pertes économiques importantes, à long terme, en matière de soins sanitaires aux fumeurs et à leur entourage pour les maladies liées au tabac, sécurité sociale aux familles endeuillées des fumeurs, perte de productivité, pollution. Les pertes s'élèvent à 200 milliards de dollars par an, selon la Banque mondiale.

Les pays les plus menacés par l'épidémie du tabac sont les pays pauvres, dont les pays d'Afrique qui pourtant représentent une force considérable dans ces négociations pour la CCLAT, avec les 43 votes qu'ils représentent.

Ces pays doivent prendre conscience de l'immense responsabilité qui leur incombe envers leur population et envers le monde eu égard à ce processus enclenché par les négociations de la CCLAT pour enrayer le tabagisme mondial.

Aucun prétexte de confidentialité ne saurait justifier le refus de certains pays africains de travailler de concert et en profondeur avec les ONG pour élaborer un texte fort pour la CCLAT dans le but commun et avoué de la protection de la santé publique — un domaine sans zones d'ombres !

— Véronique Le Clézio, Ile Maurice

### Trademark check shows Japan Tobacco preparing to take the "Mild" out of "Mild Seven"

"Can't be done" seems to be the attitude of Japan Tobacco (or rather, of the Japanese delegation to INB-5) when it comes to removing the false descriptor "mild" from its best-selling brand. What they are not admitting is that the country-company has already prepared for the removal of deceptive descriptors from cigarette packages.

On September 18, 2001 — a few weeks after Canadian Health Minister Allan Rock announced plans to ban 'light' and 'mild' — Japan Tobacco filed two new trademarks in Canada, one for M\*SEVEN, the other for MY SEVEN. The next day, the same words were registered in the United Kingdom, as they were in Australia

the following week. Presumably, a search of trademark registrations will show that Japan Tobacco has prepared for a world-wide relaunch of its brands with these new names.

#### Heard in the Halls, II

"To paraphrase the late Secretary-General of the United Nations, Dag Hammerskjöld, 'Great powers do not need international law to protect themselves, but for developing countries, international law [like this FCTC Convention] is their last line of defence.'"

#### Heard in the Halls, I

As one European delegate put it after coming out of the advertising informals: "The United States said that it didn't want to stand in the way of other countries in achieving a comprehensive advertising ban in the FCTC, and said that it was open to hearing proposals. But since the United States is one of the few countries blocking consensus, why isn't it the one coming up with proposals to break the logjam?"

## 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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### Dirty Ashtray Award

Nameless international organizations and various countries, for promoting consensus on issues where there is no room for compromise.



### Orchid Award

The European Forum of Medical Associations, and the Commonwealth and World Medical Associations, for their united efforts in bringing together doctors in a joint statement for a strong, evidence-based FCTC.

