


News analysis

Developing countries take the lead on WHO convention

The World Health Organization FCTC took another step forward in May at the second meeting of the Intergovernmental Negotiating Body (INB 2). At the beginning of the week, the prognosis was gloomy. Tobacco control activists and experts alike were shaking heads about elements of the negotiating text prepared by the chair of the process in January, Mr Celso Amorin. A proposal to ban advertising targeted at under 18s drew especially hostile fire. The text also conflicted with the findings of a WHO expert meeting on product regulation in several places and there was excessive focus on youth prevention measures and weak anti-smuggling provisions. On top of that, the text proposed that "health" should carry the burden of proof in case of "trade" conflicts—subordinating the FCTC to the World Trade Organization agreements. How such a departure from the evidence base could find its way into a document central to the global development of tobacco control remains unexplained. During the meeting non-governmental organisations (NGOs) made representations to the WHO's director general, Dr Brundtland, imploring her to ensure that WHO takes more responsibility for quality control and scientific input to the FCTC. The main technical input in the course of the week long negotiations was the daily overnight *Alliance Bulletin* and the well attended daily lunchtime seminars for delegates organised by the Framework Convention Alliance—a grouping of about 120 NGOs from 50 countries now involved in the convention.

The appointment of a new President in the USA had also dampened expectations and confidence—especially following the Bush administration's withdrawal from the Kyoto Protocol on climate change and the decision to renounce the anti-ballistic missile treaty in the weeks immediately before. At the same time, the European Union had decided to stick slavishly to only those positions already adopted at EU level, which meant that several of the world's largest or most progressive states for tobacco control were confined with a position. The outlook for international cooperation was looking bleak at the start of the negotiations.

However, the most powerful response came from the developing countries—especially the African region of WHO. The African countries had met in advance and formed a common front, pressing both for progressive tobacco control measures and for measures to assist with agricultural diversification. The inspired move of the Africans rescued the negotiations. The common front, which included the tobacco growers of Zimbabwe and Malawi, gave countries that are all too often marginalised in international negotiations a voice and some influence. It also dispelled the myth inspired by the tobacco industry that poor countries somehow have other, more important, matters to consider than the tobacco epidemic. The Thai government continued its tobacco control leadership, pressing for the most progressive and evidence based positions, and some large countries such as India played a very constructive role. Among the developed countries, Australia, Canada, and New Zealand drew close to becoming a progressive bloc and a counter to the US and European negativity.



New Zealand—Marlboro egg on pure, clean face. Cigarette promotion is completely banned in New Zealand, but the country's tourist office in Germany placed this ad in partnership with Marlboro Reisen travel in top-selling German lifestyle magazine Der Spiegel earlier this year, extolling "100% Pure New Zealand", and featuring the Hollyford Track in Fiordland National Park.

29 Tage Kiwi Abenteuer 5.999,- DM pro Person

Marlboro Reisen
100% PURE NEW ZEALAND

View larger version
(75K):
[\[in this window\]](#)
[\[in a new window\]](#)

The result was that many of the weaker positions in the chair's text received little or no support and a progressive agenda was reintroduced by popular demand from the floor—notably, over 50 countries called for a complete advertising ban. The WHO secretariat was pressurised by determined questioning from Pakistan, as it tried to explain where the trade supremacy clause had come from, and many delegates spoke in favour of placing human life ahead of commerce.

The US delegation, to no-one's surprise, played a largely negative role, blocking, delaying or watering down any concrete proposals. Some NGOs—including my own—felt that the FCTC would be better without the US involved, on the basis that any agreement it was willing to ratify would not be worth having and that if they were not going to ratify, why should they be able to shape the text?

The next stage will be the preparation of a consolidated text—a complex document in which all the texts submitted in the negotiations will be set out as options from which a final text will be negotiated. At the next meeting of the INB in November, the delegates will have to set about reducing this vast Gordian knot of text through negotiation. Choices will have to be made, text removed, compromises forged, limits tested and aspirations dashed.

There is a great investment of time, money, and intellectual capital in these negotiations. Unfortunately, the easiest way to get an agreement is to make sure it is so toothless that it is easy for all comers to sign. There was abundant evidence of the "any agreement will do" tendency in Geneva, but there was also a powerful rejoinder from key developing countries, pressing for a strong and meaningful convention that will be worth the considerable efforts that are going into the negotiations.

CLIVE BATES

Action on Smoking and Health, London, UK, clive.bates@dial.pipex.com

