

## Why should the Framework Convention on Tobacco-Control be approved?

For many years, smoking was seen as a choice for a lifestyle. However, today this is acknowledged by Science as a disease caused by addiction to a drug, nicotine. It is such addiction that leads millions of people to be exposed to more than 4,700 toxic elements, and later on develop severe, impairing and fatal illnesses, such as cancer, cardiovascular diseases and chronic obstructive pulmonary diseases.

According to the World Health Organization – WHO, approximately 5 million people die each year in the world due to the use of tobacco. WHO also estimates that if the current consumption trend is kept for the next 30 to 40 years, when the young smokers of today reach their middle age, tobacco epidemics will be accountable for 10 million deaths a year, being 70% of those in developing countries. In Brazil, it is estimated over 200,000 deaths/year from smoking.

Differently from most health problems, there is a significant business-related causative factor: the business of selling tobacco products.

Over the past decades, globalization of the economy made major transnational tobacco companies focus their expansion efforts on countries of low production costs and high potential for consumption. This process has led to a significant market expansion in countries of Eastern Europe, Latin America, Asia and Africa over the past few years. This is why countries such as Japan, Thailand, and Taiwan, once major tobacco transnational companies have entered in their internal markets, experienced a significant increase in cigarette consumption.

The world scenario shows, today, that even though cigarette consumption is decreasing in most of the developed countries, global consumption increased in some 50% from 1975 to 1996, due to consumption increase in developing countries.

The acknowledgement that expansion in tobacco consumption is a world problem led United Nations member-states to propose the first international public health treaty in the history of mankind, over the 52<sup>nd</sup> World Health Assembly, in May, 1999. It is the Framework Convention on Tobacco-Control, which recommends a set of measures, still under negotiation, to halt expansion of tobacco consumption and related health hazards.

In Brazil, the final Framework Convention text should be submitted to the House of Representatives and Senate to be approved, which should take place by the end of 2003 or even in 2004. However, one of the main hurdles for Brazil to legally support the recommendations of the Framework Convention is the *lobby* of the tobacco industry, which is getting stronger as the deadline for the completion of the final text of the Convention draws near.

It is essential that the Brazilian society be mobilized for the approval of the final Framework Convention text in Brazil, by disseminating information and knowledge. Our intention is to establish a net of partnerships in Brazil to promote social pressure towards the approval of tobacco control measures recommended by the Framework Convention. This is why we count on you.

Next, we will present some information about the Framework Convention and its importance for tobacco control around the world.

## Questions and answers:

### **1. What is a Framework Convention?**

- It is a legally binding international treaty, which member-states that sign it agree to endeavor efforts to reach previously defined goals.

### **2. How does a Framework Convention work?**

- Differently from other more detailed treaties, an international framework convention is not intended to solve all the main problems in a single document. Rather, it split the main issues into controllable portions. First, the member countries agree on a Convention committing themselves to employ measures to reach general goals. At the same time, or after negotiation of the terms of the convention is completed, some protocols related to issues that require more technical details to be enforced are defined.

- Through such individual protocols, the most complex themes are detached into more simple issues, and different plans and timeframes to put those issues into practice are established, so that each defined measure can be gradually implemented. The member-states that have signed the convention will, also, have the option to select which protocols they are willing to follow, considering the possibility of their implementation in that specific country.

For instance, the article that addresses the tobacco products illegal market control has been subjected to discussion, so that the technical measures countries should adopt to integrate cigarette smuggling and counterfeit control actions can be defined.

### **3. What is the content of a Framework Convention on Tobacco-Control?**

- The final answer to this question will depend on the issues the signing countries choose to include in the Convention. However, one of the overall objectives is to gradually start implementing tobacco-control strategies, which include measures related to previous World Health Organization resolutions, and other appropriate measures.

The main recommendations of the World Health Organization are:

#### **Measures to reduce tobacco demand**

- Raising taxes on cigarettes
- Publishing results of researches on health effects of smoking
- Providing information to consumers through health warnings on cigarette packs
- Providing information to consumers based on mass counter-propaganda
- Forbidding cigarette advertising, promotion and sponsorship
- Establishing tobacco-control educational programs in schools
- Restraining smoking in public and workplaces
- Providing nicotine replacement therapy and other smoking cessation interventions

#### **Measures to reduce tobacco supply**

- Restraining access of young people to tobacco
- Replacement and diversification of tobacco crops
- Restraining support and subsidies related to tobacco crop
- Preventing/barring smuggling

#### **4. Has any Framework Convention issue been already decided?**

- It is easy to reach consensus for some of the Convention issues, such as the need to adopt educational measures, and supportive measures to enhance access to nicotine addiction treatment. However, there is discrepancy in some issues, such as in the market vs. public health one, as well as the banning of tobacco advertising, promotion and sponsorship and the use of terms such as *lowtar*, *light*, *ultra light*, *mild* etc. to indicate low level of toxic elements.

#### **5. What are the benefits of the Framework Convention on Tobacco-Control?**

- The most important benefit is, perhaps, that it will encourage, both nationally and internationally a dialogue among the different sectors involved, which is necessary to overcome the barriers that prevent the development of tobacco-control actions, thus fostering advancements in this area. Players in this dialogue are government departments and agencies, including Ministries of Commerce, Economy, Education, Environment, Agriculture, Justice, and Health. Non-governmental organizations are also included, such as medical and educational societies, academic institutions, religious groups, among others.
- A Framework Convention should also provide mechanisms so that technical and financial resources for developing tobacco-control actions are transferred to developing countries, where they are needed the most. This will benefit most of these countries, and will give the opportunity for developed countries to learn about new problems and find innovative solutions.
- Concatenation between surveillance and research strategies will foster the development of necessary information to identify the main areas of intervention.
- For instance, in Brazil, the Tobacco-control National Committee was created in August 13,1999 by Decree 3136 to advise the Brazilian government in the negotiation process. Members to this National Committee comprise delegates from the Ministry of Health, Brazilian National Cancer Institute (INCA), Sanitary Surveillance National Agency (ANVISA), and international advisors from the ministries of Foreign Affairs, Agriculture, Agrarian Development, Economics, Justice, Labor, Education, and Development, Industry and International Trade. The creation of this Committee is a milestone, as it made tobacco-control actions a Government Program integrating the different areas involved in this task.

#### **6. Why is a Framework Convention necessary, if Member Countries can, on their own, carry such measures out?**

- In practice, some Member Countries have implemented more effective measures for tobacco-control. Brazil is outstanding in its actions. However, the establishing of plans and dates, and the exchange of global information that go along with the design of such international convention make easier and encourage Member Countries to strengthen their national policies on tobacco-control.
- For instance, in the year 2000, Canada regulated that on the cigarette packs, health warnings should come with pictures to illustrate the meaning of the warnings. Due to the positive results of such measure, Brazil did the same in 2001, and today, some other countries such as Thailand and Belgium are preparing to adopt this regulation.
- Also, some actions need integration between neighbor countries to become effective, for instance controlling the illegal market and advertisement restrictions.

## 7. How can the Framework Convention operate to promote international cooperation? In which areas?

- The Framework Convention is a useful tool to promote international cooperation, and to articulate international aspects for tobacco-control. The reason is that many elements of national programs may be applied by other countries, and international instruments may be used to trigger effective global control including the following areas:

- **Illegal market of tobacco products:** the illegal cigarette market encourages people to begin smoking, as it allows easy access to tobacco products at much lower prices than the legally sold products, and is not submitted to domestic regulation, such as displaying health warnings and pictures. Currently, cigarette-export global figures are higher than import figures. Some 400 million cigarettes, about 7% of the world production, are smuggled from one country to another, avoiding taxation. It is estimated the cigarette smuggling around the world leads to fiscal revenue losses of US\$ 16 million a year.

- **Tax-free tobacco products:** the sale of customs tax-free products should be reevaluated, as it is a source of smuggling.

- **Reports on tobacco products production, sales, import and export:** Such requirement will support international information on tobacco products production and sales, making it easier monitoring and control of the illegal market flow of such products.

- **Advertising of tobacco products:** Prohibition or restrictions to tobacco products advertising in one country may have their effects weakened by their permission in another, as some publicity sources face no border restrictions (magazines, Internet, cable TV, and others).

- **Research and studies on toxic components and dissemination of results:** An enhancement of international regulation on research and disclosure of the toxic tobacco products components and smoke will make easier monitoring tobacco hazards and control of all innovations proposed by tobacco industry prior to their introduction in the market.

- **Information exchange on policies and programs:** An effective information exchange among countries on their tobacco-control actions may help enhancing national and international programs, thus pressuring those countries that are not endeavoring efforts to reach the goals recommended by the Convention.

## 8. What is the Brazilian position in face of the Framework Convention?

- The Brazilian government has been committed and has actively participated from the very beginning of the Framework Convention for Tobacco-Control design and development. Many of the actions recommended by the Framework Convention were already being implemented or incorporated ongoing actions, such as:

- **The strengthening of a national coordination body for Tobacco-Control:** This was an important step taken by the federal government to expedite and make actions universal throughout the country. Since 1989, the National Tobacco-Control Program has been coordinated by the Brazilian National Cancer Institute, body of the Ministry of Health in charge of the Cancer Control National Policy.

➤ **The establishment of a multisectorial committee to advise the government on tobacco-control actions**, the above-mentioned National Tobacco-control Committee, created by Decree 3136 in August 13, 1999 (item 5).

➤ **Prevention of tobacco consumption initiation:** The federal government has endeavored efforts to reach more vulnerable groups, such as children and teenagers. For this purpose, the *Saber Saúde* (“*Health Knowledge*”) has fostered discussion on tobacco-related issues in schools, thus encouraging youngsters to be critical about smoking.

➤ **Smoking Cessation Programs:** The federal government has been working hard to enhance access of smokers to the most effective methods to treat nicotine addiction. For this purpose, in August 2000 it was reactivated a *National Consensus for Approaching and Treating Smokers*. The Idea was to establish guidelines for such an approach to be included in the Public Health System, and to disseminate the most effective methods for approaching and treating smokers among health professionals. In August 29, 2002, the Minister of Health signed Regulation 1575, creating Reference Centers for Smokers Approach and Treatment, and regulating payment for smoking cessation procedures within the Public Health System.

➤ **Regulations on promotion and advertising of tobacco products:** In December 27, Law 10.167 was sanctioned. It prohibited advertisement of tobacco products in magazines, newspapers, TV, radio, and outdoor posters, allowing posters and banners to be displayed inside sales points only. This Law also prevents tobacco companies to sponsor cultural and sports events, from 2003 onwards.

➤ **Regulation of tobacco products:** The federal government took important steps in this area, for instance with the creation of the Sanitary Surveillance National Agency – ANVISA, in 1999. Among its competencies are regulation, control and inspection of cigarettes, cigars and any other smoking product, tobacco-related or not. ANVISA measures to regulate such products include:

✓ Registering national, import and export tobacco companies, and annually recording their products to be marketed in Brazil.

✓ The setting of maximum amounts of tar, nicotine and carbon monoxide allowed in the primary smoke chain for cigarettes marketed in Brazil.

✓ Prohibition of the use of terminology such as *light*, *ultra light* and others that may mislead consumers by conveying a false idea of safety as to the use of tobacco products. It is to be mentioned Brazil was the first country to adopt such prohibition.

✓ The imposition to display the existing amount of tar, nicotine and carbon monoxide on cigarette packs, with the sentence: “There are no safe consumption levels for these elements”.

✓ The imposition to display illustrative pictures of the health warnings on cigarette packs.

➤ **Economic measures for Tobacco-Control:** A real increase in cigarette prices is acknowledged today as one of the most effective measures to reduce consumption, especially among youngsters, and one of the actions that depend the most on transnational efforts. However, Brazilian cigarettes are among the cheapest in the world. Brazil has suffered immensely the impact of illegal cigarette market, and this has been pointed out as a hurdle for the development of tobacco-related economic actions in the country.

In spite of this complex situation, the federal government has been seeking solutions. Prior to 1998, Brazilian cigarettes were exported tax-free, and this favored smuggling

actions, such as fictional cigarette exports. This is why, in 1998, Decree 2.876 imposed taxation on such operations of 150% for Mercosur and Caribbean countries, to prevent cigarettes from being illegally marketed.

➤ Another aspect that has been carefully considered is tobacco planting. This is a critical issue, as Brazil ranks among the three main tobacco producers in the world, and is the biggest exporter of tobacco leaves in the world. The argument that a social segment, the one of tobacco planters, has been hurt is being used to pressure Brazilian government to review or soften its actions to meet the Framework Convention recommendations. A step forward was given by Resolution 002833, of April 2001, from the National Monetary Council (CMN) and the Brazilian Central Bank, preventing the National Program to Strengthen Familial Agriculture to grant public money to finance tobacco crops.

## **9. In what points does Brazil need to move forward?**

- The main points to be strengthened are: price and tax policies, controlling illegal market, replacement and diversification of tobacco crops, controlling sales to minors, and strengthening tobacco-control public policies:

Studies show that increasing prices is a very effective measure to reduce demand. It affects primarily those of lower income, and children and teenagers, in addition to increasing fiscal revenue.

In Brazil 30% to 35% of cigarette consumption come from the illegal market, that offer cheaper products thus providing access to youngsters and forcing companies to reduce their prices, favoring consumption enhancement. As this is a problem caused by criminal organizations, it is important to stress the need for strengthening inspection and monitoring actions of the different regions of the country that serve as illegal distribution routes for these products.

It is necessary that member countries that grow tobacco, like Brazil, receive technical and financial resources to invest in research to support social segments that depend on tobacco crops. The development of other types of crops is crucial for tobacco planters, as the expected scenario for such broad tobacco-control worldwide is demand for tobacco products to decrease significantly.

## **10. What is the importance of social mobilization for approval of the Framework Convention measures?**

- To have an organized and well-informed civil society is fundamental at all moments of public life, and it is essential that this society exert citizenship rights. This is the difference between a democracy and a dictatorship. This specific case, it is important that society knows the different aspects related to tobacco-control and, upon agreeing with its importance, pressure the institutions responsible for approving the tobacco-control measures recommended by the Framework Convention.

- Such mobilization should be done as the Framework Convention is submitted to the Brazilian Congress for approval. In Brazil, a bill is submitted first to the House of Representatives, then to the Senate. Only after being approved by both Houses, it is submitted to presidential sanction to become law.

## **11. What is the role of non-governmental organizations in this project?**

- The Brazilian National Cancer Institute is enhancing its partnership network with NGOs to strengthen the process of approval of the measures recommended by the Framework Convention.
- The main role of NGOs is to establish a coalition and communications network in the communities they operate, in the different projects under development, establishing guidelines

and standards, monitoring and uncovering abuses from tobacco industry, and, in some cases, directly pressuring the industry and lawmakers.

- NGO mobilization to support the Framework Convention may serve as catalyst for the development of each recommendation made.
- It is worth to stress that NGOs develop their projects focusing not only segments of society, but also opinion makers. Furthermore, their work may tackle a specific issue. Areas for tobacco-control are quite comprehensive, including health, education, environment, legislation, economics, human rights, especially children and women rights, main targets of the tobacco industry. For these reasons, each and every NGO may embrace this cause and support this work, for the profit of the Brazilian society, ahead. Such profit is not in money, but in instruments that will give us conditions to prevent the estimated 200.000 deaths a year from the use of tobacco products.