

Der Einfluss der Tabakindustrie auf die Verhandlungen der WHO Rahmenkonvention

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WHO Rahmenkonvention zur Tabakkontrolle





WHO Rahmenkonvention zur Tabakkontrolle (FCTC)

- Erster von WHO ausgehandelter internationaler Vertrag
- Vertragspartner: Delegationen aus 190 WHO Mitgliedsstaaten
- Historischer Ablauf
 - 1999-2003: Verhandlungen (6 INBs)
 - Mai 2003: einstimmige Annahme des Vertragstextes in 56. WHA
 - Februar 2005: Inkrafttreten
 - Seitdem: Entwicklung der Leitlinien (4 COPs)
- Deutschland
 - Oktober 2003: Unterzeichnung
 - Dezember 2003: Ratifizierung
 - März 2004: Inkrafttreten
- Probleme
 - Nicht bindend, Probleme bei der Durchsetzung
 - Unklarheit zu Verhältnis zwischen Handelsabkommen und FCTC



Rolle der Europäischen Union



- Zwei Verhandlungsmandate
 - Oktober 1999 und April 2001
 - Bevollmächtigung der EU, Mitgliedsstaaten in den Bereichen zu vertreten, in denen EU Kompetenz hat (Inhaltsstoffe, Produktbezeichnung)
 - Andere Bereiche durch Mitgliedsstaaten verhandelt
- Befürwortung starker Tabakkontrollmaßnahmen



Deutschland





Deutschlands Rolle

- Opposition als Teil des „Triumvirat der Nationen“ bestehend aus USA, Japan und Deutschland + China (“big four”)
- Ökonomische und politische Macht in internationalen Verhandlungen
- Schlüsselposition in FCTC Verhandlungen (Arbeitsgruppen, INBs)



Methodik

- Analyse von internen Tabakindustriedokumenten
 - Online-Suche in Legacy Tobacco Documents Library
 - Schneeballverfahren mit englischen und deutschen Suchbegriffen
 - 3000 Dokumente durchgesehen, 74 von hoher Relevanz für Analyse
- Andere Quellen
 - Offizielle WHO Dokumentation des FCTC Prozesses
 - Framework Convention Alliance Bulletin



WHO Rahmenkonvention als Bedrohung

The WHO's proposed Framework Convention on Tobacco Control (FCTC) represents an unprecedented challenge to the tobacco industry's freedom to continue doing business. The

BAT: Analysis of FCTC, bn: 322016374



Katalytischer Effekt

support]...and...*hopes that WHO can make rapid progress in this area.*” This statement and other documents suggest that the protocols of WHO’s *Framework Convention* are likely to become catalysts for anti-tobacco legislation in areas such as the EC with pressure on surrounding countries to join.

In effect, the emergence of WHO’s *Framework Convention* is likely to give significant impetus to the development of anti-tobacco legislation for the obvious reason that it will enlarge the geographic area over which a state, or group of states such as the EC, will be able to bring about a uniform regulatory regime through the medium of a WHO-negotiated protocol. In fields such as tobacco advertising, which is the area to



Gute Beziehungen

- Langjährige Kontakte und regelmäßige Treffen zwischen Verband der Cigarettenindustrie und Kanzleramt, Gesundheitsministerium und anderen Ministerien
- Verdeckte Ermittlungen



Handlungskapazität

As I said, you have had all the notes that have been issued - 16 so far - and seen much of the work that has been done by end markets. Clearly, there is a marked contrast between those end markets that have capability to act (China, Germany, Argentina, East Africa), those that can do very little (Australia) and the big players that be a priority (Brazil, Germany, Japan, India). We may want to put some thought to establishing a core group of CORA managers from around the world to target these countries. More sniper, less scatter gun.

Millson, S. (June 1999): WHO Tobacco Free Initiative - Strategy Meeting, bn: 321422648



Empfänglichkeit für Tabakindustrieargumente

Comment: Germany indicated during the 49th WHA meetings that it considers the proposed convention an unnecessary distraction from the work of the WHO and not likely to be very effective.

PM (04/1998): Attachement to e-mail, bn: 2064017069



Deutsche Position

- Flexible und breite Konvention
 - Wenig Detail
 - Wenig Verbindlichkeit
- Ökonomische Folgenabschätzung
 - Auswirkung auf Beschäftigung
- Opposition gegen Werbeverbot
 - Verfassungswidrigkeit (Pressefreiheit)



Tabakindustrie-Strategie: Dissonanz zwischen Ministerien

Der nächste Schritt wird die erste Sitzung der FCTC Working Group in Genf Ende Oktober sein, an der Deutschland teilnehmen wird. Eine Tagesordnung hierfür gibt es noch nicht. Wir werden alles unternehmen, damit der Widerstand in den betroffenen Ressorts größer wird und noch vor Ende Oktober eine Ressortabstimmung stattfindet, in der die grundsätzliche Position der Bundesregierung festgelegt wird.

Pauling, R. (August 1999): Fax an die Verbände der Tabakwirtschaft. bn: 321532761

**TELEFAX**

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Subject: WHO

Dear all,

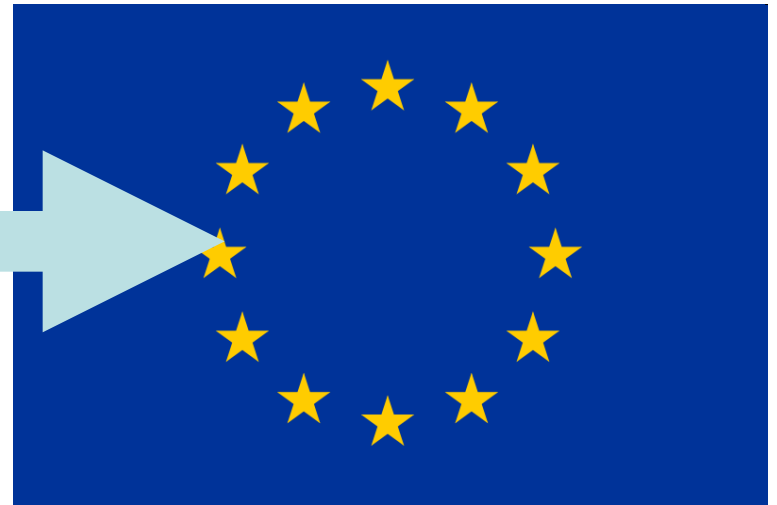
Wednesday (13th of October) saw a very controversial debate between the different ministries concerned on the question which position Germany should take during the negotiations in Geneva and to which extend Germany should say yes to a mandate for the EU to become part of the negotiation process for the framework convention.

The representatives of the health ministry believed that everybody should support their view and purposes and were quite surprised to learn that all the other ministries opposed their wishes. Then made it quiet clear that EU should only have a mandate for the issues of health education and information on the one hand and in all the areas of health policy where they have already issued draft directives. This means that they agreed for a mandate for the EU only on the grounds of labeling and contents (nicotine, tar). The representatives of the chancellors office, ministry of economy and agriculture also pointed out that if there will be a protocol at all, one protocol at least should deal with the question of the economic consequences of any kind of worldwide regulation.

They then debated the question of the position Germany should take in the negotiation in Geneva. Against the wish of the health ministry they agreed that Germany should only favour or support initiatives on the areas of health information and education and labeling and content. Germany should not say yes to any kind of proposals that deal with all the other questions including testing methods, smuggling, prices, duty free, advertising etc. When asked on their view they just should say no comment.



Deutschlands Einfluss auf die EU





Tabakindustrie-Strategie: Einfluss auf 1. EU Verhandlungsmandat

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Tabakindustrie-Erfolg: Einfluss auf EU Verhandlungsmandat

The group was informed that certain Member States (UK/D/DK) had reportedly sought to restrict the Commission's negotiating mandate re: the WHO Framework Convention on Tobacco Control. A Presidency compromise proposal excluding fiscal and agricultural issues from the mandate appeared to have satisfied the German Perm Rep but the British were still insisting that a specific list of negotiating areas be established. Other Member States expressed the view that a over-restrictive approach risked harming the Commission's credibility and ability to negotiate effectively in the Community's best interests.

CECCM (October 1999), bn: 321532471



Tabakindustrie-Strategie: Einfluss auf 2. EU Verhandlungsmandat

Germany certainly has a certain influence with the EU. Until now our government refuses to grant more competences to the EU on grounds like taxation, subsidies and fraud. We are working hard with all of our allies to strenghten this position. We know that the Ministry of Health has already informed all other ministries concerned about the need for a new mandate covering all FCTC issues. The first negotiating round that took place last friday did not say yes to such a mandate. We have been informed that the Health officials will try agein in short time.

British American Tobacco (2001): [Analyse der Situation in Deutschland]. bn:322259943-322259944



“Stabilisierender Effekt” Deutschlands auf andere Staaten



WHO-TFI: Next Steps in Europe

- ◆ Keep the pressure (next important milestone - WHA, May 2000)
- ◆ Lobby to modify EU Directive for Tobacco Control - (benchmark for WHO and guide for EU delegation).
- ◆ Sustain German constructive position (stabilising effect on others).



6 Jahre FCTC

- Impuls
 - für Tabakkontroll-Politik weltweit
 - insbesondere für europäische Tabakkontrolle
 - für Zusammenschluss der Zivilgesellschaft weltweit
- Deutschland: erste Schritte, aber noch viel Potential



Schlüsselfunktion Deutschlands

- Vorgeschichte
 - Langjährige Kontakte zwischen Tabakindustrie und Regierung
 - Empfänglich für Tabakindustrieargumente
- Einfluss Deutschlands auf
 - FCTC Vertragstext?
 - Unverbindlichkeit und schwammige Formulierungen?
- Verantwortung für Gesundheit?
- Erzeugung von Dissonanz zwischen Ministerien
 - Verbindung zu Tabakindustrie ↔ Verbindung innerhalb der Regierung



Negativer Einfluss Deutschlands auf EU Position

- Problem der begrenzten gesundheitspolitischen Kompetenz der EU
- Deutschland: „Bremsklotz“ und „Wachhund“
- Begrenzung von EU Position in internationalen Verhandlungen
- Gefahr des kleinsten gemeinsamen Nenners in EU Politik
- Relevanz für Deutschlands Rolle und Einfluss in aktueller europäischer Tabakkontroll-Politik



Mehr Information

- Dank
 - Dr. Thilo Grüning
 - Dr. Jeff Collin
 - Prof. Anna Gilmore
- Artikel:
 - Grüning, T., Weishaar, H., Collin, J. & Gilmore, A. (2011) Tobacco industry attempts to influence and use the German government to undermine the WHO Framework Convention on Tobacco Control. *Tobacco Control*, doi:10.1136/tc.2010.042093 (online verfügbar)

DANKE!

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