

## INSIDE THIS ISSUE

LAST CHANCE IN SEOUL 1

IS CODENTIFY COMPLYING WITH THE TRACKING AND TRACING OBLIGATIONS UNDER THE ITP? 2

LA INTERFERENCIA DE LA INDUSTRIA TABACALERA EN LAS POLÍTICAS DE SALUD PÚBLICA EN BRASIL 3

TRACKING ILLICIT TRADE IN SOUTHEAST ASIA 4

SOME COMMENTS ON THE TISA STUDY ON LEAF ECONOMICS IN AFRICA 5

AVANCES Y DIFICULTADES EN CONTROL DE TABACO EN PERÚ 6

## DEATH CLOCK

SINCE THE OPENING OF THE FIRST WORKING GROUP FOR THE FRAMEWORK CONVENTION ON TOBACCO CONTROL ON 25 OCTOBER 1999

# 62,971,574

PEOPLE HAVE DIED FROM TOBACCO-RELATED DISEASES. (AS OF 9AM SEOUL TIME ON 13 NOVEMBER 2012)

# LAST CHANCE IN SEOUL

Today is the day when everything has to come together, if this COP session is to be a full success.

So far, the only decision we've had in plenary was to adopt the Illicit Trade Protocol. But we still await a decision in Committee B on what will happen to prepare entry into force of the Protocol.

In Committee A, further partial guidelines for Articles 9&10 were adopted yesterday, after a surprisingly lengthy debate Wednesday.

### Bogging Down on Micro-Edits

Committee A could, and should, finalise decisions on an Article 19 expert group (already foreseen in the 2014-2015 budget) and on the extension and revised mandate of the Article 17&18 working group. But as we've seen over the last couple of days, it is incredibly easy for negotiations to bog down on micro-edits – or on budgets.

The most difficult aspect of Committee A's agenda this week is consideration of draft Article 6 Guidelines. Progress in the open-ended Working Group has been painfully slow, particularly because of the European Union's refusal to accept the consensus that has developed amongst other Parties, for example yesterday on the use of tobacco tax revenue. It is anybody's guess what, if anything, Committee A will be able to send back to plenary on this score. It would be a great shame if the Conference of the Parties failed to produce solid advice on how to best use tobacco taxation to reduce death and disease from tobacco.

In Committee B, there is the usual confusing effort to figure out the budgetary implications of various decisions and draft decisions. Only two decisions have actually been finalized so far – Norway's proposal to elaborate options for conducting an impact assessment for the

10th anniversary of the entry into force of the Framework Convention on Tobacco Control, as well as the preparation of a report on possible approaches for an implementation review mechanism.

In the midst of discussions about budget line items, reducing the costs of working groups and other austerity measures, there is one important topic that still hasn't had a proper airing, despite some Parties' efforts: support for FCTC implementation at country level, otherwise known as mechanisms of assistance.

The crucial thing to keep in mind is that the COP isn't responsible only for overseeing the budget of the Framework Convention Secretariat – its core mission is to ensure that Parties can and do meet their obligations under the Convention. As developing-country Parties have highlighted for a number of years, tobacco industry interference and the lack of integration of FCTC implementation into the global and national development frameworks mean that many aspects of the FCTC remain a dead letter.

### Decisions Outstanding on Several Topics

And of course there are still decisions outstanding on voluntary assessed contributions, South-South cooperation, cooperation with the WTO and several other topics.

In the flurry of meetings, non-papers, draft decisions, calls to capitals, corridor conversations and hurried sandwiches, it's easy to lose track of why we are here in Seoul: to collectively confront the biggest industrial epidemic in human history.

So perhaps we should all pause before we plunge into today's deliberations to ask ourselves: in 10 years' time, will we be able to look our children in the eye and say we really did our best, at COP5?

# IS CODENTIFY COMPLYING WITH THE TRACKING AND TRACING OBLIGATIONS UNDER THE ITP?

On Monday, Parties adopted the Protocol to Eliminate the Illicit Trade of Tobacco Products (ITP). One of the most important obligations under the ITP will be Article 8 on tracking and tracing. Tobacco companies have not waited until 2012 and are already actively promoting their own systems. In 2010, British American Tobacco (BAT), Imperial Tobacco Group (IT), Japan Tobacco International (JTI) and Philip Morris International (PMI) agreed to promote tracking and tracing standards, known as Codentify. A key part of the agreement reached is that all four companies would use the PMI Codentify marking system on their cigarette products. In 2011, the four companies created a legal structure, the Digital Coding & Tracking Association, to promote Codentify to governments for track & trace and digital tax verification.



**CODENTIFY CANNOT BE A TRACK AND TRACE STANDARD, AS IT PROVIDES NO DATA AFTER THE PRODUCT IS MANUFACTURED. FOR THE SAME REASON, CODENTIFY MARKERS CANNOT REVEAL WHETHER A PRODUCT IS LEGAL OR NOT.**



Codentify is a visible code printed on tobacco packaging to identify each package. The code is unique, contains 12 letters or numbers and is randomized. The codes are human-readable, but not stored in a database. The codes can contain information which is available at the time of printing, such as date and time of manufacture, machine of manufacture, brand, pack type, destination market, price and tax level.

Codentify, however, is not a track and trace standard as the data are not stored throughout the supply chain. Without a link to a database, Codentify will be unable to provide all the information required in Article 8 of the ITP. Article 8.4 of the Protocol, for instance, requires information on the name, invoice, order number and payments record of the first customer or the intended shipment route, the shipment

date, shipment destination and point of departure. All this information is not available when Codentify codes are printed on the packs. In the FCTC Protocol, tracking and tracing is defined as “the systematic monitoring and re-creation by competent authorities or any other person acting on their behalf of the route or movement taken by items through the supply chain.” A database system is needed which registers data on the product through the supply chain until that product turns up in the intended country of final destination. Codentify cannot be a track and trace standard, as it provides no data after the product is manufactured. For the same reason, Codentify markers cannot reveal whether a product is legal or not. Because coding is applied only at the time of manufacturing, if a product is legal at the time of manufacturing, but becomes illegal during its international transport, Codentify will be unable to reveal its illegal status.

Codentify, a system developed and monitored by the tobacco industry, raises serious concerns in relation to Article 5.3 of the FCTC. This Article requires Parties, in setting and implementing their “public health policies with respect to tobacco control,” to “act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.” Article 8 of the Protocol specifically notes the need to avoid delegating tracking and tracing to the tobacco industry:

2. Each Party shall establish, in accordance with this Article, a tracking and tracing system, controlled by the Party, for all tobacco products that are manufactured in or imported onto its territory, taking into account their own national or regional specific needs and available best practice.

12. Obligations assigned to a Party shall not be performed by or delegated to the tobacco industry.

13. Each Party shall ensure that its competent authorities, in participating in the tracking and tracing regime, interact with the tobacco industry and those representing the interests of the tobacco industry only to the extent strictly necessary in the implementation of this Article.



**CODENTIFY, WHICH HAS BEEN DEVELOPED BY PMI, ENDORSED BY THE THREE OTHER TTCS AND MONITORED BY THOSE FOUR COMPANIES, RAISES CONCERNS IN RELATION TO THE OBLIGATIONS OF BOTH ARTICLE 5.3 OF THE FCTC AND ARTICLE 8 OF THE NEWLY ADOPTED PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS.**



As such, Codentify, which has been developed by PMI, endorsed by the three other TTCs and monitored by those four companies, raises concerns in relation to the obligations of both Article 5.3 of the FCTC and Article 8 of the newly adopted Protocol to Eliminate Illicit Trade in Tobacco Products.

**Luk Joossens, Advocacy Officer, Association of European Cancer Leagues, Belgium**

## CORRECTION

The last sentence of the article in Thursday's Bulletin, 'Reducing Big Tobacco's Control Over Agriculture', page 2, should have read:

“Involvement of tobacco workers and officials in health and agricultural ministries makes the alliances sustainable and effective for promoting life-affirming social, economic and agricultural change.”

Also, the article should have said that ITGA claims to represent 30 million tobacco growers.

# LA INTERFERENCIA DE LA INDUSTRIA TABACALERA EN LAS POLÍTICAS DE SALUD PÚBLICA EN BRASIL

La industria del tabaco, como en otras partes del mundo, opera en Brasil para evitar o posponer las políticas de control del tabaco, además de reforzar su imagen y ampliar su mercado.

La ratificación del Convenio Marco para el Control del Tabaco (CMCT) en el país se retrasó debido a la intensa presión ejercida por los representantes de la industria tabacalera y sus aliados. Los logros recientes, tales como la prohibición de fumar en espacios cerrados de uso colectivo y la prohibición del uso de los aditivos en los cigarrillos, con firme apoyo de la población, han sufrido numerosos ataques e intentos de impedimento para su aplicación.

Igualmente hay que considerar el cabildaje en el Poder Ejecutivo, Legislativo y Judicial. En el Ejecutivo, la influencia es a través de la relación y la colaboración entre los representantes del gobierno y la industria, a veces en situaciones de clara violación al artículo 5.3 del CMCT. A nivel Legislativo, legisladores comprometidos con los intereses de la industria utilizan estrategias procesales para demorar o descarrilar las discusiones y decisiones, como en el proyecto de decreto legislativo con el objetivo de frenar los efectos de la resolución que prohíbe el uso de aditivos en los cigarrillos. En el poder Judicial, hay patrocinio sistemático de conferencias y seminarios jurídicos y publicaciones en el campo del derecho. Abogados, asesores y profesores escriben artículos que cuestionan la legalidad y constitucionalidad de las políticas públicas para el control del tabaco, pero omitiendo su relación con la industria del tabaco.

Otra manera de frenar las acciones de control del tabaco en el país es a través de litigios. En setiembre la Empresa Souza

Cruz, afiliada de BAT en Brasil, presentó una demanda judicial en contra la Alianza de Control del Tabaquismo (organización non-gubernamental) por un spot televisivo de una campaña llamada LimiteTabaco. El video tuvo gran visibilidad porque fue transmitido por la mayor red televisiva del

expuestos en el punto de venta junto con productos de interés para los niños y adolescentes.

Esta es una decisión provisional sólo sobre la solicitud del amparo. Se trata de una victoria inicial, pero todavía hay muchas batallas por delante, el proceso judicial puede ser largo y la industria puede apelar de la decisión, además de alegar pérdidas económicas, etc.

La estrategia de utilizar demandas judiciales también se observó cuando el Sindicato Interestadual da Indústria do Tabaco ("Sindicato Interestadual da Indústria do Tabaco"), presentó una acción colectiva para evitar la resolución que prohíbe el uso de aditivos, con la afirmación de que esto afecta los ingredientes necesarios para la fabricación de 99% de los cigarrillos brasileños. Esta demanda judicial también se inició en setiembre de 2012.

La protección de las políticas públicas para el control del tabaco contra la interferencia indebida de la industria del tabaco y el monitoreo de sus tácticas son fundamentales para el progreso y el mantenimiento de las

políticas de salud. La unión de esfuerzos de los países partes del CMCT es aún más necesaria en vista de las nuevas estrategias adoptadas por la industria tabacalera para evitar la aplicación del tratado y así garantizar su implementación.

**Mônica Andreis**  
Vice-Directora ACT  
Brasil



A interferência da indústria do tabaco nas políticas públicas de controle de tabagismo precisa de um limite. Porque a liberdade de criar leis é da sociedade e não dessa indústria.

31 DE MAIO - DIA MUNDIAL SEM TABACO

#LIMITE TABACO  
limite.tabaco.org.br  
f /ACTbr

ACTbr  
Aliança de Controle do Tabagismo

Translation: Unlike cigarette smoke, the tobacco industry does not respect limits

La industria contrató una de las más grandes oficinas de abogacía, sin embargo hasta el momento las dos decisiones fueron favorables a la ACT.

El juez negó el amparo solicitado por Souza Cruz para detener la campaña de prevención del tabaquismo y consideró que en la campaña no se menciona la Souza Cruz directamente, ni se la acusa de vender cigarrillos a los niños y adolescentes, que fueron los argumentos utilizados para solicitar el amparo.

La decisión reconoce que la campaña busca evitar que los cigarrillos sean



# TRACKING ILLICIT TRADE IN SOUTHEAST ASIA

The trade in illicit cigarettes in Southeast Asia puts populations at risk for greater smoking. A collaborative partnership among Duke University's Program on Global Health and Technology Access, the Southeast Asia Tobacco Control Alliance and the American Cancer Society engaged investigators in the region in taking measure of illicit trade in tobacco using a common methodology.

The research was supported by an NIH Fogarty grant on the "Political Economy of Tobacco Control in Southeast Asia. It measured illicit consumption by comparing estimates of consumption to tax-paid sales, and measured smuggling by comparing imports recorded by a country to exports reported by trade partners. Discrepancies indicate illicit consumption and smuggling. These methods provide objective estimates independent of those provided by the industry and are relatively inexpensive to undertake. Such studies also focus policy responses to the particular problems faced by each nation.

## Smuggling is on the rise, with no clear relation to tax increases evident.

Consistent links between tax increases and increases in smuggling are not evident across countries. For most countries, smuggling fluctuated year-over-year. However, table 1 shows periods where smuggling increased and decreased between one tax increase and the next.

Country	Increased smuggling following tax increase	Decreased smuggling following tax increase
Cambodia	No tax changes	No tax changes
Indonesia	No tax changes	No tax changes
Malaysia	2007-2008; 2008-2009	2004-2005; 2005-2006; 2006-2007
Philippines		1997-2000; 2000-2005; 2005-2007; 2007-2009
Thailand	1995-1997; 1999-2001; 2005-2006	1993-1994; 1997-1999; 2001-2005
Viet Nam	2005-2006; 2007-2010	2000-2003 (1999 increase)

Table 1: Periods of smuggling increase and decrease following a tax increase  
Source: UN Comtrade

The fact that increased smuggling does not necessarily follow tax increases suggests that factors like border control and interdiction efforts affect the magnitude of smuggling. Tax increases and other policy changes to address consumption can be undertaken without regard to the potential for increased smuggling.

By studying patterns of tobacco flows into and out of a country, certain trading partners can be identified as the major sources of potentially illicit trade of tobacco.

Country	Top 2 Sources for Inward Smuggling	Top 2 Share of Inward Smuggling
Cambodia	Indonesia, Korea	80.3%
Indonesia	Singapore, Viet Nam	57.5%
Malaysia	Singapore, Indonesia	96.9%
Philippines	Hong Kong, Singapore	61.5%
Thailand	Singapore, Malaysia	68.8%
Viet Nam	Singapore, Hong Kong	79.4%

Table 2: Top 2 Sources for Smuggled Cigarettes, 2010  
Source: United Nations Comtrade Database

Trade discrepancies not only provide an estimate of smuggling activity, but they can pinpoint important sources for illicit cigarettes. Table 2 displays the proportion of cigarettes smuggled into each country from the top two origins of illicit cigarettes for each country.

Targeted efforts directed toward a country's most substantial sources of smuggled cigarettes can focus scarce resources. Origins of importance to multiple countries can be the focus of region-wide efforts.

When cigarette imports vastly exceed tobacco consumption in a country, this should flag concerns that the country is serving as a conduit for smuggled cigarettes.

Cambodian net cigarette imports vastly exceed the amount needed for local demand. For example, in 2004 legal net imports were six times that needed to meet demand given local production, and nearly twice the magnitude of consumption. By 2010, net imports nearly doubled to 1.6 billion packs.

Cigarette flows that outstrip both consumption and exports are a clear indication of smuggling and can point to the need for coordinated action with regional partners to reduce illicit consumption in other countries.

Where domestic consumption revolves around the consumption of a unique tobacco product, illicit production locally may be the key concern highlighted in such studies.

In Indonesia, kreteks are the dominant form of consumption. The country is the also largest producer of this tobacco product. Because of this, the magnitude of smuggling is low relative to illicit production. The existence of many small producers, supported by favorable tax rates imposed on their products, exacerbates illicit production by increasing the costs of tax enforcement and compliance monitoring. Illicit consumption in Indonesia amounted to 23 billion cigarettes by 2004, or 2.6 trillion Rupees in revenue losses.

The use of effective tax stamps, effective licensing and monitoring of production, and reduction of tax advantages accorded to small producers can target both illicit consumption and production.

The findings from these studies both highlight useful approaches to measuring the magnitude of illicitly traded tobacco and point to policy steps that might be taken to prevent illicit trade.

This project received support from the NIH Fogarty International Center, awarded to Duke University's Program on Global Health and Technology Access in collaboration with the Southeast Asian Tobacco Control Alliance and the American Cancer Society. The content is solely the responsibility of the authors and does not necessarily represent the official views of the Fogarty International Center or the National Institutes of Health.

**Southeast Asia Tobacco Control Alliance (SEATCA)**

# SOME COMMENTS ON THE TISA STUDY ON LEAF ECONOMICS IN AFRICA

In late October 2012, a study conducted by NKC Independent Economists was released that attempts to measure the primary elements of the tobacco value chain in 15 African countries that are part of the COMESA/SADC/SACU\* regional blocs. The study was commissioned by the Tobacco Institute of Southern Africa (TISA), a body representing the tobacco industry in the region.

The study's release coincides with the Fifth Conference of Parties (COP5) in South Korea and is most likely meant to influence deliberations around Articles 17 and 18 of the Framework Convention on Tobacco Control (FCTC). Articles 17 and 18 speak to issues of alternative livelihoods and the protection of the health of workers engaged in the growing and processing of tobacco. The aim of this short write-up is to critically engage with some of the findings of the TISA study, as well as to question the methods used by the study.

Some of the study's main findings are:

- The tobacco industry (farming, processing, and selling) provides employment to a total of 4.4 million people who support a total of 24 million dependents in the 15 countries covered.
- Taxes collected (VAT and Excise taxes) totaled of US\$5.6 billion in 2011 for the 15 countries.
- Total value of trade (imports and exports) was about US\$3 billion for the 15 countries.
- Total value of the tobacco value chain (raw tobacco production, exports, imports, taxes) was estimated at US\$10 billion (see section 2.4).

In what follows, I interrogate these findings and the methods in closer detail.

## 2.0. General Comments

2.1. **Data sources.** Apart from consulting reputable data sources, such as the IMF, World Bank and FAO, for macro variables (which they mostly get right, see 2.5 below), other variables more pertinent to answering the research question seem to have come from organizations with an interest in the continued survival of the tobacco industry. It is good practise to reference, in full, a particular data source (and to provide internet hyperlinks where possible) so that others may interrogate the methods and assumptions underlying a particular estimate. This is not done in this study, and it therefore casts doubt on the validity of the figures quoted in the report.

2.2. The study reports a total of 296,890 establishments (wholesale, formal retail, informal retail) selling finished tobacco products in the 15 countries covered. This number is reported without any further commentary but the implied conclusion is that these establishments rely on selling tobacco products and failure to do so would jeopardize their financial position. But these establishments sell other fast moving consumer goods (bread, milk, eggs, etc...) alongside tobacco products, and it is a stretch to imply that 296,000 entities would cease to exist if prevented from selling tobacco.

	Ethiopia	Kenya	Malawi	Mozambique	S. Africa	Tanzania	Uganda	Zambia	Zimbabwe	Total
Total Agriculture Employment	65 076 000	29 163 000	11 123 000	18 121 000	4 762 000	33 615 000	25 139 000	8 439 000	7 098 000	202 536 000
Tobacco Farmers	3 500	35 000	750 000	112 000	177	116 010	75 000	22 500	65 600	1 179 787
Tobacco farm employment	3 500	70 000	1 400 600	550 400	9 904	116 010	150 000	450 000	1 135 000	3 885 414
Number of employees per farmer	1	2	2	5	56	1	2	20	17	3
Tobacco production value per farmer + employees + dependents (USD)	n/a	80	40	23	1 198	312	79	45	52	56
GDP per capital (USD) in 2011 current prices <sup>1</sup>	n/a	850	351	582	8 066	553	477	1 413	741	592
% of tobacco farmers in total agriculture population	0.01%	0.12%	6.74%	0.62%	0.01%	0.35%	0.30%	0.27%	0.92%	0.58%
% of tobacco farm employment in total agriculture population	0.01%	0.24%	12.59%	3.04%	0.21%	0.35%	0.60%	5.33%	15.99%	1.92%

2.3. The study reports that there are 1.2 million small-scale tobacco farmers, employing 3.9 million people in the region. 18 million people are in turn dependent on the farmers and their employees for their livelihoods. Further, the study reports that the value of raw tobacco produced in 2011 was US\$1.2 billion. This data comes from only nine out of 15 countries: Angola did not report any data while Egypt, Botswana, Lesotho, Namibia, and Swaziland had a "not applicable" entry against their names. Do these numbers represent a significant proportion of each country's total agricultural employment and is the income for each person reliant on tobacco agriculture significant? By analysing objective data from 160 sources alongside the TISA study, I have estimated the numbers of small-scale tobacco farmers and associated employment levels. On average, tobacco employment constitutes 2.5 percent of total agricultural employment in the nine countries reporting. Excluding the two outliers (Malawi and Zimbabwe) would bring the average contribution of tobacco employment down to 0.93%.

As far as incomes are concerned, each person (farmer, employee and dependent) reliant on tobacco farming obtained an income of US\$56 on average in 2011. This represents only 10% of the region's average

GDP per capita.

Lastly on this point, the study's presumption is that 1.2 million small-scale farmers (alongside their employees and dependents) would be rendered destitute if they could not sell raw tobacco anymore. This is unlikely to be the case. As Warner (2000) has argued, money not spent on buying tobacco (both raw and manufactured) would be spent on something else, either in agriculture or elsewhere.

This would create additional employment for those genuinely at risk of losing their livelihoods.

2.4. The study commits a couple of methodological errors in arriving at what it calls the Tobacco Value Chain Total Value (TVCTV) for the 15 countries considered. As stated earlier, the value of this amount is estimated at US\$10 billion. A footnote defines this number as the summation of the value of raw tobacco production, value of total exports, value of total imports and taxes paid. In adding all these numbers together, the authors are either guilty of double counting or adding "apples" to "oranges."

Further, tobacco tax revenues are not at risk of declining (or disappearing) as countries try to reduce tobacco consumption through tax measures. The consensus in the economics literature is that tobacco is price inelastic. Therefore, excise tax hikes can only serve to increase the revenue collected by governments from tobacco.

2.5. It seems that the study has correctly reported the usual macro variables (i.e. percent of Agricultural GDP due to tobacco, area under cultivation, production in tonnes, value of exports, imports etc...), if only because these statistics are easier to cross-check against reputable online databases. But the fallacy is in the way these figures are added together in quantifying the value chain (see point 2.4 above).

continued on page 6

\*COMESA= Common Market for Eastern and Southern Africa, SADC = Southern African Development Community, SACU = Southern African Customs Union.

## DIRTY ASHTRAY AWARD



To Parties, for failing to prioritise support and collaboration that would accelerate FCTC implementation.

## ORCHID AWARD



To delegates, who are still pushing for stronger FCTC implementation despite strong pressure from industry lobbyists



FRAMEWORK CONVENTION  
**ALLIANCE**  
BUILDING SUPPORT FOR TOBACCO CONTROL

The Framework Convention Alliance (FCA) is a global grouping of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control (FCTC). Views expressed in signed articles in the Bulletin are those of the writers and do not necessarily represent the views of the FCA. Front-page articles are unsigned as they do represent the consensus of the FCA membership at COP5.

Framework Convention Alliance

Rue Henri-Christiné 5  
Case Postale 567  
CH-1211  
Geneva, Switzerland

Representative Office:  
FCA c/o ASH  
701 4th Street NW.  
Washington, DC 20001  
USA

Phone: +1 202 289 7155  
Fax: +1 202 289 7166  
Email: editor@fctc.org

www.fctc.org

# AVANCES Y DIFICULTADES EN CONTROL DE TABACO EN PERÚ

La ratificación del CMCT ha significado para Perú una excelente oportunidad para avanzar con importante fuerza y compromiso en su implementación, tanto desde la sociedad civil como principal impulsor, como por los organismos de gobierno en su responsabilidad ejecutora.

El desarrollo de legislación que concreta la implementación de nuestro compromiso ante el CMCT es, en la mayoría de países, un proceso laborioso debido a los fuertes lobbys de la IT y cuando finalmente estos se sienten amenazados por Leyes que se ajustan a los más elevados estándares de los artículos del CMCT y que no han podido frenar, la interferencia de la Industria Tabacalera (IT) se continúa expresando a través de demandas o denuncias ante organismos jurisdiccionales o administrativos.

Perú logró una Ley de ambientes 100% Libres de Humo de Tabaco (ALHT) con el más alto estándar, pues no permite ninguna excepción en lugares públicos cerrados, en el perímetro interior de trabajo, así como de salud, educación, establecimientos públicos y de transporte. Igualmente legisló ya para tener advertencias sanitarias gráficas en el 50% de ambas caras del empaquetado; prohibición de venta a menores y por menores; paquete mínimo de 10 unidades, fomento a la educación y la cesación, restricción a la publicidad.

En el primer intento de la IT con demanda de inconstitucionalidad al articulado de ambientes 100%LHT, nuestro Tribunal Constitucional los fulminó con una

ejemplar sentencia, en la que además fortaleció al CMCT como un tratado de Derechos Humanos en amplia concordancia con la Constitución peruana y que además la ley 29705 no tendrá ninguna posibilidad de retroceso.

No obstante, continúan denuncias ante Órganos Administrativos en una persistente pretensión de hacer retroceder la ley de ALHT. Enfrentamos también demandas de amparo contra el empaquetado no menor a 10 unidades y un sospechoso amparo que permite el único lugar exclusivo para fumadores en el Aeropuerto internacional de Lima.



LA SOCIEDAD CIVIL PERUANA ES SIN NINGUNA DUDA UNA IMPORTANTE FUERZA SOCIAL, QUE INTEGRA ONGS, LA ACADEMIA Y LA CULTURA, Y QUE HA FACILITADO EL EL PROCESO DEL CONTROL DEL TABACO EN PERÚ Y LO IMPULSA A CONTINUAR SIENDO UNO DE LOS PAÍSES MENOS CONSUMIDORES DE TABACO DEL MUNDO Y ASUMIR EL PAPEL DE SER UN IMPORTANTE COMBATIENTE CONTRA ESTE FLAGELO EN LOS FUTUROS ACUERDOS DE LA COP5.



La implementación de la ley de ALHT, que requiere de promulgación de los Gobiernos Municipales Provinciales y distritales a nivel nacional, igualmente está sufriendo la presión de la IT, a través de visitas y advertencias de representantes de la IT para que estas se retrasen. Incluso la nueva propuesta de prohibición total de Publicidad, Promoción y Patrocinio (PPP)

de productos de tabaco ya está bajo contra ofensiva de la IT. La Sociedad Civil peruana es sin ninguna duda una importante fuerza social, que integra ONGs, la academia y la cultura, y que ha facilitado el el proceso del control del tabaco en Perú y lo impulsa a continuar siendo uno de los países menos consumidores de tabaco del mundo y asumir el papel de ser un importante combatiente contra este flagelo en los futuros acuerdos de la COP5.

**Dr. Carlos Farías (COLAT-Perú)**

continued from page 5

### 3.0. Conclusion

This short write-up has highlighted some of the methodological shortcomings in the TISA study released at the end of October 2012. Further, using the TISA study's own estimates, I have shown that the tobacco farming sector is not as important, from both an agricultural employment and income perspective, as the study makes it out to be. In addition, the value ascribed to the tobacco value chain is likely to have been overstated if one accounts for double counting.

**Grieve Chelwa, PhD Candidate, University of Cape Town**