

WHO's tobacco control chairman urges faster progress at FCTC talks

At the fourth round of negotiations on the Framework Convention on Tobacco Control on March 18-23, newly elected chairman Felipe de Seixas Correa urged governments to “redouble efforts” to reach a successful treaty by the May, 2003, deadline.

“We have barely started to negotiate the text. The path ahead is fraught with the most difficult issues”, said the Brazilian UN ambassador. The challenge was demonstrated by the competing proposals up for discussion. They touched on all areas of the proposed treaty: advertising and sponsorship; content and labelling; education and prevention; price and taxation; growers’ subsidies and aid; antismuggling and legal liability.

Correa said he hoped to narrow the divisive issues. African and most Asian countries want a tough treaty with sweeping restrictions. Japan prefers much weaker “appropriate” measures—an approach dictated by the government stake in Japan Tobacco, according to anti-smoking campaigners.

The European Union is trying to forge common ground somewhere in

the global middle. To the joy of the antismoking lobby, there seems to be growing sentiment in the 15-nation bloc for a total advertising ban, overcoming the prolonged opposition of Germany.

“It is a fairly radical measure to put a member state or two against the wall”, said chief EU negotiator Matti Rajala. But the EU was “no longer happy with the lowest common denominator principle”, commented Rajala. One possible option was to put the issue to qualified majority voting in the European council, he said.

The Finnish diplomat said other divisive issues within Europe included the proposed worldwide ban on tax-free sales—critics argue this will encourage smuggling—and measures against passive smoking, where Britain would prefer voluntary controls.

All eyes continued to be focused on

the Bush administration’s policy. Health campaigners said they were encouraged by a recent US Justice Department announcement that it would like to impose broad restrictions as part of a lawsuit against the tobacco industry, including banning vending machines and requiring health warnings that cover 50% of cigarette packs and advertisements.

But, in initial statements to the meeting, the US position fell far short of that, said the antitobacco NGOs. Separately, in a report published at the meeting, WHO urged governments to follow the US path of litigation and public enquiries—in addition to science—as a weapon against Big Tobacco. While non-governmental campaigners warned of ongoing industry attempts to subvert health policy.



Luis Felipe de Seixas Correa

WHO/P. VIKROT

Clare Kapp

Health-rights organisation wants Uganda's intellectual property law delayed

A health rights non-governmental organisation (NGO) in Uganda is challenging a move by the country’s Law Reform Commission to complete a draft bill on intellectual property rights in the next 2 months.

The commission has been drafting the Industrial Property Bill since November, 2001, as part of a major law reform project aimed at attracting investors to Uganda.

But the Coalition for Health Promotion and Social Development (HEPS-Uganda), has appealed for more time to raise awareness and allow a proper discussion on the bill. They argue that even members of parliament, who will soon consider the bill, do not yet have sufficient information to hold a meaningful debate.

Rosette Mutambi, coordinator of HEPS-Uganda, said they want to make sure that the law does not allow holders of patents to set unrealistic prices for essential medicines. “A very important law is being reviewed and it is going to impact on us. If it is going to have negative implications we are the ones to suffer”, she said.

The NGO argues that since Uganda has until 2006 to comply with the World Trade Organisation’s Trade-Related Intellectual Property Rights (TRIPS) agreement, the law should not be made a hurry. “Compared to other least developed countries we are running at a supersonic speed”, said Arthur Mpeirwe, an attorney for HEPS-Uganda.

However, Uganda’s Law Reform Commission says the bill does not have to wait for the TRIPS deadline. “With or without TRIPS this process would go on. TRIPS is just a development on the international scene which we can not ignore”, said Jean Lubega-Kyazze, principal legal officer in the commission.

She said the NGO might be following international arguments on intellectual property rights without considering the unique local situation. The bill, she said, has clauses that would allow the government to grant parallel imports and compulsory licensing in an emergency. And, the government would have the powers to determine when compulsory licensing or parallel importation should be granted.

But Lubega-Kyazze does not think the need for parallel imports or compulsory licensing will arise frequently. For instance, she says nobody in Uganda has ever applied for compulsory licensing even though it is allowed under Uganda’s patent statute, which has been in force for 10 years. “We have tried to strike a balance between attracting investors and protecting the health of our people”, she said.

It is not clear when the law reform process will be completed. The commission will present a draft to Cabinet in the next 2 months, who in turn will send the proposal to Parliament. But even after Cabinet passes the law, the trade and industry minister could delay its implementation if necessary.

In the past, law reform processes in Uganda have taken between a few weeks and a few years but Lubega-Kyazze hopes this one will be speedy. “Commercial law reform is a priority because it addresses poverty eradication and investment”, she said.

Charles Wendo

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