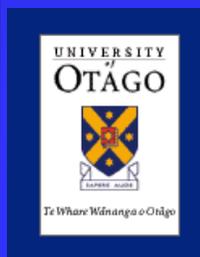


# The politics of alcohol: What can be learned from tobacco?

The Politics of Alcohol Conference - Imagine NZ without Alcohol Damage: July 2011

**George Thomson**

Department of Public Health,  
University of Otago, Wellington



# Introduction

- **Three stories:**

- FCTC

- NSW lobbying law

- Smokefree outdoors policies

- **To illustrate:**

- International, national and local levels

- Control of industry, political accountability, moving the goalposts



# Why upstream action is needed: Examples

## Philip Morris v Uruguay

- ◆ Uruguay wanted 80% warnings on packs
- ◆ Bilateral investment treaty between Uruguay and Switzerland
- ◆ PM used the *International Center for Settlement of Investment Disputes* of the World Bank, seeking damages



Uruguay's Health Minister Daniel Olesker and Foreign Affairs Minister Luis Almagro

November 2010



# Philip Morris and TPP

‘Philip Morris wants a clause added to the Trans-Pacific Partnership Agreement (TPPA) ... which would allow the company to sue the Commonwealth for damages internationally.’ *[on plain packs policy]*

Julian Drape. *Sydney Morning Herald* 16/1/2011.

<http://news.smh.com.au/breaking-news-national/free-trade-fight-over-plain-ciggie-packs-20110116-19sam.html>



# SOLUTIONS:

## Framework Convention on Tobacco Control: FCTC

- Took 7 years -1996-2003 - plus Gro Harlem Brundtland - WHO DG
- 173 nations have ratified (USA, Switz not)
- Requires minimum tobacco control planning and work : Creates expectations
- Ongoing development of protocols and guidelines



## FCTC section 5.3

- ◆ ‘Parties shall act to protect [tobacco control] policies from commercial and other vested interests of the tobacco industry’
  - In 2010: 65 Parties (48%) reported that they had taken steps to do this
- ◆ Eg: Meetings and conversations can not take place without:
  - ◆ prior notice & advance public notice
  - ◆ neutral observers present

Lobbyist Perrin Beatty  
Ex Canada health minister



# FCTC Section 5.3 in practice

Record of June 2010 phone call by tobacco industry official to Hemant Goswami, member of Indian Tobacco Control National Steering Committee:

***Bose:** ‘ ... it’s just that I appreciate your work and wanted to meet you. I know you work on tobacco issues and we are also a tobacco company; there is after-all certain things we can do together.*

***Hemant:** Mr. Bose, we don’t work and interact with the tobacco industry. There can be no meeting point between what we do and the tobacco industry. I don’t want to meet you.’*



[http://www.facebook.com/note.php?note\\_id=135611076469660&id=112558775433116](http://www.facebook.com/note.php?note_id=135611076469660&id=112558775433116)

# FCTC in practice: NZ Health

## Select Ctte amends smokefree bill

- Submissions to Health Select Ctte 2010-2011 - to remove the clause in the Smoke-free Act *requiring consultation with industry before regulations*
- Argument - contrary to FCTC s.5.3
- Select Ctte reports current Amendment Bill back in April 2011, with clause removed



Paul Hutchinson: Chair of Health Select Ctte

# How was s.5.3 included in the FCTC?

- Minnesota case and tobacco document releases 1998
- WHO staff get Minnesota lawyers to brief Brundtland
- Zeltner inquiry 1999-2000
- World Health Assembly resolution 2001:
  - ◆ *'the tobacco industry has [been] subverting ... governments'*



# NATIONAL & STATE LEVEL: Australia & NSW: The problems

History of alcohol and tobacco influence on Federal and NSW government policy:

- ◆ *Feb 2004: John Thorpe of the Australian Hotels Association:*



‘ Look, democracy's not cheap! ... we need to keep these people in place to have the democracy we have today.

Yes, it costs money. But we did get interviews with Ministers, we did get interviews with staffers, and that does help us in our policies and our regulations.’

<http://www.parliament.nsw.gov.au/Prod/parlment/hansart.nsf/V3Key/LC20040226034>

- *2011: NSW Labor Party continue to ask tobacco companies for \$*

<http://www.theaustralian.com.au/national-affairs/alp-still-seeking-political-donations-from-tobacco-companies/story-fn59niix-1226077398148>

# New South Wales: One solution

- 2010-11 ban on political donations from tobacco, liquor or gambling entities
- Spearheaded by the Green party
- Took effect on 1 January, in time for the March 2011 state election



Federal senator Bob Brown

NSW MP John Kaye



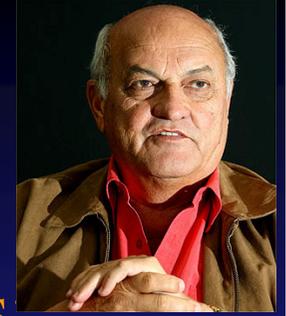
# How to outflank tobacco in NSW

- ‘given the high level of access of industry groups, and gatekeeping by the Minister of Health’s political advisor:
- ... rely on ... *outside advocacy* strategies:
  - ◆ utilising the **media**,
  - ◆ holding **demonstrations**
- to place **external pressure** on the Government
- **frame** workplace smoking bans as **issue of health and worker inequality**

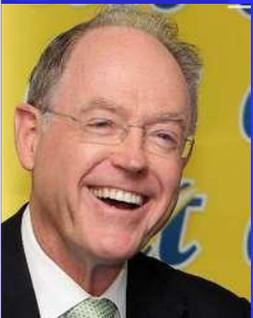


Katherine Bryan-Jones 2004

# Relevance to New Zealand

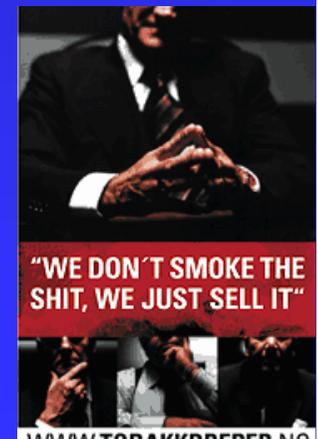


- MP Matt Robson 2004: re alcohol lobbyists.
  - ◆ ‘They're always here. They throw, with their PR consultants, quite expensive functions; quite a considerable number of MPs go.’
- In 2005 Owen Glenn’s company Vanguard Logistics won exclusive handling rights for British American Tobacco products in Australia and NZ:
  - ◆ Owen Glen gave Labour \$500,000 in 2005
- 30 June 2004: Don Brash (then National Party leader) and MP David Carter met with 7 of the top managers of British American Tobacco



# Other relevant national level tobacco control *political* strategies

- Disinvestment by government agencies (ACC, NZ Super Fund, Govt Super Fund) – Maryan Street Bill 2006
- Use of Select Ctte/Ministerial/Royal Commission inquiries/referenda
- Framing issues for health



# Where local actors succeed: Smokefree outdoor areas



- Smokefree outdoor areas (bar patios, parks, beaches, plus) have largely been driven by local authorities (NZ, Australia, US, Canada)
- NZ smokefree policies for at least playgrounds – over 25 councils since 2005
- Reasons from Councils include:
  - ◆ Decreased role-modelling, ‘denormalisation’ of smoking
  - ◆ Environmental benefits (litter, fire risk, butt ingestion)



# Smokefree action by local authorities

## Some advantages:

- ◆ Bypass the tobacco industry – their lobbying is less effective
- ◆ Bypass evidence requirements or move requirements towards:
  - ◆ Protecting children from example
  - ◆ Less litter, cleaner image
- ◆ Easier to get local concern?
- ◆ Provide precedents for national policies



# Some solutions at all govt levels

- Increased political transparency and accountability
- Including social criteria in laws and treaties
- Active investigation (follow the money)
- Framing: (eg)
  - ◆ Industry v children
  - ◆ Industry v law and order

