

***CELEBRATION OF THE 10TH ANNIVERSARY OF THE ENTRY INTO FORCE OF
THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL***

WHO GENEVA, EXECUTIVE BOARD ROOM

STATEMENT BY HON. DR. FENTON FERGUSON

MINISTER OF HEALTH, JAMAICA

THANK YOU FOR ALLOWING ME TO PARTICIPATE AND SHARE JAMAICA'S EXPERIENCE ON A MATTER THAT I CONSIDER EXTREMELY IMPORTANT FOR THE HEALTH AND WELL-BEING OF POPULATIONS ACROSS THE WORLD INCLUDING JAMAICA.

I WANT TO CONGRATULATE THE WHO FCTC SECRETARIAT ON TEN YEARS OF CONSISTENT WORK, STRONG LEADERSHIP AND ADVOCACY FOR THE IMPLEMENTATION OF THE FCTC BY GOVERNMENTS. THIS MATTER IS ONE WHICH NEEDS STRONG LEADERSHIP AND BACKING FROM THE GOVERNMENTS AND OTHER IMPORTANT PLAYERS TO COMBAT THE ENORMOUS INFLUENCE AND FINANCIAL POWER OF THE TOBACCO INDUSTRY.

I AM HAPPY TO BE ABLE TO SHARE IN THIS FORUM, JAMAICA'S EXPERIENCE AND IN THAT RESPECT HIGHLIGHT THE IMPORTANT ROLE OF LEADERSHIP IN TOBACCO CONTROL AND ADVANCING THE FCTC IMPLEMENTATION.

JAMAICA WAS ACTIVELY INVOLVED IN ACTIVITIES GEARED TOWARD IMPLEMENTING NATIONAL TOBACCO CONTROL LEGISLATION EVEN BEFORE ITS SIGNING OF THE FCTC IN 2003.

BUT IN THE POST 2003 PERIOD, THE ACTIVITIES STEPPED UP INCLUDING FACILITATING DISCUSSIONS AND REVIEWS BY A PARLIAMENTARY

SUBCOMMITTEE AS WELL AS EXTENSIVE CONSULTATIONS. THERE WERE HOWEVER, MANY ROADBLOCKS AND CHALLENGES TO THE IMPLEMENTATION OF A COMPREHENSIVE LEGISLATION.

WHEN I WAS APPOINTED AS MINISTER OF HEALTH IN JANUARY 2012, I RECOGNIZED THAT LEADING THE PROCESS TOWARDS FULL IMPLEMENTATION OF FCTC NEEDED TO BE A PRIORITY OF MY GOVERNMENT ESPECIALLY WITH THE HIGH INCIDENCE OF NON-COMMUNICABLE DISEASES AMONG OUR POPULATION AND WITHIN THAT THE PREVALENCE OF RESPIRATORY ILLNESSES THAT CAN BE LINKED TO EXPOSURE TO TOBACCO SMOKE.

I THEREFORE BECAME RESOLUTE TO OVERCOME THE OBSTACLES AND BARRIERS THAT WERE POSITIONED TO THWART THE ATTEMPTS OF PUTTING LEGISLATION IN PLACE TO REGULATE THE USE OF TOBACCO. I WAS COMMITTED AND PASSIONATE ABOUT MAKING STRIDES IN THIS AREA AND I BELIEVE THAT MOTIVATED MY TEAM TO PROVIDE THE TREMENDOUS SUPPORT THEY GAVE AND CONTINUE TO GIVE IN MOVING JAMAICA FORWARD IN THIS AREA.

I SPENT AN INORDINATE AMOUNT OF TIME INCREASING MY KNOWLEDGE-BASE ON ISSUES SURROUNDING TOBACCO – THE HISTORY OF ITS USE; THE BEHAVIOR OF THE TOBACCO INDUSTRY AND THE EFFORTS MADE BY MANY COUNTRIES TO CURB THE EPIDEMIC OF SMOKING. AS A RESULT, I WAS THOROUGHLY EQUIPPED AS LEADER TO SPEAK CONFIDENTLY AND INTELLIGENTLY ON MATTERS RELATED TO FCTC OR TOBACCO CONTROL IN GENERAL, EVEN IN IMPROMPTU OR ADVERSE SITUATIONS.

I, THEREFORE, WITH THE SUPPORT OF MY TEAM - BY A STRONG AND COMMITTED PERMANENT SECRETARY, A FORMER CHIEF MEDICAL OFFICER

WHO WAS A PART OF TEAM THAT DRAFTED THE FCTC AND A RESOLUTE AND BRIGHT YOUNG LAWYER - KEPT TELLING THE COUNTRY THAT THE REGULATIONS WERE COMING FOR OVER 18 MONTHS BUT THEY DID NOT BELIEVE IT - BECAUSE THE TOBACCO INDUSTRY WAS BUSY GIVING SUPPORT TO MEMBERS OF PARLIAMENT THINKING THAT I WAS COMING TO PARLIAMENT WITH A COMPREHENSIVE BILL.

THIS WAS TAKING PLACE IN A CLIMATE WHERE SUBTLE AND EVEN NOT SO SUBTLE TACTICS WERE BEING EMPLOYED TO DISARM ME WHEN I LEAST EXPECTED IT.

THE PUBLIC HEALTH (TOBACCO CONTROL) REGULATIONS WERE PROMULGATED (ON JULY 15, 2013) ALMOST 10 YEARS AFTER JAMAICA SIGNED THE FCTC AND THIS WAS NOT AN EASY FEAT.

WE RECOGNIZED THAT THERE WAS A NEED FOR URGENT ACTION AND A FIXITY OF PURPOSE, PARTICULARLY GIVEN THE BURDEN ON HEALTH CARE AND THE NEED TO POSITIVELY RESPOND TO THIS GLOBAL EPIDEMIC AND UPHOLD JAMAICA'S INTERNATIONAL TREATY OBLIGATIONS UNDER THE FCTC.

THE ENACTMENT OF REGULATIONS UNDER THE PUBLIC HEALTH ACT WAS DEEMED TO BE THE EASIEST METHOD AND WOULD NOT BE SUBJECT TO FURTHER LENGTHY PARLIAMENTARY DELIBERATIONS WHICH COULD SERVE TO DELAY THE PROCESS EVEN FURTHER.

I WAS EMPOWERED AS MINISTER OF HEALTH TO DO THIS UNDER THE PUBLIC HEALTH ACT WHICH ALLOWED ME TO MAKE REGULATIONS WITHOUT MAKING THE SAME SUBJECT TO PARLIAMENTARY SCRUTINY.

AS MINISTER, I ACTED USING THE PUBLIC HEALTH ACT AND WAS ACCUSED BY THE TOBACCO INDUSTRY AND ITS SUPPORTERS AND PERSONS WITH VESTED INTERESTS OF CREATING CHAOS AND SOME INSPITE OF THE WARNING FELT THAT I CAME AS NICODEMUS BY NIGHT .

EVEN WITHIN MY OWN PARTY, THERE WAS OPPOSITION BY PROMIMENT MEMBERS BUT I STAYED THE COURSE DEFENDING MY ACTION WHICH WAS EVIDENCE BASED AND POWERFUL.

THEREFORE MY TEAM DETERMINED THAT THE MOST PRUDENT WAY FORWARD WAS TO IMPLEMENT SOME OF THE MOST CRITICAL ARTICLES (INCLUDING ARTICLE 8 - PROTECTION FROM EXPOSURE TO TOBACCO SMOKE, ARTICLE 10 – REGULATION OF TOBACCO PRODUCT DISCLOSURES AND ARTICLE 11 – PACKAGING AND LABELLING OF TOBACCO PRODUCTS) BY THIS MEANS.

THE CHALLENGES REMAIN MANY AND VARIED. ONE SUCH WAS A JUDICIAL REVIEW CLAIM FILED BY THE INDUSTRY TO QUASH CERTAIN FUNDAMENTAL PROVISIONS IN THE REGULATIONS. I WAS NOT DAUNTED BY THIS TACTIC AND WAS WILLING TO GO TO COURT IF IT WAS NECESSARY TO FIGHT THE CLAIM. NEEDLESS TO SAY, THE CLAIM WAS NOT SUBSTANTIATED AND WAS EVENTUALLY WITHDRAWN.

OTHER TACTICS INCLUDE LETTERS TO THE EDITOR; ARTICLES IN THE PRINT MEDIA ATTACKING ME AND THE MINISTRY OF HEALTH; ATTACKS ON MY CREDIBILITY AND WORK EVEN OUTSIDE OF TOBACCO CONTROL; AND DELIBERATE MOVES BY THE TOBACCO INDUSTRY TO GARNER SUPPORT FROM STAKEHOLDERS WHO WOULD BE IMPACTED BY THE REGULATION OF TOBACCO USE.

LEADING IN SUCH AN ENVIRONMENT CAN PROVE DIFFICULT BUT IF THE LEADER HAS A STRONG CONVICTION OF PURPOSE AND CLARITY ON WHAT NEEDS TO BE ATTAINED, THE TASK BECOMES EASIER.

I ALLOWED THE OBSTACLES TO MAKE ME MORE RESOLUTE AND UNWAVERING IN MY COMMITMENT TO IMPLEMENTING THE REGULATIONS. I HAD TO BE BOLD TO THE EXTENT OF THE WILLINGNESS TO PUT MY POLITICAL CAREER ON THE LINE IN ORDER TO MOVE OUR TREATY OBLIGATIONS FORWARD.

DESPITE THE CHALLENGES, WE CONTINUE TO MAKE STRIDES IN IMPLEMENTATION AND ENFORCEMENT OF THE REGULATIONS. HOWEVER, IT MUST BE NOTED THAT THE PUBLIC HEALTH (TOBACCO CONTROL) REGULATIONS 2013 IS ONLY “A SIGNPOST ON A LONG ROAD”.

I AM LOOKING FORWARD TO LEADING THE WAY TO THE IMPLEMENTATION OF COMPREHENSIVE LEGISLATION TO ADDRESS ALL THE ARTICLES OF THE FCTC, FOR EXAMPLE, ARTICLE 13, WHICH SPEAKS TO TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP AND ARTICLE 15, WHICH RELATES TO THE ILLICIT TRADE IN TOBACCO PRODUCTS.

MOVING FORWARD, WE INTEND ALSO TO ADDRESS CRITICAL CONCERNS RELATED TO THE IMPLEMENTATION AND ENFORCEMENT OF ARTICLE 5.3 BECAUSE WE ARE CONVINCED THAT THERE IS A FUNDAMENTAL AND IRRECONCILABLE CONFLICT BETWEEN THE TOBACCO INDUSTRY'S INTERESTS AND PUBLIC HEALTH POLICY INTERESTS. UNENCUMBERED MULTI-SECTORAL SUPPORT IS REQUIRED TO FULLY IMPLEMENT THE FCTC.

BUILDING A STRONG ALLIANCE WITH CIVIL SOCIETY AND OTHER CRITICAL STAKEHOLDERS WHO ARE ARDENT ADVOCATES IN THE FIGHT AGAINST TOBACCO USE AND EXPOSURE, SIGNIFICANTLY ASSISTED IN ADDRESSING THE BARRIERS THAT THE TOBACCO INDUSTRY CREATED.

THROUGH THIS ALLIANCE, MY TEAM AND I WERE CONSISTENTLY INFORMED ABOUT PUBLIC OPINIONS, CRITICISMS AND ACTIONS THAT COULD HAMPER OR STRENGTHEN OUR PROGRESS. ADDITIONALLY, THEY OFFERED VALUABLE RECOMMENDATIONS ON THE STRATEGIES AND APPROACHES THAT THE MINISTRY OF HEALTH EMPLOYED.

I MUST CONCLUDE BY SAYING THAT MY LEADERSHIP ROLE IN TOBACCO CONTROL WAS FURTHER STRENGTHENED BY THE SUPPORT OF THE REGIONAL AND INTERNATIONAL PARTNERS, SOME OF WHOM ARE HERE TODAY. MY COUNTRY HAS GREATLY BENEFITTED FROM THE RESOURCES, TECHNICAL SUPPORT, ADVICE AND THE SHARING OF BEST PRACTICES THAT WERE SO GENEROUSLY AND WILLINGLY OFFERED TO US.

OF NOTE, OUR FRIENDS FROM PAHO/WHO HAVE ASSISTED US IN CONDUCTING A SUCCESSFUL INTER-MINISTERIAL MEETING ON TOBACCO OR TRADE WHICH HIGHLIGHTED THE MULTI-SECTORAL APPROACH AND LEADERSHIP REQUIRED TO ADVANCE THE FCTC MANDATE. THIS WAS

FURTHER STRENGTHENED BY THE VISIT OF DR. HAIK NIKOGOSIAN, FORMER HEAD OF THE CONVENTION SECRETARIAT WHO HIGHLIGHTED TO MY COLLEAGUES THAT WHILE THE FCTC IS LARGELY DRIVEN BY A HEALTH OBJECTIVE, TOBACCO CONTROL IS A DEVELOPMENTAL MATTER IN WHICH ALL SECTORS HAVE ROLES IN ENSURING JAMAICA UPHOLDS ITS TREATY OBLIGATION.

I MUST MENTION AS WELL THAT THROUGH KNOWLEDGE-SHARING, WE HAVE USED OUR EXPERIENCE TO AID OUR CARIBBEAN COUNTERPARTS IN POSITIONING THEMSELVES TO TACKLE TOBACCO CONTROL INTERFERENCE AND IMPLEMENTING STRONG TOBACCO CONTROL MEASURES. FURTHER, JAMAICA HAS PLAYED A CRITICAL ROLE IN THE DEVELOPMENT OF THE REGIONAL STANDARD FOR THE LABELLING OF TOBACCO PRODUCTS AND PRODUCED GRAPHIC HEALTH WARNINGS FOR USE BY MEMBER STATES OF THE CARIBBEAN COMMUNITY.

ADDITIONALLY, WE RECENTLY CONDUCTED A JOINT NEEDS ASSESSMENT IN COLLABORATION WITH THE CONVENTION SECRETARIAT OF THE FCTC AND WHO/PAHO TO ALLOW US TO IDENTIFY AND ADDRESS THE GAPS TO EFFECTIVE IMPLEMENTATION OF THE FCTC.

JAMAICA, WITH YOUR SUPPORT, IS NOW POSITIONED TO FULLY COMPLY WITH THE FCTC.

LET ME TAKE THIS OPPORTUNITY TO THANK THE MISSION TEAM FROM THE CONVENTION SECRETARIAT OF THE FCTC AND WHO/PAHO LED BY DR. TIBOR SZILAGYI FOR A JOB WELL DONE.

IN VIEW OF THE GAPS IDENTIFIED AND IN KEEPING WITH THE RECOMMENDATIONS MADE FROM THE NEEDS ASSESSMENT, AND THROUGH SUPPORT FROM THE CONVENTION SECRETARIAT:

- WE RECENTLY ENGAGED DR. CORNE VAN WALBEEK, INTERNATIONALLY RENOWNED TOBACCO TAX SPECIALIST, TO UNDERTAKE AN ECONOMIC IMPACT STUDY, TO ASSESS THE ECONOMICS OF TOBACCO CONTROL IN JAMAICA. DR. WALBEEK UNDERTOOK A SIMILAR STUDY IN JAMAICA IN 2005 IN WHICH HE ANALYZED THE EXCISE TAX SYSTEM ON TOBACCO PRODUCTS IN JAMAICA. THE REPORT WAS WELL RECEIVED AND INFORMED POLICY FOR A NUMBER OF YEARS. THE RECENTLY UPDATED STUDY WILL FURTHER GUIDE NATIONAL TOBACCO CONTROL POLICIES IN OBSERVANCE OF JAMAICA'S OBLIGATIONS UNDER ARTICLE 6 (PRICE AND TAX MEASURES TO REDUCE THE DEMAND FOR TOBACCO).
- BASED ON ANOTHER RECOMMENDATION OUTLINED, IN A FEW DAYS WE WILL BE HOSTING A STAKEHOLDERS MEETING TO DISSEMINATE AND DISCUSS THE NEEDS ASSESSMENT REPORT WITH THE AIM OF GAINING STAKEHOLDERS COMMITMENT TO ADDRESSING THE GAPS IDENTIFIED.

LADIES AND GENTLEMEN, IT IS UNDENIABLE THAT MOVING THE AGENDA OF FCTC IMPLEMENTATION FORWARD AMIDST CHALLENGING CONDITIONS CERTAINLY REQUIRES **UNWAVERING, COMMITTED AND STRONG LEADERSHIP AND STEADFAST MINISTERIAL INTERVENTION.**

MOVING THE AGENDA OF THE FCTC IMPLEMENTATION FORWARD ALSO REQUIRES **PASSION AND THE DETERMINATION TO BE RESOLUTE IN THE FACE OF THE CHALLENGES.** AS JAMAICA'S MINISTER OF HEALTH, I REMAIN COMMITTED AND RESOLUTE TO ADVANCE THIS AGENDA FORWARD.

THANK YOU