

CHAPTER 1

INTRODUCTION

Tobacco epidemic has been a rising problem in global scale since the early 2000s. Not only creating major loss in the society, tobacco epidemic also causes several cross-border impacts. The WHO established the Framework Convention on Tobacco Control (FCTC) to reduce the prevalence of tobacco use. Bangladesh, as one of developing countries where tobacco is highly consumed, is one of the first countries who ratified the WHO FCTC. Concerning on that, this research will analyze on the reasons of Bangladesh ratification towards the WHO Framework Convention on Tobacco Control. The first chapter will consist of the background of the problem, purpose of writing, research question, theoretical framework, hypothesis, method of research, scope of research and the organization of writing.

A. Background

The increasing number of people who died because of Non-Communicable Diseases (NCDs) has become a big issue in global scale. Tobacco-use has become one of the four behavioral risk factors that potentially cause economic transition, rapid urbanization and 21st century lifestyles beside unhealthy diet, insufficient physical activity and the alcohol use.¹ The loss from cigarette reaches US\$ 200 million each year and the number of mortality by diseases caused by smoking keeps increasing.² Tobacco use as one of the leading cause of death in the world has not only created health problems but also

¹ WHO. (2011). *Global Status Report on Non- Communicable Diseases 2010*: WHO Library Cataloguing –in- Publication- Data.

² Buku Profil Tembakau Indonesia. 2009: Tobacco Control Center Ikatan Ahli Kesehatan Masyarakat Indonesia retrieved from http://www.ino.searo.who.int/LinkFiles/Tobacco_Initiative_Bab_5-

economical and social problems. Apparently, the negative impact of tobacco is higher in developing countries rather than in the developed ones.

Tobacco consumption in developing countries is increasing by 3.4% per year. The World Health Organization (WHO) has estimated that about 5.4 million people in the world died from tobacco-related illness in 2006 and has predicted that it will increase to more than eight million by 2030 in which 80 percent of it will occur in low-income countries.³ Compared to other causes of death, smoking kills more people than alcohol, HIV/ AIDS, car crashes, illegal drugs, murders and suicides combined while tobacco can cause higher number of death of those who are smokers and also the secondhand smokers or also called passive smoker. However, tobacco use is proven as the most avoidable cause of death in the world.⁴ To overcome the tobacco problems and minimize the impact of tobacco in the society, the World Health Organization (WHO) has established an international framework convention concerning on controlling the tobacco use in 2003 called Framework Convention on Tobacco Control (FCTC). FCTC is an international regime which arranges a set of rules to be followed by the member countries and aims at reducing the bad effect of tobacco by enforcing the member countries to reduce the demand and the use of tobacco products. There are three main requirements under that FCTC that should be implemented by the member countries. Firstly, member countries should control the tobacco consumption by controlling mechanism on price, tax, advertisement, sponsorship and promotion of tobacco products. Secondly, member countries should put the health warning label

³ Action on Smoking and Health. 2009. *Tobacco and the Developing World*. Retrieved from http://ash.org.uk/files/documents/ASH_126.pdf on June 17, 2014.

⁴ *The World Health Organization. The Framework Convention on Tobacco Control: Use on Health and Socie*

in the package of the cigarette. Lastly, member countries should regulate the sale of tobacco to the minor.⁵ As the application of these regulations, there are six measurements to guide member countries in the FCTC implementation which is known as MPOWER.⁶ It consists of:

- a. Monitoring tobacco use and prevention policies,
- b. Protecting people from tobacco smoke,
- c. Offering help to quit tobacco use,
- d. Warning about the dangers of tobacco,
- e. Enforcing bans on tobacco advertising, promotion and sponsorship,
- f. Raising taxes on tobacco.

Developing countries have been the most affected parties of the tobacco problems. As the consequence, tobacco-related problems are seen crucial for developing countries to deal with. FCTC has been adopted by most of the world countries today. There are 179 countries all over the world who are the parties of FCTC⁷ and it leaves only few number of countries who have yet to ratify the FCTC in which most of them are developing or middle and low-income countries.

Bangladeh is considered as world's middle income country. It is also one of world's largest tobacco consuming country and the population is suffering from bad impacts from tobacco consumption. In social aspect, smoking has also become part of its population's prevalent habit and even culture. Economically,

⁵ SEATCA. 2008. *Status of Tobacco Use and Its Control*. Indonesia Report Card.

⁶ MPOWER in Action: Defeating the Global Tobacco Epidemic by WHO retrieved from http://www.who.int/tobacco/mpower/publications/mpower_2013.pdf?ua=1

⁷ Parties to the WHO Framework Convention on Tobacco Control retrieved from http://www.who.int/fctc/signatories_parties/en/ on September 12, 2014

Bangladesh receives some contribution on its national income from the tobacco industry.

In Bangladesh, 58 percent of male and 29 percent of female are smokers. In 2007, 6.9 percent youth in school consumed tobacco product and 2 percent were smoking cigarette. Data reveal that more than 95,000 Bangladeshi die each year from tobacco-related illnesses and 1.2 million cases are also tobacco-related.⁸ The secondhand-smokers both in public and in home are also high. It reaches 42 percent of youth and 63 percent of adults who are exposed by cigarette smoke in public place and 35 percent of youth are exposed to secondhand smoke at home.⁹

As the consequence of high consumption of tobacco, some costs have to be paid to cover the health care. In Bangladesh, the high rate of tobacco use has caused early death and high health care costs due to the fact that there are about 1.2 million cases of lung cancer, cerebro-vascular disease, coronary artery disease, chronic obstructive disease and other tobacco-related diseases which made up economic cost over 3 percent of Gross Domestic Product (GDP) in 2004. Treatment for diseases caused by smoking can cost 51 billion taka (1 taka = 0.013 US Dollar) and the smoking-attributable cost productivity was 59 billion taka.¹⁰

Not only affecting health matter, tobacco also affects the economy and social aspect in Bangladesh through the role of tobacco industries. In Bangladesh, there are about 15 local companies in the cigarette market in which British American Tobacco Bangladesh (BATB) owns up to 44 percent of the controlling share in 2001. In 1998, BATB reported a contribution of approximately \$15.9

⁸ Global Epidemic: Bangladesh. (2013). Retrieved from http://global.tobaccofreekids.org/en/global_epidemic/bangladesh/ on June 19, 2014.

⁹ Second-hand Smokers in Bangladesh retrieved from

million of pre-tax profits.¹¹ The cheap price of tobacco product in Bangladesh makes it affordable for smokers to purchase one.

Tobacco also affects Bangladesh in its social and cultural aspect. Bangladesh is agricultural-based country. Over 70 percent of Bangladesh population is dependent on farming which makes up 23 percent of GDP.¹² Tobacco cultivation has been increasing in some parts of the country. Tobacco leaves were produced up to 36,755 metric tons in 2000 until 2001 and it was proven that tobacco has been what many Bangladeshi farmers rely on and of course there is also intervention and support by the foreign tobacco companies. Tobacco leaves are produced in last ten years between 36,755 metric tons in 2000-01 to 40,272 metric tons.¹³ Tobacco companies also provide farmers frepe seeds, fertilizer and insecticided in order to maintain their existence.¹⁴

As an agricultural-based country which is actually potential to develop tobacco farming and industry, Bangladesh has shown its commitment on tobacco control. Bangladesh was one of the first signatories of FCTC who ratified the framework convention in 2004 which was exactly one year after it was established in 2003. In the following year, Bangladesh established the Smoking and Tobacco Products Uses (Control) Act 2005 then strengthened the FCTC implementation through an amendment version in 2013.¹⁵

Concerning on the fact that Bangladesh as one of the large tobacco consuming countries and an agricultural country which has the potential to grow

¹¹ Efrogmson, Debra, etc. (2001). *Hungry for Tobacco: An Analysis of Economic Impact of Tobacco Consumption on the Poor in Bangladesh*

¹² Akhter, Farida. (2011). *Tobacco Cultivation and its Impact on Food Production in Bangladesh*. Dhaka.

¹³ BBS. (2009). *Statistical Yearbook of Bangladesh*.

¹⁴ *Bangladesh: Growing Interest in Tobacco Farming by Humanitarian News and Analysis*.

¹⁵ *Global Adult Tobacco Survey: Bangladesh Report 2009* released by the Ministry of Health and

tobacco, this research will seek for the reasons why Bangladesh has ratified the WHO Framework Convention on Tobacco Control (FCTC) and can implement the FCTC rules and regulations.

B. Purpose of Writing

1. As the requirement of the writing thesis for achieving the Bachelor of International Relations.
2. To explain the problem of tobacco control in Bangladesh.
3. As media to see the importance of tobacco control in Bangladesh.
4. To look for the factors which influence the government of Bangladesh to ratify the WHO FCTC.
5. To understand the legislation process of the WHO FCTC in Bangladesh domestic law.

C. Research Question

From the background of the research above, there is a question to be answered in this research which is “Why did Bangladesh ratify the WHO Framework Convention on Tobacco Control (FCTC)?”.

D. Theoretical Framework

In every research, a theoretical framework is needed as the tool to build an analysis in order to solve the problem proposed in the research question of the research. The theoretical framework is a foundation for the parameters, or boundaries, of a study. It helps the researcher assessing and defining his goals,

1. to state a relevant research question, select appropriate methods and identify the

threat in constructing conclusion.¹⁶ Conceptual and theoretical frameworks are the cognitive tools needed to make assertions and supporting knowledge claims, and guide the profession toward action.¹⁷ For answering the research question, the writer would like to use two theories and a framework in International Relations as the tool of analysis.

i. Theory of International Regimes

Theory of International Regimes will best explain about Bangladesh's behavior in responding the need to ratify the WHO Framework Convention on Tobacco Control (FCTC). Theory of International Regimes is developed by Stephen D. Krasner. According to Krasner (1983), international regime is:

“...a set of explicit or implicit principles, norms, rules and decision making procedures around which actors' expectations converge in a given issue-area of international relations. Principles are beliefs of fact, causation and rectitude. Norms and standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions of action. Decision making procedures are prevailing practices for making and implementing collective choice.”¹⁸

From Krasner's definition of international regime, it is understood that the norms set by the regime lead to the state's behavior. In neo-liberal institutionalism perspective, regimes are tools that help states to reach specific agreements by reducing transaction costs, improving information, and raising the cost of violation (Keohane, 1984). Keohane argues that in order to see whether the rules established by international regimes are followed, states should be observed when it is convenient for them to comply with the given rules and regulation.¹⁹

¹⁶ Maxwell, Joseph. A. 2013. *Qualitative Research Design: An Interactive Approach*. Sage Publication Inc.

¹⁷ Rojewski, J. W. 2000. Preparing the Workforce of Tomorrow: A Conceptual Framework for Career and Technical Education. *Journal of Vocational Education Research*, p. 27.

¹⁸ Hasenclever, Andrean, Peter Meyer and Volker Rittberger. *Theory of International Regimes*; Cambridge University Press.

Bangladesh's response towards the WHO Framework Convention on Tobacco Control (FCTC) is a good example to understand the implementation of Theory of International Regimes in the field of International Relations. As regimes guide countries to behave in a given situation and regulation, country such as Bangladesh has the possibility whether it would follow and commit to the regime or not. Obviously, the rules and regulations set by the regime would influence countries in making decisions. Countries will tend to adapt the rules and regulations with the country's situation. There must be reasons why then Bangladesh decides to ratify the FCTC since the early age of the establishment of the regime. How the principles, norms, rules and decision making procedures set in the FCTC will influence how countries will behave, whether they will follow and commit to them or not and whether the situation in the country can accept them.

ii. Regime Dynamics in A Post Agreement Negotiation Framework

To have better understanding on how international regime can work and be implemented by a country in its public policy, the writer will use a theoretical framework on regime dynamics in a post-agreement negotiation. In Bertram Spector and William Zartman's book entitled *Getting It Done* (2003), they introduce what the so called Regime Dynamics in A Post Agreement Negotiation Framework. This negotiation framework will show how an international regime can affect a country's policy. In other words, this negotiation framework will show how a domestic policy can comply with the rules and regulations stated under an international regime. The Regime Dynamics in A Post Agreement Negotiation

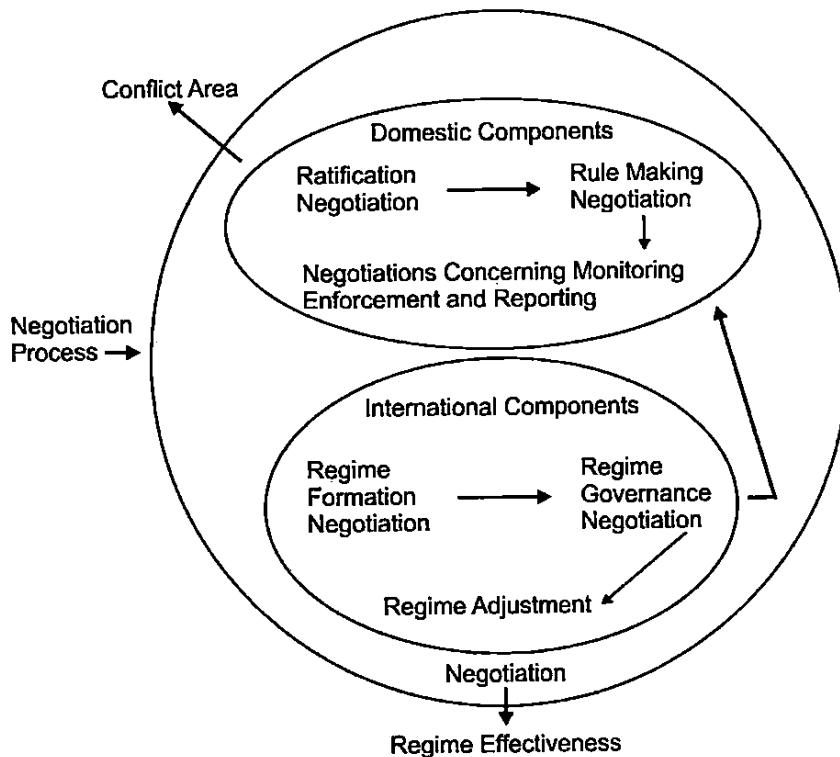


Figure 1.1: Regime Dynamics in A Post Agreement Negotiation Framework

Source: *Post Agreement Negotiation and International Regime* by Bertram Spector and William Zartman (2003)

According to Spector and Zartman, regimes are recursive negotiations and not merely one-off settlements that turn next to ratification. The process building negotiation of a regime consists of two components which are negotiation process in international and national level. Negotiation process in international level refers to the regime making process while negotiation national level focuses on the ratification process, the making of political product and laws related to the ratification, and the implementation of what is agreed in the negotiation.²⁰ Negotiation of a regime can effectively solve a problem when that negotiation can

²⁰ Spector, Bertram and William Zartman. 2003. *Post Agreement Negotiation and International Regime: Getting It Done*. Washington DC,USIP. Page 63.

give enough space for the negotiation actors to explore the alternatives to solve problems comprehensively through the process of negotiation of regime.

From figure 1.1 above, it can be understood that when all the international components are fulfilled and has successfully produced an international regime, that negotiation process in international level should also be linked to the negotiation process in the domestic level. The importance of an international level is on the feasibility of implementation in national level. Once international regime is produced, it should be connected to the domestic level to enhance its effectiveness. In this level, countries may accept the regime then proceed to the ratification process or reject the regime. To make such decision, there should be a legislation process done by the national government in which many interests may involve. This clash of interests makes domestic components of regime dynamics in a post agreement negotiation framework is more conflictual than the international components. Therefore, international regime should elaborate the political, social and economy situation of the domestic area to ensure the feasibility of implementation in national level. Negotiation in national level is more complicated because the process is not only signing and ratifying the regime, but it should be followed by rule making process and the monitoring, enforcement and reporting process. How smooth those processes could run in the national level and how the national and international components of the regime could integrate can be a measure of the regime effectiveness.

In the WHO FCTC context, there was a process of negotiation during the formation and establishment process in the beginning. It was begun by the negotiation among the world's ministries of health in the World Health Assembly

which then the discussion was brought to the World Health Organization (WHO) meeting. After going through all the negotiation process, finally, FCTC was established formally as an international regime focuses on public health matter on tobacco control in 2003 and ready for signatory and ratification process. Once it is established, it requires the acceptance and ratification by at least 40 countries which then become the parties of the regime. After the regulations are formed and negotiated in international level, then the regime should be brought to the domestic level and gives the chance for the government of a country to conduct the negotiation on whether or not that country would ratify the regime.

Bangladesh was one of the signatories of the FCTC. It ratified the FCTC in 2004 which was the year for signatory.²¹ There must be a process of negotiation in Bangladesh legislation body before it decided to ratify the FCTC. Some factors such as political, economy and social situations may become its considerations during the process of FCTC ratification as well as rule making negotiation in Bangladesh. Using a theoretical framework on regime dynamic in a post-agreement negotiation by Spector and Zartman, the negotiation process of FCTC in international level and Bangladesh's FCTC ratification in national level will be analyzed in this research. The negotiation process of the FCTC in international level and in Bangladesh domestic level can be illustrated by the framework below.

²¹ D. ... Global Tobacco Demand 2012 retrieved from www.globaltobaccofacts.org

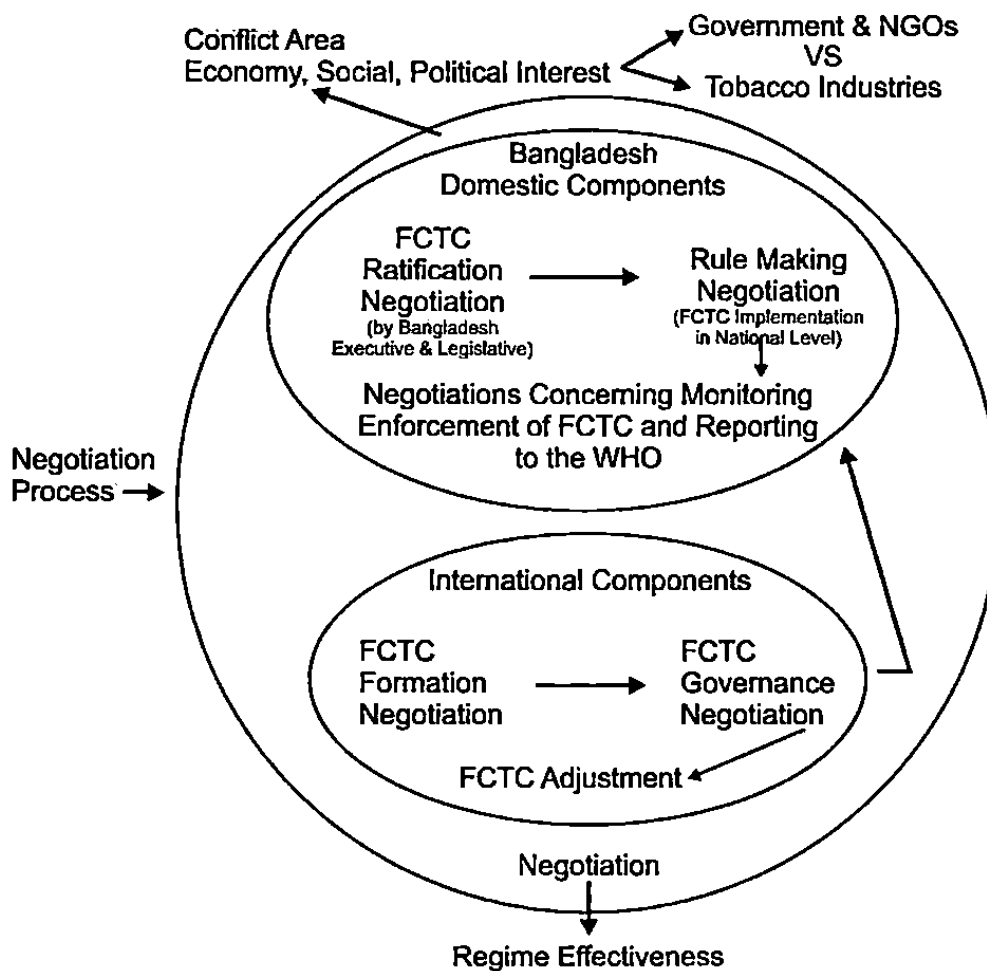


Figure 1.2: FCTC Regime Dynamics in A Post Agreement Negotiation in Bangladesh

iii. Theory of Compliance and Post-Agreement Bargaining

The third theory called compliance and post-agreement bargaining will be added as the theoretical framework of this research to bring more understanding why a country complies to an international regime. According to Christer Jonson and Jonas Tallberg in their journal of International Relations entitled *Compliance and Post-Agreement Bargaining*, the effectiveness of the negotiation of a regime depends on the compliance built in the negotiation process. The higher the compliance is, the more effective the regime will be. In theory of compliance

called *enforcement school* and *management school*.²² The idea of compliance under *enforcement school* emphasizes that compliance to a regime occurs through an international legislation process which gives some space to the third parties to monitor and force the actors of negotiation to comply and implement the result of negotiation by giving reward and punishment. According to this school of compliance, there is an incentive given to states who comply to the regime. States will gain more benefits from the cooperation held under the agreement compared to what they should spend. In consequence, since there is incentive given, enforcement and punishment also exist within the agreement between the regime and the parties.

Unlike the *enforcement school* of compliance, *management school* emphasizes on to the roadmap making of the regime implementation which should be measureable, clearly structured and well systemized. According to this thought, when the baseline and benchmark of a regime is clear, the negotiation within the regime can be more effective. This school of thought has three main ideas about compliance to an international regime. Those are:

1. Compliance with international agreement is generally quiet good. In fact, in international relations, states do not always perform their commitments.
2. High level of compliance is achieved in the absence of enforcement. Quoting from Chayes (1995), "sanctioning authority is rarely granted by treaty, rarely used when granted, and likely to be ineffective when used."

²² Jönsson, Christer and Jonas Tallberg. 1998. *Compliance and Post-Agreement Bargaining*.

3. If a compliance constitutes a problem, a management would be better than an enforcement problem. Management school argues that non-compliance does not mean a violence towards an agreement yet it might happen because of treaty ambiguity, capacity limitation or unexpected economic and social problem.

Using the compliance theory, Bangladesh's compliance to the FCTC will be analyzed further to get the comprehensive idea on how FCTC, as an international regime, could be complied and be implemented by a country so that the core problem of this research can be completely answered. The finding on whether the compliance is based on the enforcement or management school will add the explanation on why Bangladesh ratified the FCTC and why FCTC is applicable in Bangladesh.

E. Hypothesis

Bangladesh ratified and implemented the FCTC because political, social and economy situation in Bangladesh supported the process of negotiation to ratify the FCTC and proceed to the level of rule making. The negotiation process of FCTC in the domestic level is less conflictual. Once FCTC is established, there is demand by the people of Bangladesh to ratify the FCTC which is then accomodated by the legislation process.

Bangladesh's compliance to the FCTC is based on the *enforcement* school of compliance because there is incentive given to Bangladesh and it is more

F. Method of Research

This research uses deductive method, which is a general-to-specific method, for the writing is addressing the issue of Bangladesh ratification towards the WHO Framework Convention on Tobacco Control. It is based on the theoretical framework that is pulled to a hypothetical conclusion which is proven through empirical available data.

The method of collecting the data is library research supported by printed media like books, magazines, newspaper, journal, report of many sources and also electronic media, especially internet in which the data become secondary sources. Those data will be analyzed within the theoretical frameworks that are determined before to prove that the hypothesis is accurate and finally is able to answer the research question.

G. Scope of Research

The scope of research is used to limit the focus of the research that would be discussed. This research is limited to the negotiation and ratification process of Bangladesh in response to the formation and establishment of the WHO Framework Convention on Tobacco Control (FCTC). The period limitation starts from the year of 2003 when the FCTC was established until 2004 when Bangladesh ratified the FCTC. However, in order to provide comprehensive information about FCTC, the writer will also include the process of FCTC formation in the writing which starts in 1990s.

H. Organization of Writing

In writing this research analysis, the writer would like to divide the topics into chapters in order to answer the stated core problem. The chapters in this

writing will involve a united structured topic. The organization of writing of this research would be as follows:

Chapter 1: The first chapter will be an introductory part of this undergraduate thesis. It will begin with (a) Background of the problem; (b) Purpose of Writing; (c) Research Question which is the core problem of the research; (d) Theoretical Framework for defining the issues and pull the framework to systematic arrangement data; (e) Hypothesis as temporary consideration or assumption; (f) the Methodology of Research; (g) the Scope of Research which will limit the focus of the research and (h) the Organization of Writing.

Chapter 2: In the second chapter of this undergraduate thesis, the writer will explain about Framework Convention on Tobacco Control (FCTC) as an international regime under the United Nation's World Health Organization including the establishment process, the rules and regulations set by the regime, the member countries and how it is implemented starting from a description on global tobacco epidemic as the background of the creation of the convention. The writer will also emphasize on the importance of ratifying the FCTC and how it will affect the parties of the regime. The FCTC was established as an international regime to deal with the problems caused by tobacco use which increasingly affect the society worldwide. FCTC aims at controlling and reducing the tobacco use so that the rate of mortality and illness related to tobacco can be decreased.

Chapter 3: In chapter 3, the writer will explain the tobacco problems as well as the efforts on tobacco control in Bangladesh. Data and information related

to tobacco in Bangladesh will be comprehensively provided in the third chapter

Therefore, it will be easier to capture the position of Bangladesh in response to the WHO FCTC.

Chapter 4: After getting the idea on tobacco-related problems and tobacco control in Bangladesh, then the analysis will be written in the fourth chapter. By having data and information in the previous chapter, the writer will construct an analysis and will find the answer of the core problem on why Bangladesh has ratified the FCTC by applying the theories which have been written in the theoretical framework section.

Chapter 5: In the last chapter of this undergraduate thesis, there will be a conclusion and closing which will be constructed by the data and ideas in the previous chapters. The writer will sum up the result of analyzing the factors and situation in Bangladesh as well as the negotiation process which support the