



Theme:

**The Way Forward Regarding
Tobacco in Zambia**

2017 FCTC Essay Competition



**A Compendium of
15 Select Essays**

Organised by Beyond Research Limited

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BACKGROUND

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In November 2017, Beyond Research organised an essay competition for tertiary students in Zambia. This publication contains fifteen (15) select entries of the competition including the top 3 essays. Below is an excerpt from the essay question that the students responded to:

The 21st of May 2003 was a historic day for global public health. At the 56th World Health Organisation (WHO) Assembly, 192 member states of the United Nations unanimously adopted the world's first public health treaty – the WHO Framework Convention on Tobacco Control (FCTC). The FCTC came into force on 27th February 2005. It is an evidence-based treaty that reaffirms the right of all people to the highest standard of health.

The FCTC requires states parties to adopt and implement tobacco control measures aimed at reducing the demand and supply of tobacco use, as well as protecting the environment from harmful substances. In place of tobacco, the FCTC proposes the use of other alternative viable activities to grow national economies.

Zambia acceded to the FCTC on 23rd May 2008 and since then, the Ministry of Health has pursued the implementation of the FCTC principles. However, according to the Seventh National Development Plan (SNDP 2017 – 2021) of Zambia, “tobacco production is a very lucrative investment opportunity because it is 7.5 times more profitable per hectare than maize production and 14 times more profitable than cotton. Thus, it has great potential to contribute to the growth of the economy through employment and wealth creation.”

Zambia is therefore at a crucial crossroad: should it respect its international obligations under the FCTC and limit tobacco growing, production and consumption; or should it promote these and grow its economy in line with the SNDP? Which route should Zambia take and why?

The essays are herein reproduced verbatim, except for minor corrections with regard to grammar, spellings and format. It is our earnest hope and trust that the students' opinions and recommendations add value to the current on-going debate on this highly pertinent subject of national and regional interest.

Sincerely,
Lungowe

The authors of the select 15 essays (in alphabetical order) are:

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The winners of the 2017 FCTC Competition were:



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Public Health

THE WAY FORWARD REGARDING TOBACCO IN ZAMBIA

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WINNER

1. Introduction

- 1.1 Tobacco is one of the leading cash crops in Zambia's agricultural sector whose production has a significant impact on the Gross Domestic Product (GDP) of the country. The purpose of this essay is to discuss the way forward regarding tobacco in Zambia with respect to Zambia's international obligations under the World Health Organisation Framework Convention on Tobacco Control (the WHO FCTC) and the Seventh National Development Plan 2017-2021 (the SNDP).

2. The Way Forward Regarding Tobacco In Zambia

Economic Benefits of Tobacco Production

- 2.1 In recent years, Zambia has made significant improvements in exporting tobacco which in turn has brought about economic development. For instance, statistics indicate that in the first quarter of 2017, Zambia's total trade on exports and imports increased to US\$3.79 billion from US\$3.24 billion in the corresponding period in 2016.¹ The improvement in trade has been attributed to the increase in both export and import performance. The Bank of Zambia has since indicated that the exports rebounded due to higher copper exports and non-traditional exports such as sugars and confectionery; and tobacco and manufactured tobacco products. For example, exports to China increased by 9.1 per cent to US\$334.2 million from US\$306.2 million on account of a surge in tobacco and tobacco manufactured products.²
- 2.2 With such positive economic development, it is not surprising that the government has intimated to come up with developmental strategies and policies to invest in the production of tobacco. Furthermore, the Minister of Agriculture has recently stated that the country is likely to lose about US\$100 million in export earnings due to the drastic reduction in tobacco production from 45 million kilogrammes in 2013 to 22 million kilogrammes in 2017. The Minister went on to say that tobacco remains one of key strategic crops whose relevance to Zambia's social and economic growth cannot be overemphasized and any further reduction in its production will cripple the much-needed tax base for the country.³
- 2.3 It is evident that tobacco is a lucrative and good crop for investment opportunities which is 7.5 times more profitable per hectare than maize production and 14 times more profitable than cotton.⁴ Consequently, an increase in the production of tobacco no doubt brings about economic diversification and job creation; poverty and vulnerability reduction; reduced developmental inequalities; enhanced human development; and an enhanced governance environment for a diversified and inclusive economy. Therefore, an outright reduction of its production would greatly have a negative impact on the country's GDP and in turn can be detrimental to the country's economy growth.⁵

¹Bank of Zambia, Zambia Direction of Trade Report (First Quarter 2017)

²Bank of Zambia, Zambia Direction of Trade Report (First Quarter 2017)

³Mwansa, "Zambia loses \$100 million from tobacco." Zambia Daily Mail Ltd, June 23, 2017, accessed on November 16, 2017, <http://www.daily-mail.co.zm/zambia-loses-100-million-from-tobacco>

⁴The Seventh National Development Plan 2017-2021, p. 137

⁵Goma, F, J Drope, R Zulu, Q Li, G Chelwa, J Banda. *The Economics of Tobacco Farming in Zambia*. (Lusaka: University of Zambia School of Medicine and Atlanta: American Cancer Society, 2015) p.2

- 2.4 In view of the foregoing, Zambia can be justified to follow the SNDP especially that it aspires to be a developed middle-income nation.

Zambia's Legal Framework

- 2.5 Zambia being a dualist state, sections 2 and 12 of the Ratification of International Agreements Act⁶ provides that international instruments have no legal effect until upon domestication. In *Zambia Sugar Plc. v Fellow Nanzaluka*⁷ the Supreme Court held that international instruments on any law although ratified or acceded to by the state cannot be applied unless they are domesticated. Accordingly, to the extent that Zambia has merely acceded to the WHO FCTC and not domesticated it into its national laws, the provisions of the SNDP should prevail over the obligations under the WHO FCTC.
- 2.6 However, Article 26 of the *Vienna Convention on Law of Treaties* (“VCLT”) (1969) provides that “every treaty in force is binding upon the parties to it and must be performed by them in good faith.” Further, Article 27 of the VCLT provides that “a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.” In view of the preceding provisions, one may argue that notwithstanding the argument in paragraph 2.5 above, Zambia being a state party to the WHO FCTC is compelled under Article 5 (3) to set and implement public health policies that are intended to enforce tobacco controls and to guard against commercial and other vested interests of the tobacco industry in accordance with national law. Nonetheless, a close assessment of the WHO FCTC reveals that in implementing the obligations under it, Zambia as a state member is permitted to do so taking into account economic considerations.⁸
- 2.7 *Article 10 of the Constitution*⁹ provides that “the Government shall create an economic environment which encourages individual initiative and self-reliance among the people, so as to promote investment, employment and wealth.” In view of the foregoing, the Constitution being the supreme law of the land in this country, its provisions prevails over the obligations of WHO FCTC.¹⁰ To this effect, if Zambia looks at tobacco as an avenue which can be used in performing its constitutional mandate under Article 10 of the Constitution. The SNDP whose provision seems to be in line with the spirit of the Constitution should prevail over the obligations of the WHO FCTC.
- 2.8 Further, Zambia has the *Tobacco Act*¹¹ which provides for the promotion, control and regulation of the production, marketing and packing of tobacco in the Republic and any incidental matters concerning tobacco production. This shows that currently the legal framework does in fact put certain measures in place that speaks to the obligations of the WHO FCTC. Therefore, the increase in production of tobacco would merely demand more regulations which may still achieve the similar provisions of the WHO FCTC rather than completely foregoing an avenue which has proven to be beneficial to the nation. In as much as the government has a commitment to this international treaty, it also has a commitment to provide mechanisms that bring about economic development for the Zambian people as provided for in Article 10 of the Constitution.

⁶Act No. 34 of 2016 of the Laws of Zambia.

⁷S.C.Z Appeal No. 82 of 2001.

⁸In the preamble of World Health Organisation Framework Convention on Tobacco Control

⁹The Constitution of the Republic of Zambia, Chapter 1 of the Laws of Zambia as amended by the Constitution (Amendment) Act No. 2 of the Laws of Zambia

¹⁰The Constitution of the Republic of Zambia, Chapter 1 of the Laws of Zambia as amended by the Constitution (Amendment) Act No. 2 of the Laws of Zambia, Article 1(1).

¹¹Chapter 237 of the Laws of Zambia

3. Conclusion

- 3.1 In conclusion, the way forward is that notwithstanding that Zambia is bound by the obligations under the WHO FCTC, the implementation of the said obligations is to be done in accordance with Zambia's economic considerations and legal framework. In view of the analysis above, it appears that Zambia can take the route as inscribed in the SNDP and implement the policy.
- 3.2 Alternatively, and in the very worst-case scenario, Zambia can in fact withdraw from the instrument itself as provided for under Article 31 of the WHO FCTC. This can be done with caution and upon evaluating the consequences for such withdrawal which in most cases goes to withdrawal of donor funding.

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The Ratification of International Agreements Act No. 34 of 2016 of the Laws of Zambia

The Tobacco Act, Chapter 237 of the Laws of Zambia

Policies, Articles, Reports and International Instruments

The Seventh National Development Plan 2017-2021

The Bank of Zambia, Zambia Direction of Trade Report (First Quarter 2017)

The World Health Organisation Framework Convention on Tobacco Control

Goma, F, J Drope, R Zulu, Q Li, G Chelwa, J Banda. *The Economics of Tobacco Farming in Zambia*. Lusaka: University of Zambia School of Medicine and Atlanta: American Cancer Society, 2015

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Zambia Sugar Plc. v Fellow Nanzaluka S.C.Z Appeal No. 82 of 2001

WAY FORWARD FOR ZAMBIA REGARDING THE GROWTH, PRODUCTION AND CONSUMPTION OF TOBACCO

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Introduction

The essence of this paper is to determine which route Zambia should take in relation to tobacco growth, production and consumption; whether it should respect its international obligations under the World Health Organisation Framework Convention on Tobacco Control (FCTC) and limit the growth, production and consumption of Tobacco or whether it should promote these and grow its economy in line with the Seventh National Development Plan (SNDP). To achieve this, the paper will begin by giving a preview of the salient provisions of the FCTC in relation to the question, thereafter; it will analyze the relevant section of the SNDP. The paper will then state which route Zambia should take and explain the reasons why. Lastly, a concise conclusion will be given to close the paper.

The World Health Organisation Framework Convention on Tobacco Control (FCTC)

The main objective of the FCTC is to give priority to people's health through advocacy for reduced tobacco growth, production and consumption. To achieve this end, the convention ensures under A.5 that parties to the convention take into account ways and means to foster low tobacco growth, production and consumption through mutual agreements with other states that are part of the convention. Furthermore, A.6 advocates for an increase in the price of tobacco in order to reduce its consumption.

In a bid to adequately sensitise citizens of the member states, the convention under A.8 highlights the aversive health effects of tobacco and to this end, acts as a deterrence measure so as to protect the health interests of the citizens of each member state. More stringently, A.10 requires manufacturers and importers to disclose to the government the contents and emissions of the tobacco products. Of importance, A13 provides for a comprehensive ban on sponsorship, advertising and promotion of all tobacco products in order to reduce its consumption. Additionally, A.15 strongly provides for the control of illicit trading of tobacco (smuggling, illicit manufacturing and counterfeiting). In line with this, A.16 (3) echoes the prohibition of sale of cigarettes to minors: children. Nonetheless, this provision is yet to be achieved because cigarettes are evidently sold to minors throughout the nation. This is precipitated by the fact that these cigarettes are repackaged which makes it easy for them to be sold to anyone by retailers.

Importantly, A.17 advocates for alternative activities for tobacco growers. This is in a bid as per A.19 to protect the environment and persons that are most likely to be affected by the negative effects of tobacco. And to strengthen this, A.21 provides that periodic reports on the implementation of this convention are given.

The Seventh National Development Plan (SNDP)

The SNDP whose aim is to accelerate development efforts towards vision 2030 without leaving anyone behind recognizes under the 8th national long-term project the development of the Tobacco Industry. As a preamble, it clearly states that tobacco is a very lucrative investment opportunity and is more lucrative per hectare than other crops such as maize and cotton. Further, it has great potential to contribute to the growth of our economy through employment

and wealth creation. For this reason, the government has set up various strategic interventions to achieve this project.

It should be noted that Zambia has only acceded to the FCTC therefore, relying on the words of the learned Judge Musumali in the case of *Sarah Longwe v. Intercontinental Hotel*¹, the convention is binding at international level and only of persuasive value locally unless there is no provision in the national law providing for the same. Whereas, the SNDP is only a national policy and has no binding effect. Nonetheless, Zambia has the *Tobacco Act, CAP 237* of the Laws of Zambia which provides in its long title for the promotion, control and regulation of the production, marketing and packaging of Tobacco in the Republic.

Route Zambia Should Take and Why

The question of which way Zambia should follow is based on which path is more advantageous for the nation. It is for this reason that this paper is of the opinion that Zambia should follow its international obligation under the FCTC and limit the growth, production and consumption of tobacco. The reasons why this paper takes on that position are as follows: firstly, knowing fully well the aversive effects of tobacco, it is important to note that good health is at the core of the growth of any economy. This is affirmed by the United Nations Development Programme² which recognizes that human development is about expanding the richness of human life, rather than simply the richness of the economy which human beings live on. Therefore, the obligations under the convention are the best option for the nation as its goal is based on the furtherance of good human health while still recognizing that tobacco is important for medicinal purposes, however, only if produced in a limited quantity.

In line with the foregoing, limiting the growth of tobacco will foster diversification in agriculture and entrepreneurship among the “would have been” tobacco growers. Other forms of agriculture have also proved to be lucrative which if encouraged, can boost the economy and render no negative repercussions as compared to tobacco. These include cash crops such as such as garlic, bamboo, landscaping trees and shrubs, which have proved to be lucrative as well and less harmful to people’s health, unlike tobacco, which, although lucrative, has negative aversive effects on human health. This is supported by a report by T.W Hu, Z Mao and A Yurekli based on the *Economics of Tobacco and health in China*³, in which they noted that “where there is increased tobacco growth, production and consumption, economic gains become less important as the negative health impact of smoking on the population garners more awareness”. And the promotion of increased tobacco growth, production and consumption would leave much to be desired in areas where tobacco is already being abused such as Chibolya, in Lusaka, Chiwempala, Kabuchende in Chingola and other shanty areas around Zambia.

Further, a limit on the growth, production and consumption of tobacco will and does act as an encouragement to smokers that want to quit in order for them to be productive with their lives and in so doing, foster the growth of the economy. This position is precipitated by the fact that where there is a limit on the growth of tobacco as provided for by the convention, then, A.6 will be invoked leading to reduced intake of the substance which if encouraged, is prone to abuse.

Positively, the FCTC clearly spells out health benefits of all its member states that choose to abide by its obligations and it also reminds, as earlier stated, the negative effects of tobacco. And to achieve maximum health standards, recommends under A.21 that reports are made on

the implementation of the convention and this, Zambia, being a member state, has honored and is positively contributing to the growth of the economy. Furthermore, this paper argues that if the growth of tobacco is limited, it will provide an opportunity for those who decide to quit smoking thus saving money. This is hastened by the fact that the less tobacco that will be produced shall only be used for the right purposes such production of medicine. But, the opposite of this, that there will be abuse and lack of proper monetary management due to the abuse is also true.

Advocates for the increased production of tobacco argue that it is necessary for employment and wealth creation (as per the SNDP). However true as that may be, the negative effects of the increased production of tobacco are illness and death which outweigh the very benefit of its increased production. Therefore, allowing the limitation of tobacco growth is the best option for Zambia. In this way, the available product will only be used for the rightful intended purpose, such as in the production of medicine.

Coupled with the foregoing, reduced tobacco growth will foster higher tobacco taxes which can raise revenue. This is evident in A.6 of the FCTC. Therefore, if growth of tobacco is limited, it will positively contribute to the growth of a healthy economy in the nation and the youth and lower income families will benefit disproportionately⁴. Abuse will be less and more income will be brought into the nation.

Conclusion

In as much as the convention advocates for limited growth, production and consumption of tobacco, the Tobacco Act⁵, which is a national legislation and of binding effect supersedes the convention. For this reason, this paper is of the view that the tobacco act should be amended to foster the obligations under the FCTC so as to promote quality health, diversification and entrepreneurship while still recognizing the importance of tobacco to the growth of the economy and its medicinal purpose.

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Tobacco Act Chapter 237 of the Laws of Zambia

THE WAY FORWARD REGARDING TOBACCO IN ZAMBIA

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The Framework Convention on Tobacco Control (FCTC) is comprised of guiding principles of how countries can safe guard public health through reducing production, improving packaging to discourage smoking, reduction in exposure to smoke and educating and training individuals on the effects of tobacco on both the environment and human beings. Zambia acceded to this framework. Zambia needed to ascertain the extent to which the Zambian people will be affected economically and socially, and how the effects of tobacco can be mitigated without having to ratify the FCTC.

Zambia acceded to the Framework Convention on Tobacco Control on the 23rd of May 2008 and this subsequently led to the Ministry of Health pursuing the implementation of the World Health Organisation Framework Convention for Tobacco Control (WHO – FCTC) principles. However, statistics have shown that growing Tobacco has great potential to contribute to the growth of the economy through employment and wealth creation as it is one of the most viable options through which diversification of the economy can be attained as it hugely depends on Copper mining.

Zambia's tobacco industry currently employs more than 550 000 out of the 5 859 225 employed citizens which accounts for 9.4% of the total employees in the country (Namutowe, 2014), (Office, 2016). According to Trading Economics global macro models and analysts expectations (expectations, 2017), unemployment rate in Zambia is expected to rise from 7.53% to 10.60% in 2020. The figures clearly point out that respecting the international obligation under the FCTC and limiting tobacco growing and consumption will result in termination of employment hence increasing the rate of unemployment more than the already anticipated. This will not only affect the economic growth of the country but also starve the citizens who are already hungry; with 60% living in poverty and 40% of children under the age of five stunted, making Zambia the third hungriest nation in the world (Latta, 2017).

Furthermore, Zambia is searching for various means of diversifying its economy as it is faced with declining copper prices and has since focused its energy on agriculture as the economic driver and a means of job creation (Uys, 2016). Tobacco growing on a large scale is one of the solutions and has been identified as the "green gold" (Namutowe, 2014). The impact of respecting the WHO – FCTC principles has already been seen as Zambia is more likely lose about US\$ 100 million in export earnings due to the drastic reduction in tobacco production from 45 million kilograms in 2013 to 22 million kilograms in 2017 (Mwansa, 2017).

Figure 1 below, illustrates Zambia's agricultural products (Agri – foods) imported by the European Union (EU) in the year 2016 (Anon., 2017) and as can be seen, tobacco is the largest contributor to the economy owing to the fact that it's the largest Zambian Agri – food export to the EU. Therefore, Zambia should focus on converting the raw tobacco into finished products as it will increase the financial value.

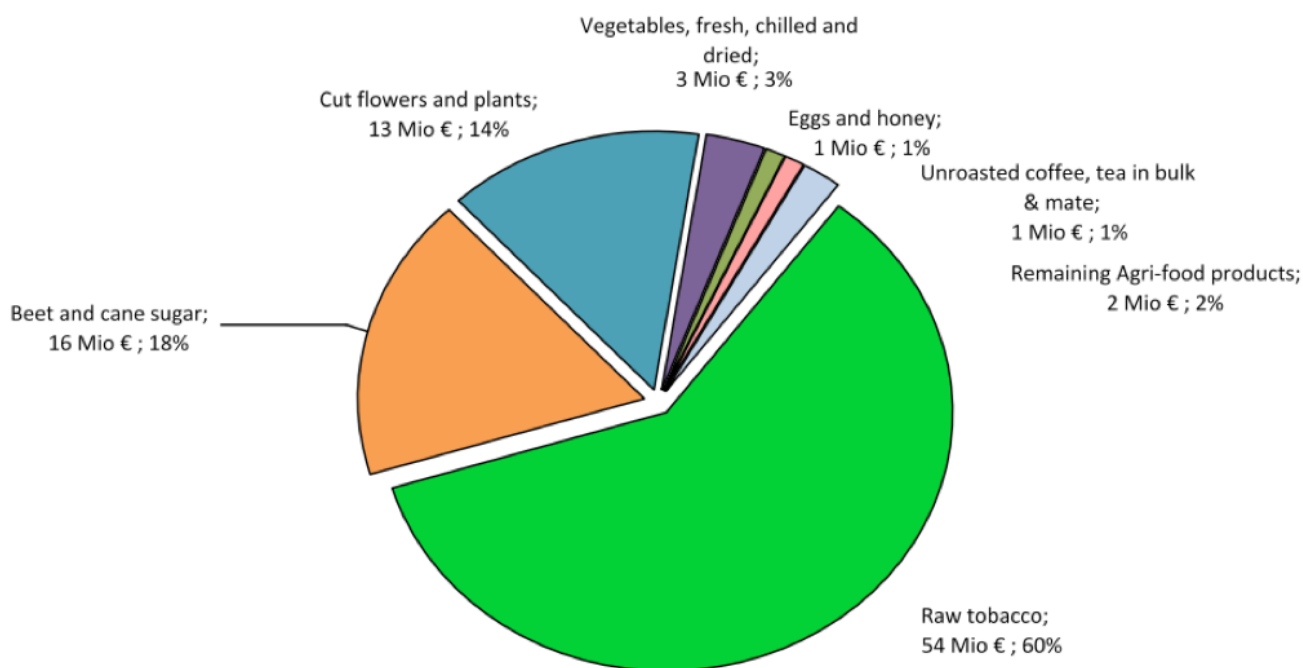


Figure 1: Top EU Agri - foods imports from Zambia (Anon., 2017)

The world's largest producer of tobacco is China while the United States of America (U.S.A) is fourth. Despite China being one of the fore runners in signing the FCTC, it has failed to implement it. This can be attributed to the fact that political leaders in China are more concerned with achieving economic growth and tobacco control is not high on their list of priorities (Hu, 2014).

In certain states of America, Marijuana is legal and in other countries like Jamaica, its smoking is done indiscriminately. The FCTC does not ban smoking but it has provided guidelines on how tobacco production can be reduced. This is hypocrisy on its own. This shows that the WHO acknowledges the role tobacco plays in boosting economies of different countries. The major country funding the WHO is U.S.A (McCarthy, 2016), (Kaiser, 2017) and it is a signatory to the FCTC yet it has not ratified the treaty and is not a party to the FCTC. This underlines the USA's acknowledgment of the benefits of growing tobacco and as such Zambia should follow suit by reversing its decision of ratifying the FCTC.

Zambia needs to note that it is an emerging economy and implementing the FCTC guidelines should not be our major concern as it is negatively contributing to the growth of the economy (Mwansa, 2017). The China National Tobacco Company (CNTC) acknowledges that smoking is harmful and funds research to find healthier alternatives for those who do smoke (Hu, 2014). Hence Zambia needs to start funding research to gain a deeper understanding of tobacco and how it can be made less harmful to the smoker. In addition, Zambia is not a major producer of tobacco in the world. Hence it is uncharacteristic for Zambia to ratify this framework.

Smoking is a cheaper and more legal alternative. Implementing the FCTC will entail that people will have to search for alternative drugs. Once tobacco is banned, this will create and encourage the search for other drugs yet to be discovered and exploited. Therefore, let's appreciate that we have at least a full understanding of tobacco and know its effects.

The fourth pillar of the framework is harm reduction and the international human right to health. More than 1 billion people smoke worldwide which is nearly 20% of the world's population (Anon., 2014). The FCTC has overlooked the smoker in overcoming their addiction and its main focus is on policy and legislative changes so as to change the smokers' social environment. The FCTC does not stipulate any intervention and strategies to help the smoker. With the right to health in mind, this entails that every country has to ensure that it implements the right strategies to help the smoker stop smoking. 'Although tobacco harm reduction may be necessary under the right to health to help those unable to quit smoking, the evidence necessary to determine the safety, efficacy and risk reduction of new tobacco-related products is not available' (Mason, 2006).

United Kingdom (UK) is the home of the largest publicly traded tobacco company in the world known as the British American Tobacco (BAT) and one of the major importers of tobacco from Zambia (Anon., 2017), (Namutowe, 2014). Most adults in the UK are aware of the physical and health risks of smoking tobacco hence they smoke it having made a conscious decision to do so (foundation, 2017).

In conclusion, Zambia needs to negate its obligations to the FCTC. It needs to invest more in research and making smoking safer. The FCTC is an ambitious document, of which Zambia is not ready to implement its guidelines in the midst of a growing economy. Tobacco has the greatest potential to improve Zambian lives and contribute to the much-needed exports.

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Introduction

Tobacco leaf production has shifted from high income countries to developing countries, particularly those in Africa. Unlike its negative impact on human health, most African governments including Zambia continue to promote tobacco farming as a way of alleviating poverty. This paper aims at explaining why Zambia should promote the growth, production and consumption of tobacco for the benefit of the economy. The essay will first introduce the topic and give a background to the Framework Convention on Tobacco Control. Secondly, an explanation on what the right to a high standard of health entails will follow and finally, arguments in support of the production of tobacco and a conclusion shall be drawn to that effect.

Tobacco products are products made entirely or partly of leaf tobacco as raw material which are intended to be smoked, sucked, chewed or snuffed. All contain the highly addictive psychoactive ingredients, nicotine.¹

Background of the FCTC

In 2003, the World Health Organisation (WHO) adopted the Framework Convention on Tobacco Control (FCTC), an international treaty to reduce demand for tobacco products and address supply issues. In addition to demand reduction strategies, the treaty specified that signatory countries should promote economically viable alternatives to tobacco for farmers; to reduce the amount of land cultivated for tobacco leaf; and to protect the environment and health of farmers². In 2012 five countries in Africa were among the top 20 producers of tobacco leaf in the world: Malawi (6th), Tanzania (8th), Zimbabwe (9th), Zambia (16th) and Mozambique (17th).³ This shows how active the Zambian economy is in the production of tobacco. The WHO Framework Convention on Tobacco Control (WHO FCTC) requires its parties to regularly collect national data on the magnitude, patterns, determinants and consequences of tobacco use and exposure.

Through surveillance and monitoring of tobacco, the WHO Tobacco Free Initiative seeks to improve the availability of surveillance data on tobacco use, exposure and related health outcomes. In particular, WHO works with its member states and other partners to encourage the use of standards and scientific and evidence based protocols for tobacco surveys, build capacity on conducting and implementing surveys, as well as disseminating and using their results, develop, maintain and report data to monitor tobacco control policies and develop, maintain and report data on health outcomes related to tobacco use and exposure⁴.

¹World Health Organisation on Tobacco. <http://www.who.int/topics/tobacco/en/>. [accessed 15 November 2017]

²World Health Organisation Framework Convention on Tobacco Control (FCTC)

³ FAO. FAOSTAT **Food and Agricultural Commodities Production**. 2014 <http://faostat.fao.org/site/339/default.aspx>. [Accessed 20 November 2017]

⁴<http://www.who.int/tobacco/surveillance/en/> [Accessed on 17 November 2017]

Right to a High Standard of Health

The right of all people to a high standard of health is not explained or defined under Part 111 of the Zambian constitution however; it is enshrined in *Article 12 of the International Covenant on Economic Social and Cultural Rights* which provides that:

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”⁵

Zambia is a state party to the International Covenant on Economic Social and Cultural Rights which entails that the nation is under an obligation not to intentionally go against what is contained in the instrument. Pursuant to Article 12 of the International Covenant on Economic Social and cultural Right, this right simply puts an obligation on state parties to ensure that all humans have good health facility, live in a clean hygienic environment and provisions for the prevention, treatment and control of epidemic, endemic, occupational and other diseases.⁶

Discussion In Favour Of Tobacco

Zambia should not respect its obligation under the FCTC by limiting the production and consumption of tobacco but should rather use it as a tool in alleviating poverty and growing the economy. Given that tobacco farming is deemed beneficial to the economy of Zambia, the debate should shift from the public health benefit of tobacco control to the supposed harm that tobacco control will do to the livelihood of the farmers if not supported.⁷ Farmers involved in the business of producing tobacco have managed to escape poverty and find a better livelihood for their families.

A large scale effort to push for tobacco crop substitution will lead to the collapse and attack on tobacco companies. These companies have led to a massive growth of the Zambian economy by reducing the unemployment rate in the country, respecting the obligation under the FCTC will also lead to a massive decline in the production of tobacco rendering many employees redundant. A high standard of health cannot be achieved with a people that are unemployed and unable to even feed themselves. These tobacco farmers will be left with no source of income and so will those affected indirectly like shop owners involved in the cigarette business.

All the arguments put forward by various writers against tobacco are centered on the harmful effect it has on the human anatomy and the environment. It should be noted that tobacco like cocaine and other drugs deemed detrimental to humanity has produced benefits. In 1926, Moll reported that when thirteen patients with post encephalitic Parkinsonism were treated with subcutaneous injections of nicotine, nine showed improvement in muscular movement. A kindred observation is that, in at least three case control studies, the relative risk of Parkinson’s disease was lower in smokers than in nonsmokers⁸.

Furthermore, in 1934 Fernando Ocaranza summed up the medical benefits of tobacco as antidiarrheal, narcotic and emollient. The writer in addition concluded that tobacco leaves were applied for the relief of pain, used in powdered form for the relief of and applied locally to heal wounds and burns in Mexico. This clearly shows that tobacco has yielded benefits to

⁵Article 12 of the International Covenant on Economic Social and Cultural Rights

⁶Article 12 of the International Covenant on Economic Social and Cultural Right.

⁷Campaign for Tobacco-Free Kids. Golden Leaf Barren Harvest: the Cost of Tobacco Farming. Campaign for Tobacco-Free Kids; Washington DC: 2001

⁸Advantages of Tobacco. <http://vapingdaily.com/smoking-effects/advantages-ofsmoking/>[accessed 21 November 2017]

humanity before and it can again. In addition to the many benefits of tobacco, smoking reduces obesity and smokers tend to fare better than their nonsmoker counterparts after suffering from a heart attack⁹. Making a lucrative product almost extinct would be a wrong move in that, this product can be promoted and utilized in various significant ways. Tobacco should not only be narrowed down to smoking but its medical benefits must be considered and utilized.

The production of tobacco is said to have negative consequences on the environment such as soil erosion and deforestation. This argument is rather weak because deforestation is caused by many activities on the soil among these are the timber business and the practice of *Chitemene System* by the Zambian Bemba farmers. It is imperative to further note that the government through environmentalists encourage reforestation as a result, trees lost to tobacco are replaced.

The right of all people to a high standard of health cannot possibly be attained by controlling the production as well as reducing the demand and supply of tobacco. The production of tobacco generates income; the same monies are taken into building health facilities, water and sanitation. The truth is that limiting the production of tobacco will lead to less income which in turn leads to poor facilities in a country like Zambia. There can never be a promotion of a high standard of health in a country that cannot even afford hospitals. It is an undisputed fact that tobacco causes diseases but so do many other products that have negative health impacts like caffeine, alcohol, fatty and sugary foods. If promoting a high standard of health means doing away with each and every product that has negative health impacts then, almost every commodity that is manufactured and grown has to be controlled, a situation unimaginable because even physical exercise can lead to death sometimes.

The coming in of "*organic tobacco*" is yet another reason why Zambia must ignore its international obligation under the FCTC and grow the economy in which 64% of its citizens live in absolute poverty. The upsurge in global demand for organic tobacco signifies a rise in health consciousness even among occasional and heavy smokers. The World Report projects that in 2016, more than 6,800 tons of flue-cured organic tobacco was consumed, globally. Air-cured, sun-cured and fire-cured organic tobacco are all expected to collectively account for revenues worth over US\$ 126 million towards the end of the forecast period¹⁰.

Furthermore, crop substitution as enshrined in the FCTC is unrealistic in that the dependence lies on the international tobacco control community, together with major international organisations such as the World Bank, the Food and Agriculture Organisation, and other philanthropic organisations to play an important role in improving the health and livelihood of tobacco farmers and give them the knowledge and skills to try alternatives, by supporting and sponsoring crop substitution projects. This is a very long term (unrealistic) goal, these farmers have families to feed and educate therefore, and making them rely on a goal very unrealistic is actuating poverty in the worst form.

Conclusion

Tobacco yields both positive and negative effects to Zambians and their environment however, from the discussion above, it is clear that limiting the production of tobacco is more

⁹Advantages of Tobacco. <http://vapingdaily.com/smoking-effects/advantages-ofsmoking/>[accessed 21 November 2017]

¹⁰Organic Tobacco Market Production to Surpass 22,000 Tonnes by End of 2026: Future Market Insights. <https://www.futuremarketinsights.com/press-release/organic-tobacco-market>[accessed 21 November 2017]

detrimental than actually promoting it. Almost every product and commodity used by people has negative impact on the body as well as the environment and if all these products are done away with, then people must as well stop living. One cannot dry a river simply because people are drowning because everyone will then die of thirst, a more realistic approach should be implemented. Tobacco control and prevention systems to which the farmers are subjected are the main cause of the cycle of poverty experienced by farmers, but is conveniently forgotten in such debates. The whole issue becomes a focus on how tobacco should be avoided and substituted for unrealistic alternatives. If Zambia respects its international obligation, it will face more deaths from poverty, poor infrastructure and increased crime than tobacco will ever cause in centuries.

THE CASE FOR TOBACCO PRODUCTION EXPANSION IN ZAMBIA

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This essay is written as a case for the expansion of tobacco production in Zambia to stimulate economic growth and set the country in better stead to achieve the goals of the Seventh National Development Plan (SNDP). The structure of the paper is as follows; an overview of Zambia's economy will be briefly looked at to form a foundation and backdrop upon which the case will be made; for similar reasons, the paper will then give an overview of the state of the tobacco industry, globally; acknowledging that there exists plenty of apathy and distaste for tobacco growth and production, the paper will then turn to look at the pre-eminent reasons to shun growth and production; a set of implementable controls and limitations on the industry will be tabled; lastly, in light of all this, the reasons for the expansion of tobacco production will be given, pending a conclusion.

Zambia is among the most politically and economically stable countries in Africa. This in part owes to a commendably enduring yet challenged democracy, coupled with a clear and coherent economic approach pushed by the government and firmly supported by the central bank, the Bank of Zambia. In a sense, the country is still emerging from the tumultuous period around 2015 – 2016 which saw economic growth fall to a record low of 2.9% in 2015, with inflation peaking above 20% in 2016. Among other factors, this setback was caused by a drop in global commodity prices which affected Zambia's traditional metal exports (mainly copper supported by gold and cobalt); this was exacerbated by adverse El-Nino climatic conditions which ensured drought conditions and low harvest yields. Signs of improvement have since been seen, with economic growth expected to continue rising and inflation stabilizing. However, despite the measures put forth by the government to drive the country towards the achievement of SNDP goals as stipulated in the 'Zambia Plus' program, Zambia still falls short on a number of key fiscal indicators. (World Bank, 2017)

Tobacco has one main use i.e. the core raw material for cigarettes, which account for 90% of the drug's purchases worldwide. The cigarette industry, even in the face of ever more hostile and negative publicity, continues to thrive. Globally, cigarette sales aggregated at US \$816 billion in 2016. From 2009, cigarettes have had a compounded annual growth rate of 7%. The largest cigarette-consuming region of the world is the Asia Pacific region with 60% of global consumption. The industry is clearly stable, healthy, growing and here to stay. This is an economically sound opportunity that must be exploited. (CISION, 2017)

Child labor is among the most cited reasons for shunning or turning away from tobacco production. In some of the world's largest tobacco producing countries, child labor has emerged as a persistent problem. Children are frequently denied an education for the benefit of the individuals running the farms and this puts a number of risks on their future prospects, their health and their overall quality of life. Another reason often cited is the imbalance of power between tobacco companies who buy the crop from the farmers. The companies normally are the one who class the crop and determine its quality before buying. This can put farmers at a disadvantage whereby companies are the price-setters instead of producers. These are among the main reasons cited for the case against tobacco-growing. (Lee & Hu, 2014) This essay poses that the way forward, however, is to reject the FCTC stance and expand tobacco production,

the reasons for this are as follows: Immediately, following from the counter-argument above, the first reason for going ahead with tobacco growth expansion is that the counter-arguments can all be mitigated by government regulation and controls. They mainly stem from mismanagement by farm owners and exploitation of a weak legal framework by companies. Where there is a legal loophole, anyone is well within their rights to take advantage. However, knowing what the problem is, is the first step to alleviating it. Initiatives such as age limits, price floors, quality control measures, anti-collusion legislation, independent government-appointed grading agents, and banning any loans from tobacco companies to farmers should go some way in ensuring that these problems no longer exist. The tobacco industry is one that is easy to regulate, especially when one considers that developed countries are slowly shunning them away. There is a mutual need for the offers of the developing countries and the tobacco companies. However, to ensure that we come out on the top end of any agreements, we must use the leverage that soon they will have nowhere to turn in search of ready supply for their key raw material. The higher prices and taxes that can be set offer a revenue stream to government that few, if any, can better. (World Health Organisation, 2015)

Tobacco is a crop that grows on land that is less fertile in terms of production of other crops. This means it would not get in the way of any of our current agricultural output. It would augment the agricultural sector. (Lee & Hu, 2014)

It offers a sustainable pillar for the economy. The statistics given in the preamble show clearly that the tobacco industry is growing and not shrinking. The same preamble also alluded to the fact that a major part of Zambia's recent economic challenges resulted from an economic dependence on traditional exports. However, being an agricultural product, tobacco's production can be expanded at will, it is self-sustaining and leaves the nation in good standing for a time, normally ignored, when mineral deposits will deplete. Tobacco offers a future, often touted as the ideal, in which the economy moves away from metal exports to more sustainable exports. (International Tobacco Growers Association, 2017)

The majority of Zambia's arable land is in rural areas. It is a known fact that these same areas have a concentration of the countries least skilled and educated workers. Education is a costly and time-consuming process that must happen under a framework that does not take people from making ends meet. This means that an immediate solution is needed for this person who is suffering now and may be beyond the point where gaining new skills is a possibility. Tobacco offers a solution to this by offering rural unemployment with a sizeable income for farmers that few crops can better at the same scale. (Zambia Development Agency, 2017)

Similarly, there is a lack of viable alternatives. The immediate agricultural alternatives that exist such as high-end herbs grow in very controlled and specific climates. They are expensive, and yields can suffer greatly if minute details do not favor their growth. Developed nations, in many instances, have a tendency to dictate what is the more sustainable, eco-friendly, healthy, etc. option for anything. Yet this dictate comes only after they have benefitted from the things they now shun, and they have already developed the infrastructure for thriving with the next, better option. We do not have the infrastructure to take advantage of many other opportunities that may appear more lucrative, presentable without generating negative press or global public image. What we have is land. The economic benefits are present and obvious. The possible agricultural alternatives do not offer as much monetary stimulus for our economy. (British Broadcasting Corporation, 2017)

If we, as a country, are to progress we must take a leaf from the notebook of the west; and that is to ruthlessly exploit the best opportunities to foster progress regardless of the pitfalls. Doing things 'the right way' is literally a luxury we cannot afford. The end will, and should, justify the means.

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TOBACCO: THE UNTOLD STORY OF THE GREEN GOLD

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This essay serves to propose that Zambia should and must promote the production of tobacco in line with the Seventh National Development Plan, evaluate the failing possible and obvious alternatives and back this stance with viable, reasonable and potentially almost harmless compensatory strategies to counter the effects of tobacco production.

In 1919, in India, an army General had an entire village killed on grounds of rebelliousness and intent to disturb the peace. He believed this wipe out would bring order, tranquility. With no disrespect to the World Health Organisation (WHO) and the work it does, its Framework Convention on Tobacco Control (FCTC) would cause desolation and even if it is done in the name of peace, it would kill this country's economy.

Answering today's question takes, not only tact, but sacrifice also. This sacrifice starts with understanding that in the quest to build the WHO Headquarters, trees were cut down and to fully exploit the chances of growing an all-inclusive, ever expanding and stable economy, certain promises made out of convenience nine years ago must be reevaluated or at best disregarded.

To begin, suffice to say that economies grow by imitating more developed economies, learning their technique then relating and applying it accordingly. Before any such techniques were applied to tobacco production, however, it already contributed three percent (3%) to Zambia's Gross Domestic Product (GDP). This generous contribution can improve if production increased as it did when the Tobacco Board of Zambia (TBZ) planned an increase in production from twenty-three million tons to about thirty million tons in the 2016-17 expansion plan. Increase in tobacco's contribution to the economy moves parallel to its production, and the numbers don't lie.

Locally produced tobacco has recently flooded the international market, bringing in much needed foreign exchange. WHO FCTC overview records that the FCTC asserts the importance of demand reduction strategies and supply issues of tobacco, which is a direct opposite of the steps necessary to harness the blossoming impact of tobacco on Zambia's struggling economy. The Times of Zambia Newspaper edition of April 28th 2015 reported that by that year, the tobacco industry employed more than four hundred and fifty thousand (450,000) people due to the increase in international demand. Tobacco exports have since grown from raking in US\$ 100 million even before seven years ago.

Former TBZ Chairman, Rhidah Mung'omba is reported saying in an article in the Agri Zambia Business Magazine edition of 5th November 2016 that tobacco is a controlled crop, every grower, merchandise and manufacturer is registered. This airtight strategy spells safety of both citizenry and funds as it closes off leaks, keeping all proceeds in the national palm. This is a huge leap compared to an alternative to tobacco production, the mining industry. As reported by the Financial Intelligence Centre (FIC), Zambia loses about US\$3 billion annually through illicit financial flows mainly perpetrated in the mining sub-sector. This was a gross report on

all of Zambia's monetary transactions and the mining sector was responsible for a thick margin of them. This information is necessary because it proves the porousness of Zambia's economic development sweetheart and the most obvious alternative in the minds of many.

The World Economic Forum (WEF) Executive Chairperson, Professor Klaus Schwab once was quoted by the *Zambian Mining Magazine* commending Zambia's economic growth in the year 2014. His *Global Competitiveness Report 2013-14*, however expressed that "Yet important downsides remain; although inflation has been coming down from high rates of the past two years-thanks to prudent monetary policy and moderating food prices, rising fiscal deficits are more exacerbated in Zambia..." This report records this at a time that copper production should have made up for these deficits or at least combated closely until the figures were too vague to deserve consideration in the report.

To round up the attack on mining as a lucrative alternative, the mining sector is dangerous in its acquisition of minerals and the minerals themselves pose a mortal danger to the health of the population in the mining areas. The FCTC in Article 18 of Part V that concerns protection of the environment and persons simply cautions Tobacco cultivators and manufacturers to go about their business with the highest regard for the environment and health. If the question is of public health and safety, mining fits the bill.

Tobacco production to an economy is like use of fire in a kitchen. Though fire is a potentially fatal element in the cooking process, it's importance cannot be overemphasized, so it is tended to and kept to a reasonable size necessary for cooking. Tobacco's economic importance far outweighs the reasons behind its indefinite ban of supply or blacklisting. The WHO must play the aftermath role in this case and intensify its strongholds to build upon its awareness campaigns, regulation of tobacco products disclosures, packaging and labeling of tobacco products, combat of contraband and counterfeit cigarettes' availability, prohibition of sale to minors and all other avenues that do not directly sabotage the actual growing of tobacco. The FCTC went further to put in place price and tax measures to reduce tobacco demand. In an economy that fully reaps the benefits of tobacco production, these price and tax measures ought to be met without a doubt and so the system by which the FCTC itself functions, is flawed and can be countered.

Zambia is compelled to help find tobacco farmers alternative livelihoods, as advised by Article 17 of the FCTC. The collateral damage that comes with shifting dependence from tobacco production is too high. The FCTC knows to advice for alternative means of livelihoods but does not know the actual hardships of a struggling Zambian whose government could not help for 53 years since Zambia's independence. In addition to the farmers, the middlemen, stores and all associations attached to tobacco lose functionality and the personnel, dishonorably discharged.

A dedicated effort to the systematic growing of the crop would see to the avoidance of the former and the end of scuffles such as when farmers independently grow crops without sponsorship. This leads to deficits in monies that the TBZ dedicates to buying the crop. TBZ CEO Samson Muyembe affirmed happenings of such nature in an interview with Breeze FM at the opening of the Tobacco sales floor at the Tobacco Association of Zambia in Lusaka in November 2016. The problem in this scenario is the result of the neglect with which the industry is treated and therefor the system is to blame because the crop, once produced is able to provide for its handlers. By 2017, however, 73.6% of tobacco farmers were on contract with a leaf buying company. Here is an unsponsored and continually attacked industry, solving

its own problems and striving to remain relevant in an ungrateful society whose economy it supplies oxygen.

Some might argue, as does Doctor Martin G. Ortanez in his article, "Tobacco Companies Use of Developing Countries Economic Reliance on Tobacco to Lobby Against Global Tobacco Control: The Case of Malawi!", contained in the American Journal on Public Health, that transnational tobacco companies are only exploiting developing countries and using them to grow this crop because of their dire circumstances. Well, the Doctors speculations and opinion can be countered by numerical values of tobacco's impact on economies such as Malawi's and Zambia's too as aforementioned. The value added to an economy by tobacco is passed debate. If the Doctor's concern had been health, that too could have been countered by the remarkable efforts by personnel like him and organisations like the WHO.

In conclusion, all lucrative means to economic growth have adverse side effects and tobacco is just a chip off the old block. Exploiting them simply calls for precaution and a balance of use and production, and a consensus bent on positive progression, something the Zambian people know all too well.

THE FUTURE REGARDING TOBACCO GROWING AND PRODUCTION IN ZAMBIA; THE ROUTE TO TAKE

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Introduction

This essay will discuss the way forward regarding tobacco and the route which Zambia should take and why. Zambia is at decisive cross roads, on whether to respect its international obligation under the WHO Framework Convention on Tobacco Control (FCTC) and limit tobacco growing, production and consumption or should promote theses and grow its economy in line with the Seventh national development plan (SNDP 2017-2021).

The writer's perspective regarding this matter is that, Zambia should follow the SNDP and promote tobacco growing because of a number of reasons that exist the major ones being economic growth, employment creation, poverty reduction, boosting the agriculture sector and doing away with the dependency theory. Economic growth is one of the microeconomics objects of every country around the world. Every country wants to grow its economy and therefore puts in place various strategies to achieve economic growth. This has been the case for Zambia now and in the recent past years. Meanwhile SNDP 2017 – 2021 of Zambia identified tobacco as a very lucrative investment opportunity that can aid in boosting our economy, since it is more profitable than maize and cotton. In this situation Zambia should not let an opportunity to grow its economy slide away all in the name of its international obligations under the FCTC. Zambia is amongst the top ten tobacco producing nations and it has vast lands for the promotion of tobacco growing which has a chance of helping in boosting our economy.

The first thing which came to the writer's mind after reading through the obligations under the FCTC is that of the systems theory. Zambia is a third world country which belongs to the peripheral and such it takes orders from the powerful nations at the core, such as the United States of America who are on high mass consumption stage. Zambia is still at the take off stage meaning limitations to tobacco growing will have a negative impact to its economy while the likes of America will have its economy intact and thus increasing Zambia's dependency levels. According Todaro Smith (2012) "dependency theory means the reliance of developing countries on developed country economic policies to stimulate their economic growth." It also extends dependence syndrome to mean that developing countries adopt developed country educational system attitudes consumption patterns. The state's potential to govern and rule has been heavily influenced and much to the detriment of the country befallen under tight and sometimes control by the dominant countries (Royson Mukwena and Fanuel Sumaili 2016).

Zambia still struggles significantly to reduce high levels of poverty that its people have and rid herself of dependence among other things that have rather slowed and perhaps even terminated progress in nation building both politically and socio economically. Zambia should forge on without overlooking the setbacks to economic development. The writer is of the view that these countries which came up with these obligations of limiting tobacco growing in line with FCTC thought through them carefully in the sense that their economies will not be affected, however for a developing a nation like Zambia with high levels of poverty and unemployment

limiting tobacco growing will make it worse. Poverty is one of the major problems faced by most developing countries even though Zambia has done considerably well in the last ten years with Gross Domestic Product (GDP) per capita growing at an average of 5.7 percent per annum, of which include tobacco exports. Tobacco growing contributes significantly to the country's Gross Domestic Product (GDP) and likely to contribute more according to SNDP report and Zambia being among the top ten producers of unmanufactured tobacco. Promoting tobacco's production and growing will aid in the reduction of unemployment. Employment creation has become a top priority for governments around the world. Almost every country is looking for strategies of addressing the problem of unemployment, which has been described by many as ticking time bomb. A good example is that of Western Province of Zambia, it's among the poorest provinces in the country also a major producer of unmanufactured tobacco. Most people in Kaoma area of Western Province are tobacco peasant farmers. We can imagine what impact this limitation will cause the people of that area and other farmers in different parts of Zambia a lot of jobs will be lost, poverty levels will increase, economic development will dwindle and the agriculture sector will be affected. Agriculture is the main activity of the people of Zambia and represents 52.2 percent of total employment, formal and informal importantly only 3 percent of those employed in agriculture sector while 97 percent the overwhelming majority of our people are in the informal sector are peasant farmers and these include tobacco growers (Andrew Sardanis, 2014,).

According to the World Health Organisation (WHO) tobacco growing, production and usage has harmful effects on the both humans and the environment, WHO estimates that each year tobacco causes about 6 million deaths (about 10% of all deaths) with 600,000 of these occurring in non-smokers due to second hand smoke(Wikipedia). The statistics are quite alarming tobacco is harmful to health no doubt about it but the questions which should run in our minds is that; will the limitation of tobacco growing reduce tobacco consumption or tobacco related deaths? The writer does not think so because it is legal. The tobacco industry and its allies use economic analysis to argue against tobacco control policies by stating that they will create havoc on jobs, tax revenues, tobacco farmers and the economy in general. These same arguments are used around the world to promote tobacco production and industry countries that could put their resources to more humane and health promoting uses. comparing and contrasting benefits of growing tobacco and cost associated with anti-tobacco awareness is also an essential part because one way or another Zambia will need income to fund these awareness campaigns, clearly this will be an expenditure which will have an effect to our economy.

Conclusion

In conclusion, Zambia should develop a habit of conducting proper surveys before committing legally to some of these obligations which might turn out to have a negative effect on our economy. Although Zambia belongs to the international community at the end of day it is a sovereign nation which can decide on what to produce, how to produce, for whom to produce for and what not to produce. It is about time we as a nation delinked ourselves from this dependency theory. Zambia may take on the route of FCTC, but at the end of the day will this obligation benefit our economy? Certainly not, tobacco growing has the potential of improving our economy that is in line with SNDP.

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Introduction

Tobacco is one of the major agricultural products produced in Zambia. However, it poses undeniable dangers to human health and to the environment. Therefore, the World Health Organisation put in place the Framework Convention on Tobacco control (WHO FCTC) to reaffirm the right of people to the highest standard of health, and to address the globalisation of the Tobacco epidemic. Zambia acceded to the treaty in 2008. Hence, the predicament of either promoting public health or limiting the growing, production and consumption of tobacco. This paper will resolve the question of how Zambia can grow its economy without compromising public health; while adhering to the standards outlined in the WHO FCTC.

Tobacco and Human Health

Tobacco products contain tobacco as a raw material and the highly addictive ingredient nicotine; the products are smoked, sucked, chewed, or snuffed by users¹. Tobacco use possesses the risk of causing chronic diseases such as cancer, lung diseases, and cardiovascular diseases though it remains in use². The products kill over seven (7) million people yearly and cost the global economy more than US\$1.4 trillion annually in healthcare expenditure and lost productivity³. Tobacco controls play a major role in achieving various sustainable development goals⁴ such as reducing premature deaths from Non-Communicable Diseases (NCDs), ending poverty, protecting the planet and ensure prosperity for all⁵.

Treaty Obligations

The WHO FCTC came into force on 27th February, 2005⁶. When implemented, the FCTC is a useful tool for reducing the devastating global consequences of tobacco products on health, lives, economies and the environment⁷. It was designed to reduce tobacco related deaths and diseases around the world⁸. Further, it is the first international treaty negotiated under the WHO framework that provides governments with clear, legally binding measures such as: banning advertising, promotion and sponsorship of Tobacco⁹; effective cautions about the dangers of tobacco use¹⁰, implementing tax or price policies¹¹, and protecting people from exposure to second-hand tobacco smoke¹², so as to reduce the harm caused by tobacco use¹³.

¹www.who.int/topic/tobacco/en/ accessed on 17th November, 2017

²www.who.int/topic/tobacco/en/ accessed on 17th November, 2017

³Dr. Margaret Chan (Director-General of WHO). Tobacco is a Deadly Threat to Global Development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

⁴On 15th September 2015, Countries adopted the sustainable development goals. The goals will be in place until 2030

⁵Dr Margaret Chan (Director-General of WHO). Tobacco is a deadly threat to global development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

⁶Background outlined in the question

⁷Overview of key FTCT articles and their implementing guidelines

⁸*Shadow Report on the Implementation of the Framework Convention and Tobacco Control (FCTC) Articles 8 & 13 in Zambia.* Pg 10

⁹Article 13(1) of the WHO FCTC

¹⁰Article (1)(b) of the WHO FCTC

¹¹Article 6 of the WHO FCTC

¹²Article 8 of the WHO FCTC

¹³Dr. Margaret Chan, the Director-General of WHO, Tobacco is a deadly threat to global development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

The Illiterate

Article 11¹⁴ is based on the premise that everyone should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke¹⁵. Health warnings and labels should communicate the risks and ignite an emotional response that drives tobacco users to decrease their tobacco consumption or quit. Effectiveness of health warnings increases with their size; therefore, graphic warnings are highly effective among populations with low literacy levels and among the youth¹⁶. This necessitates the need for countries like Zambia to adopt and implement graphic warnings due to low literacy levels, high percentage of youth and multiple languages and dialects¹⁷. A just society is measured by how well it takes care of its vulnerable population¹⁸. Everyone can actively stamp out tobacco and promote development at the same time by not consuming tobacco products or seeking help to quit; and through strengthening the implementation of the WHO FCTC¹⁹. **Article 13** and **Article 13** Guidelines provides for a comprehensive ban on all forms of direct and indirect tobacco advertising, promotion and sponsorship²⁰.

Demand Reduction Strategies

Taxation saves lives as it reduces smoking rates and helps increase government revenue which then improves health facilities, promotes development and strengthens domestic resource mobilisation²¹, yet it is least utilised globally²². Additionally, non-price measures through legislative, executive, administrative or other measures can reduce tobacco consumption²³, examples include, import tariffs and quotas (border measures) imposed at the border²⁴.

Zambia is obligated under the treaty to develop, implement, periodically update and review comprehensive multi-sectoral national tobacco control strategies, plans and programmes aimed at reducing tobacco use and the domestication of the FCTC through a comprehensive tobacco control law²⁵. Tobacco control transcends preventing deadly cancers, heart diseases and respiratory diseases because tobacco use threatens national developmental sectors such as economic growth, health, education, poverty and the environment²⁶. Tobacco use largely affects poor people and worsens their poverty because more than 10% of their total household income is spent on tobacco products which mean less money for food, education and health care. About 80% of premature deaths caused by tobacco use occur in low or middle – income

¹⁴Article 11 of the WHO FCTC

¹⁵Jacqueline Tumwene. Implementation of the Framework Convention on Tobacco Control in Africa: Current Status of Legislation. (International Journal of environmental research and Public health. Kampala Uganda. 2011). Pg. 4317

¹⁶Para. 7. Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products), 2008.

¹⁷Jacqueline Tumwene. *Implementation of the Framework Convention on Tobacco Control in Africa: Current Status of Legislation*. (International Journal of environmental research and Public health. Kampala Uganda. 2011). Pg. 4318

¹⁸Ministry of National Development Planning, 7th National Development Plan 2017-2021. Pg 30

¹⁹Dr. Margaret Chan (Director-General of WHO), Tobacco is a Deadly Threat to Global Development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

²⁰Article 13. Framework Convention on Tobacco Control and Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship), 2008.

²¹World No Tobacco Day 2017. *Tobacco Threatens us All: Protect Health, Reduce Poverty and Promote Development*. Geneva: World Health Organization; 2017 (WHO/NMH/PND/17.2). Licence: CC BY-NC-SA 3.0 IGO.

²²Dr. Margaret Chan (Director-General of WHO), Tobacco is a Deadly Threat to Global Development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

²³Article 7 of the WHO FCTC

²⁴Simon Lester and Bryan Mercurio with Arwell Davies and Kara Leitner. *World Trade Law. Text, Materials and Commentary*. (Hart Publishing, Oxford and Portland.) 2008. Pg. 239

²⁵Shadow Report on the Implementation of the Framework Convention and Tobacco Control (FCTC) Articles 8 & 13 in Zambia. Pg. 4

²⁶Dr Margaret Chan (Director-General of WHO), Tobacco is a Deadly Threat to Global Development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

countries²⁷.

National Development

*Statutory Instrument (SI) No. 39*²⁸ implemented Article 8 of the FCTC completely bans smoking in all public places. *SI No.39* works in line with the *Public Health Act*²⁹ which prohibits statutory nuisance and other instances that promote situations “injurious” or “harmful to health”³⁰. The government attempted to domesticate the FCTC by drafting a *Layman’s Tobacco Products Control Bill*³¹ which unfortunately sought to establish Designated Smoking Rooms (DSR’s) contrary to the 100% smoke free environment prescribed by *Statutory Instrument (SI) 39*³². Representatives from tobacco companies participated in formulating the *Tobacco Products Control Bill of 2010*, contrary to the Framework Convention on Tobacco Control which states that national law may restrict such involvement³³. This is based on the existence of an irreconcilable conflict between the tobacco industry’s interests and public health policy interests³⁴.

Liability

In order to control tobacco, Zambia should enact legislation or promote existing laws to deal with criminal and civil liability³⁵. State parties should offer one another legal assistance regarding criminal and civil liability in line with the convention³⁶. Where a party has a right to access the courts of another party, the convention cannot limit such a right³⁷. Further, Zambia should enact legislation to enable interested persons or non-governmental Organisation to initiate legal action against illegal tobacco advertising, promotion and sponsorship³⁸. This acts as a check on some of the illicit activities of the tobacco industry.

The Seventh National Development Plan

The theme of the seventh national development plan is ‘accelerating development efforts towards the Vision 2030 without leaving anyone behind’³⁹; and the goal is to create a diversified and resilient economy for sustained growth and socioeconomic transformation driven, among others, by agriculture and manufacturing⁴⁰.

Considering that tobacco is one of the major exports in the COMESA region, the domestic, regional and international markets can help Zambia diversify its production and export base because Zambia earns a huge proportion of its export revenue from overseas markets accessed through preferential trading arrangements⁴¹. The country has not fully utilised these

²⁷Dr Margaret Chan (Director-General of WHO), Tobacco is a deadly threat to global development, Commentary, World Health Organisation, Media Centre. www.who.int/mediacentre/commentaries/2017/tobacco-threat-development/eng/

²⁸*Statutory instrument No. 39 of 2008* of Zambia

²⁹Chapter 295 of the Law of Zambia

³⁰Shadow Report on the Implementation of the Framework Convention and Tobacco Control (FCTC) Articles 8 & 13 in Zambia. Pg. 8

³¹As of November 2017, the Bills has not been signed into Law.

³²Shadow Report on the Implementation of the Framework Convention and Tobacco Control (FCTC) Articles 8 & 13 in Zambia. Pg. 9

³³Article 5.3 of the WHO FCTC

³⁴Principle 1, paragraph 13, Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control

³⁵Article 19(1) of the WHO FCTC

³⁶Article 19(3) of the WHO FCTC

³⁷Article 19(4) of the WHO FCTC

³⁸Para. 67. Guidelines for Implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship), 2008.

³⁹Ministry of National Development Planning, 7th National Development Plan 2017-2021.page 4

⁴⁰Ministry of National Development Planning, 7th National Development Plan 2017-2021.page 4

opportunities because of sanitary and phytosanitary requirements, high cost of production, distance to markets, trade financing arrangements, border efficiency issues and quality of products⁴².

Socio-Economic Transformation and National Development

Zambia can achieve socio-economic transformation and national development through resolving cultural and behavioural traits that are barriers, such as: failure to adhere to rules and standards found in the public and private sectors on how individuals should conduct themselves and their business⁴³.

Lack of patriotism especially regarding environmental cleanliness and the prudent and sustainable use of our natural resources, has been a major constraint to the socio-economic transformation of the country. This has been costly due to resulting disease burdens caused by unclean environments⁴⁴.

The Demographic Dividend

The demographic dividend is the economic benefit a society enjoys when fertility and mortality decreases rapidly and the ratio of working-age adults significantly increases relative to young dependents⁴⁵. In reducing the effects of climate change on the agriculture sector, the Government plans to promote the adoption of agricultural environment-friendly practices (climate smart and organic techniques) such as reducing chemical fertiliser use⁴⁶. Further, an improvement on the health status of the labour force by tackling both communicable and non-communicable diseases ensures that no one is marginalised in the development process⁴⁷. By not fully implementing the FCTC, Zambia breaches its legal obligation under international law to implement the treaty in good faith⁴⁸.

Recommendations

A reduction in the growing of tobacco can affect small scale farmers by limiting their source of income. This can increase poverty levels. Education of small scale farmers on safe practices of growing tobacco would ensure that less harmful chemicals are added to the tobacco plant during the growing process, which then guarantees the health and safety of farmers. This can be done through the various Co-Operative Societies.

Imposing export duties on exported tobacco increases the collected revenue. The creation of more cigarette manufacturing plants can help Zambia manufacture cigarettes and adhere to the WHO FCTC provisions on issues such as packaging and advertisement. Hence, Zambia can raise the health standards required of importers and manufacturers.

An enactment of the Layman's Tobacco Products Control Bill can help Zambia adhere to the provisions of the WHO FCTC, thereby safeguarding the health of the people and in the process promoting economic growth. Non-Governmental Organisations and other interested parties

⁴¹Ministry of National Development Planning, 7th National Development Plan 2017-2021. page 74

⁴²Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 32

⁴³Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 30

⁴⁴Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 31

⁴⁵Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 30

⁴⁶Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 66

⁴⁷Ministry of National Development Planning, 7th National Development Plan 2017-2021. Page 32

⁴⁸Jacqueline Tumwene. *Implementation of the Framework Convention on Tobacco Control in Africa: Current Status of Legislation*. International Journal of environmental research and Public health. Kampala Uganda. 2011. .Pg. 4321

need locus standi to be able to sue tobacco companies and individuals that default on their obligations.

Lastly, designated smoking rooms are a compromise between the plan of completely banning smoking in public and protecting the health of those that do not smoke. This protects the health of non-smokers as they would not envy the smokers and are not subjected to passive smoking.

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Ministry of National Development Planning, *7th National Development Plan 2017-2021*

Overview of Key FCTC Articles and Their Implementing Guidelines

Paragraph. 7. *Guidelines for Implementation of Article 11 of the WHO Framework Convention on Tobacco Control* (Packaging and Labeling of Tobacco Products), 2008

Paragraph. 67. *Guidelines for Implementation of Article 13 of the WHO Framework Convention on Tobacco Control* (Tobacco Advertising, Promotion and Sponsorship), 2008

Principle 1, paragraph 13, *Guidelines for Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control*

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Public Health



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**Economic
Gain**

The hangman's noose is a way of tying a rope to be used to execute a person by hanging. This knot is designed in such a way that the rope loops around the victim's neck and resists attempts to loosen it, ensuring death. The rise in demand for tobacco and the increase in knowledge of the harm that results from its consumption have caused it to be described both as an aid and a threat to economic growth. This has made loosening the hold that it has over the Zambian economy a little difficult. We are faced with the decision to either respect our international obligation as party to the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC), and limit the growth, production and consumption of tobacco within our borders or promote all these things and grow our economy in line with the Seventh National Development Plan (7NDP). What route should we take and why?

This essay aims to answer this question by first, emphasizing some of the things that the tobacco industry rarely says out loud and then highlighting how respecting the WHO FCTC and growing our economy in line with the 7NDP is two sides of the same coin. This essay also attempts to illustrate what tobacco growing and hanging have in common.

Tobacco is a widely grown crop. It is said to have been in production from as early as the year 1400 BC. Before the 20th century, tobacco was an acceptable trade item amongst Eastern North American tribes due to its traditional social and ceremonial use. Several years later, it was further prescribed by astronomer Thomas Harriot as a plant that "openeth all the pores and passages of the body"¹, and is therefore beneficial to human health. But today it is well known that tobacco consumption is a huge health hazard. Tobacco smoke, being a ready source of poisonous chemicals such as Cyanide, Polonium 210 and Carbon Monoxide, has been proven to cause heart, lung, larynx, bronchial, mouth and pancreatic cancers and a number of other heart and lung diseases.

According to the World Health Organisation, tobacco kills 50% of its smokers, 80% of whom live in low and middle income countries². Furthermore, The Tobacco Atlas reports that in 2010, 43 men and 22 women were killed every week, by tobacco in Zambia. In 2013, 29 400 Zambian boys smoked cigarettes every day and the hazardous habit was more prevalent amongst Zambian girls than it was amongst girls in other middle income countries³.

All this readily accessible information notwithstanding, the tobacco industry continues to thrive on the ignorance of its consumers and the unwillingness of the Zambian government to thoroughly educate its citizens on the dangers of tobacco consumption. In an article published by The Daily Mail on the 3rd of January 2016, reports released by international research teams from the American Cancer Society, the University of Zambia and Waterloo were said to show

¹Harriot Thomas, (1590), A Brief and True Report of the New Found Land of Virginia <http://www.gutenberg.org/files/4247/4247-h/4247-h.htm>

²WHO Tobacco Fact Sheet, Last Updated May 2017, Retrieved 8th November 2017 www.who.int/mediacentre/factsheets/fs339/en

³The Tobacco Atlas, Country Fact Sheet, 2010 & 2013, Retrieved 17th November 2017 www.tobaccoatlas.org/country-data/zambia

that 74% of Zambian smokers were unaware that smoking caused cancer. In addition to that, 40% of smokers could not even read the single text health warning carried on cigarette packs and were, as to be expected, unaffected by our government's half-hearted attempt to deter them⁴.

Instead, our government publicly bemoans the losses that our economy has suffered since the start of the anti-tobacco campaigns championed by the WHO Framework Convention on Tobacco Control. In addition to calling them a "major challenge", our government has vowed to counter these campaigns by encouraging investment in the tobacco sub-sector and promoting better trade policies. Tobacco is set to remain "one of the key strategic crops, whose relevance to Zambia's social and economic growth cannot be overemphasized⁵." However, what is not being said is that tobacco is only so lucrative because it is in such high demand and that the people creating this demand are living largely uninformed.

Despite that however, it would be unfair to fail to acknowledge that a government that is ready to fight for the economic development of its nation and its people, in the manner in which the Zambian government is doing, is a government worthy of admiration. Our government has worked hard to set up long and short term strategies to ascertain eventual economic prosperity for all. But to insist that tobacco production remain a key part of these strategies is not only a very short-sighted decision, but a counterproductive one too. Here is why.

Thirteen years from now, Zambians hope to live in a "strong and dynamic, middle income industrial nation that provides opportunities for improving the wellbeing of all⁶." This is to be achieved in small, incremental steps called National Development Plans. Part of this grand scale vision, dubbed The Vision 2030, includes becoming "a healthy society with a low disease burden and low mortality rate⁶." But how can we hope to build a strong, dynamic, industrial nation when the people meant to drive this robust economy are unable to do so, weighed down by poor health and numerous medical bills?

Tobacco and tobacco consumption is slowly suffocating our society and reliance on it can only take us further away from our end goal. The temporary improvement in livelihood that tobacco growing appears to provide the Zambian people cannot be sustained. Even though it can be argued that tobacco growing is not the same as tobacco consumption, once it has gone full circle, the tobacco crop comes right back to poison its primary producers in the form of cigarettes, chewing tobacco, snuff and water pipes. The benefits we enjoy now as a result of large scale tobacco production pale in contrast to the threat that tobacco poses to the health and economic viability of the Zambian people and their children after them.

In conclusion, the truth should not be an area left grey and uncharted. Tobacco is a pervasive and slow killing poison. Not only will it incapacitate the majority of its users in the long run, it will cripple the rate at which our economy grows because the people intended to grow it, will be unable to do so. Our government should focus on slowly phasing out the growing of

⁴Zambia Facing Tobacco Threat by Nomsa Nkana, The Daily Mail, 3rd January 2016, Retrieved 17th November 2017 www.daily-mail.co.zm/zambia-facing-tobacco-threat

⁵Zambia Loses US\$100 million From Tobacco by Arthur Mwansa, The Daily Mail, 23rd June 2017, Retrieved 17th November 2017 www.daily-mail.co.zm/zambia-loses-100-million-from-tobacco

⁶National Development Plan 2017-2021, p. 51, 7NDP: Towards the Vision 2030

tobacco and introduce farmers to the cultivation of higher value cash crops such as cashew nut. Our government should step up its commitment to honouring the WHO FCTC by increasing the tax it charges on tobacco products and by making real attempts to educate the public on the dangers of tobacco smoke. The government says that growing tobacco is for our good, and it appears to be at a crossroads about what agenda it should honour, the WHO FCTC or economic growth. But the real question that begs an answer is this: if tobacco farmers knew how slowly and surely tobacco production was strangling them and their economy, would they leave their heads in the noose?

ZAMBIA SHOULD RESPECT ITS INTERNATIONAL OBLIGATION UNDER THE WORLD HEALTH ORGANISATION (WHO) FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC) AND LIMIT TOBACCO GROWING, PRODUCTION AND CONSUMPTION

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Tobacco is harmful to health in any form or brand it may be presented. It is one of the leading causes of Non-Communicable Diseases (NCDs) and eventually death through many health conditions it presents. It is on this reason that I base my argument to recommend that Zambia should respect its international obligation under the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC) and limit tobacco growing, production and consumption.

Regardless of the mask it wears, tobacco is harmful to the bone and it could actually lead to the underdevelopment of a nation if not properly handled and controlled because it targets a country's most valuable resource, which is human capital.

Tobacco kills millions of people every year around the world. In the past, tobacco use was more common in developed countries and among men; but of late women are catching up and developing countries are increasingly taking up its use. This has come with its own adverse effects on the population; it should not go without a mention of the million other non-smokers who are indirectly affected through passive smoke.

Tobacco can demand the lives of even those that do not use it. In fact, it is even more deadly to those that do not use it once it is inhaled and because it does not have a threshold; it tends to be dangerous in the long term. For non-smokers living with smokers, it is as good as themselves being smokers. From the micro-economic perspective, poor households will become even poorer because of a family member who uses tobacco. This is so because of how expensive it is to manage and treat NCDs (hospital bills are high for specialised care such as cancer treatments), so the poor households risk going into hunger and adverse poverty all because of something that can easily be controlled and prevented. It is even worse if the person in question is a breadwinner of a certain household; the individual will have to deal with disease and there after disability which eventually leads to lost productivity and income and eventually death. This would mean poverty for the dependants and dropping out of school for school going children. If the person was in formal employment, the country at a macro-economic point of view can also count its losses through lost Gross Domestic Product (GDP) per capita.

It is a known fact that most NCDs are incurable, and tobacco is one risk factor to these and many other conditions. Turning a blind eye to the adverse health effects of tobacco and presenting it as a saviour or solution to economic development can cost Zambia. The huge chunk of money that is going to be allocated to health care services will deprive other key areas of development such as education and other sectors that are fundamental to development. It is in a sense trying to solve a problem with a much bigger problem.

The use of tobacco is a common practice among the most productive age groups (15-54years old) which is a drawback to national development, this is so because the country not only loses its human capital but also other investment opportunities that the ill individual may have been involved in. An example is that of a fresh graduate from the University who dies a year

after graduation; for his/her family which was depending on such a one to better their living standards after graduation, it becomes a draw back and to the nation which invested in this individual by awarding him/her with a loan to study and later give back to empower another, losses are equal in this vain.

Already, a portion of the Zambian population is living below the poverty line of \$1.9 per day and frankly speaking, encouraging the growth and consumption of tobacco is not going to make the situation any better. In fact, things will get even worse because what is being promoted will only push the country further into poverty; it carries the mask of development while in the actual sense it is an agent of destruction. It robs the poor households of even the little that they have through the bills that they will have to incur in treating the presented conditions caused by the use of tobacco. Some families can easily go into poverty when faced with health care costs and payments. We cannot even begin to talk about the magnitude of the distraction that tobacco brings to the frontline staff directly involved in production. To start with, the labourers are paid below the minimum wage and their pay is inadequate to cover the cost of living and quality health care for themselves and their families.

If the excuse of growing a dangerous crop in Zambia is development and economic growth, then we should value the most important resource (the people) without which a country cannot develop or grow economically. For this reason, I believe we should encourage good health in order to promote, sustain and enhance development. I do believe in the notion that a healthy nation is a productive one; therefore, the health of the general population should be given priority before we can talk about development, though from a different point of view, development and good health are interdependent, because we cannot achieve one without the other. In health economics, we understand that health is an integral part of human capital (this is the value through training, learning, experience and the skills instilled in workers or generally people which increase productivity, income and ultimately brings development) and an asset in its nature which can either appreciate or depreciate.

One crop cannot tear down the economy of a nation; as economically beneficial as it may seem. Zambia has plenty substitute crops it can grow and economic activities it can venture in to take the place of tobacco. In fact, relying on tobacco as a crop to boost our economy is to belittle ourselves and restrict the potential of our great land, Zambia. For instance, just as highlighted in the Seventh National Development Plan, Zambia can diversify and invest in other sectors such as tourism, agriculture (not just tobacco and maize), transport, mining and many other growth opportunities that we leave uncharted.

It is substantially evident that billions are lost worldwide both financial and through human resource in trying to prevent and treat tobacco related conditions such as T.B, cancers and other conditions. This is particularly detrimental to low and middle-income countries (most of which are classified as developing countries).

Conclusion

To the environment, tobacco subtracts from the efforts to fight pollution as it adds to pollution itself. Sadly, the young ones are picking the negative deviance to also imitate the elderly. As a country, we need to set a trend to discourage, reduce or even just eliminate tobacco use completely. What good is it if we swim in gold and honour today and our future generation perishes? It is the decisions of today that determine our tomorrow; we should all be socially responsible as we owe our future generation a world free from self-created adverse health effects.

THE STATE AND THE TOBACCO INDUSTRY IN ZAMBIA: THE WAY FORWARD

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All countries in the world cannot record positive economic, political and social development without a healthy population as its citizens. It is therefore important for leaders in the world to deliberately initiate policies which would help to bring about sustainable development in all sectors of the economy without compromising the health aspects of the people they lead. Zambia, as a member of the World Health Organisation Framework Convention on Tobacco Control (FCTC) has the obligation to adhere and promote the terms of the treaty which she acceded to on 23rd May, 2008. By implementing the terms of this treaty, the country will avoid tobacco related deaths and thereby continue to have a healthy and productive workforce. This essay is an attempt to argue that Zambia should abide by international obligations under the FCTC by limiting tobacco growing, production, and consumption and revise its intentions in the Seventh National Development Plan 2017 – 2021. It is further argued that there are other lucrative crops which can be grown in order to grow the economy and still be able to earn the much-needed foreign exchange in the country.

To begin with, it is important to understand the context in which the statement in the Seventh National Development Plan 2017 – 2021 was used by taking a historical survey of the tobacco industry in Zambia. Historically, it is true that the tobacco industry has been a very lucrative and profitable economic activity to the state and the people at large. The history of growing and exporting tobacco in the country can be traced to the period when the British South Africa Company encouraged white settlers in the territory to grow the crop.¹ The growing of tobacco among the white settlers was a great source of income as they grew it along the line of rail. Before the development of a significant copper industry between 1912 and 1924, tobacco was the major export crop in colonial Zambia.² It is indicated in the 'Northern Rhodesia Blue Book of 1924' that in this same year, tobacco had provided four-fifths of the value of all exported agricultural commodities.³ The success of the tobacco industry during this period depended on the intervention of the colonial state which offered incentives to the white settler tobacco farmers and secured international markets for them. It is important to highlight here that as a result of this historical background, the growing of tobacco in Zambia is still considered lucrative economically up to today.

Unlike in the colonial times, Zambia in the twenty first century has undergone many changes. One of the changes is the demographic one. In the colonial period, Zambia's population was very small and there was no excessive consumption of tobacco as compared to the current century. Most of the tobacco was exported and even when it was imported back into the country in the form of cigarettes or in packed plastics, very few Zambians could afford to buy it. The majority of the consumers were the white settlers. Zambia is a country whose population

¹Ackson Kanduza, 'The Tobacco Industry in Northern Rhodesia, 1912-1938', in *The International Journal of African Historical Studies*, Vol.16, No.2, 1983, pp.201-203

²Kanduza, 'The Tobacco Industry in Northern Rhodesia, 1912-1938' pp.201-203

³*Northern Rhodesia Blue Book* (Livingstone: Government printer, 1924), p.18

is significantly youthful today. The youth population aged between 15 to 34 years stands at 4, 582,433 representing 35 percent of the total populace of 13, 092,666 as indicated by the Central Statistical Office in 2010.⁴ With such information in mind, it is possible to predict that the country would face high levels of unemployment among the youths thereby finding it easy for them to engage in activities such as smoking especially when the products are readily available. It is very important to realize that with such a huge youthful population which is unemployed on one hand and on the other hand encouraging the growing, production and consumption of tobacco will create more health problems for the country.

In the United States of America tobacco is the leading cause of preventable morbidity and mortality.⁵ In Zambia, the consumption of tobacco among the adult male has already surpassed 20 percent.⁶ At the same time, other reports indicate that 26 percent of adults in Zambia and 15 percent young adults consume tobacco.⁷ If tobacco consumption is left uncontrolled, it means that the country will experience higher rates of tobacco related deaths. Zambia's 15-26 percent tobacco consumption is not different from the one experienced in Kentucky, a state in America. In 2012, Kentucky had surpassed the entire United States with 29 percent tobacco consumption and at the same time recorded the highest rates of tobacco induced deaths.⁸ Just like in Zambia, the five-major tobacco-growing states in America (Kentucky, North Carolina, South Carolina, Tennessee and Virginia) have a long history of considering tobacco as a lucrative crop. However, health concerns in these major tobacco-growing states in America have far outweighed the economic benefits of encouraging growing, production and consumption of tobacco.⁹ In 2003, all the five-major tobacco-growing states enacted tobacco-control policies such as the strong smoke-free laws. The states together with health officers, tobacco manufacturers and tobacco growers worked together to control the growing, production and consumption of tobacco.¹⁰

Government's position in Zambia regarding the tobacco industry was made clear on 7th August, 2017 when the Minister of Agriculture pointed out that plans are already underway to promote the industry through policies that will lure investment in the sector. In addition, it was postulated that the government would not afford to lose US \$100 million if reduction in production of the crop is encouraged.¹¹

The only way forward in Zambia concerning the tobacco industry is for the government to give prominence to the health of the people by promoting and implementing policies in the WHO FCTC treaty. A healthy citizenry is important to implementing informed and sustainable development. One of the key areas that concern sustainable development is promotion of health for all people. Secondly, government should encourage a variety of other agricultural products or crops such as maize, coffee, cotton, wheat, groundnuts and many others which can

⁴https://www.zamstats.gov.zm/phocadownload/2010_Census/2010%20Census%20of%20Population%20National%20Analytical%20Report.pdf (Accessed on 10/11/2017)

⁵Amanda Fallin and Stanton A. Galantz, 'Tobacco-control policies in tobacco-growing states: Where tobacco was king' in *Journal of the Milbank quarterly*, Vol. 93, No.2, June 2015, pp.319-358

⁶*Report on The Economics on Tobacco Farming in Zambia* (Lusaka: University of Zambia school of medicine and the American cancer society, 2017), p.2

⁷<https://www.daily-mail.co.zm/Zambia-urged-raise-tobacco-tax> (Accessed 10/11/2017).

⁸Fallin and Galantz, 'Tobacco-control policies in tobacco-growing states', p.20

⁹<https://www.escholarship.org/uc/item/3gm97949> (Accessed 10/11/2017)

¹⁰Fallin and Galantz, 'Tobacco-control policies in tobacco-growing states', p.321

¹¹www.tobacco.org/tagged/Zambia (Accessed 10/11/2017)

be used to earn the much-needed foreign exchange. Deliberate agricultural policies should be enacted aimed at encouraging farmers to grow some of the crops mentioned above, giving cheaper credit facilities, and buying farmer's crops at reasonable prices and on time. Through promotion of value addition to some if not all of the crops suggested in this essay, Zambia can still achieve its goal of growing the economy.

In conclusion therefore, it must be emphasized that the state has a bigger role to play in controlling growing, production and consumption of tobacco. For example, when the state noticed in 2012 that consumption of the strong liquor sachets beer commonly known as tujilijili in Zambian local languages, action was taken by banning the manufacturing and consumption of the product. Licenses were revoked and through legislation, it became illegal to manufacture as well as to consume or sell the product.¹² The development of multi-facility economic zones such as the British American Tobacco factory at the Lusaka South Multi-Facility Economic Zone should be turned into other factories that will not manufacture tobacco products which are a danger to human health. When policies such as the ones suggested in this essay are enacted, Zambia will be a healthy and a prosperous nation.

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THE WAY FORWARD CONCERNING TOBACCO IN ZAMBIA

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Tobacco is currently one of the most prevalent products on demand worldwide. Its consumption increases by the day due to the imperfections of the plans made to reduce and or thwart its consumption and availability. One of the major factors preventing the aim of WHO is the economic promises the production of tobacco gives. The profits realised are of course appealing in the short run and these include: employment opportunities, wealth creation and overall availability of funds for economic development which for our country is far-fetched.

However, the cons on the production may seem containable in the short run, but what about the overlooked risks in a few years from now? The long term effects of tobacco development in the country out-taste the sweetness of its mention promises. These include:

1. Extreme deforestation: large number of trees will need to be cut down every year for the production of this product. The large amount of land to be allocated to this can instead be used to cultivate trees for timber or real estate and amusement parks which are also a promising venture.
2. Pollution from factories during the production and the costs of containing the chemical waste.
3. Resurrection and birth of the black market for tobacco. This will be difficult and expensive to control due to the lack of professionalism and an abundance of corruption. The patriotism in our country does not stand a chance against the selfishness and greed that has already corrupted many ventures in the country. In as much as the enterprise in tobacco may seem lucrative, the opportunity does of course extend to the wrong hands too. Once the government openly supports the availability of tobacco in the country, a bad example would have already been set and turning back when it is too late will be chaotic to the economy and social stability of everyone. The government may make reasonable profits from their well implanted taxes but in the long run the black market will take over, illegal smuggling will be inevitable and the reduced prices of the product will only increase its consumption regrettably.
4. Health risks and unproductivity: This is an inevitable result. Tobacco is one of the silent causes of high death rate for all age groups. There are many diseases related to the consumption of the latter not to mention the adverse effect on the non-consumers through second hand smoke. The high death rate only reduces the man power in the country. Currently, research and daily observation shows that teenagers or youths in general are more prone to the addiction than older people tending their illness or retired and resting. At a social level, schools are already having difficulties trying to control the use of tobacco products among their pupils so imagine the outcome of allowing this product to circulate. How many future leaders will be able to survive the already growing influence of its use? How many industrious youths will the country have every year to contribute to the productivity of the nation?
5. Social effect: most smokers are vulgar, aggressive, inhumane and savage. They fear nothing or no one and they feed on the labour of the innocent and the weak. There is no gang in the country that is not driven with madness without the use of cigarettes.

These gangs, for example Kitwe's Sons of the Devil (SOD) rely on such stimulants to gain bravado and terrorise the community. They manipulate young ones and turn them into vagabonds. An average Zambian in Kamwala Market would steal to feed his desire for the burning sensation of the poisonous product.

6. Costs of controlling the cons: The need to provide medication for tobacco related illnesses must not be overlooked. Seeing that the act of permitting the circulation of the product is against the FCTC treaty, no outside aid can be depended upon if this should get out of hand. We simply do not have enough to fight the health risks tobacco might impose on the nation at large, both to smokers and non-smokers.
7. Transnational Tobacco Corporations (TTC) dependency is a long term result: The need to maintain the economic gain from the market will demand more time and resources in the long run and before we know it we are losing other profitable ventures which have not yet been explored.
8. The Market is dying: The FCTC under WHO has been making efforts to gain force against the production of tobacco. Apparently, the FCTC is gaining ground, only slower than they wish they were. More donors are recognizing the threats imposed by the consumption of this product and are sponsoring its cessation. Sooner or later the control measures will have a reasonable response enough to cause cut backs. As it is, smoking is more prevalent among poor people due to ignorance. What happens when these measures have a strong impact on these targeted clients? What happens to the many jobs created when the long run produces losses and unfavourably outcomes?
9. Last but not least and probably the only one among the many others not mentioned, it would be a reckless and careless choice for the government to plague the country with a health risk product in the name of wealth growth and employment. Yes, it is more profitable than cotton and maize, but the two have fewer cons to the nation at large than does tobacco. Should you implement the SNDP, have in mind that you will be consciously favouring the chaos in the long run and supporting the above disasters? Not to mention that the choice to turn our back on the treaty will of course be betrayal and will give birth to more losses from other organisations.

It is for the above reasons that I as concerned citizen feels that my government should comply with FCTC and not take the risk of abandoning the treaty for the sake of short lived profits that may cost us more damage than good. If growth of wealth and creation of employment is the priority, then the government might consider other comfortable and low risk ventures. Let the government invest in its people and consider their opinion on many economic matters. Promote our local markets and see what profit this gives our country. A simple example would be promoting the carpenters in our country and prohibiting the importation of foreign made furniture. There are many other suggestions the government can get from the people who live every day to see what must be done to solve their problems but is never considered at all.

The word tobacco has been accompanied with a lot of negativity, than benefits. Its negative effects on health, taking more precedent, being highlighted and overshadowing its benefits to any economy. The tobacco cigarette can lead to chronic diseases such as lung, throat or mouth cancer. It can also lead to a bloated heart. Cancer and heart diseases are sure not easy diseases to cure in developing countries and a country with a large population falling ill will fall back on productivity. In addition to the health effects that are inevitable from consumption of tobacco, the biggest barrier is that society and tradition pour scorn upon it as it is seen as influential in corrupting public morals and indulging of youths into bad vices such as rape, hooliganism, vulgar language etc. under its influence.

Surely considering the negative social and health factors tobacco sets before us should discourage even minimal production of the crop, even though its economic benefits are very significant. The negative effects can be mitigated. One of the mitigating mechanisms of the negative effects is growing tobacco under high security and government control. This can be done by growing the crop on state farms, monitored and controlled by the Zambia National Service (ZNS), this way there is a high guarantee that not everyone accesses it for subsistence consumption and in effect misuse. However, to also encourage employment and not monopolize the industry, the government can give licences to only those deemed as sustainable farmers- who will ensure that the growing and cultivation of the crop is controlled and once it is not well controlled, the licence is revoked. In doing so, the growing of the crop would solely be for export so that very little of it is consumed in the country, while imposing high tariffs at borders to deter imports of the tobacco made cigarette and as a result making it very expensive to purchase the cigarette in the country. Another way of ensuring little domestic consumption is intensify boarder regulations to restrict movement of the crop in and out of the country, that way preventing smuggling.

These are seemingly easy measures that can be undertaken to ensure that production of the crop is kept under control when ventured in to but who is looking at the effects of the crop and the production process involved to the environment and on the well-being of those involved in its production. Production of tobacco will have many consequences on the environment. Let us look at the production process of the crop.

At production level, the fertiliser used to promote the growth of the crop leave the land unusable after many planting seasons also there is run off of these chemicals into our rivers and lakes which are still a source of drinking water for many Zambians living in rural Zambia. Tobacco production is said to encourage deforestation as is evident from the amount of trees that are cut down for land clearing and curing processes during the crops production. Deforestation is an enemy of the environment; it leaves land bare and subject to massive erosion and also takes away the natural habitat for wild life. Another benefit of trees is their ability to purify underground water and leaving it clean for human and animal consumption, in the event of deforestation, underground water remains contaminated and unfit for consumption. Wild life is also one of Zambia's main source of revenue hence production of tobacco maybe a trade-off between the two sources of revenue.

Trees also have been scientifically found to be beneficial in mitigating the effect of climate change. They have the ability to absorb the carbon dioxide gases in the atmosphere that would otherwise accumulate and trap sun light energy and consequently lead to global warming. The effects of climate change have already been seen in the country in the last few farming seasons when Southern Africa was hit by El Niño and Zambia was not spared. During the El Nino we saw high temperatures with little rainfall that had a negative impact on our maize production, the country's staple foods. It is no wonder the united nations are prompting the idea of a green African industry through efforts made and reported in their 2016 UNECA economic report on Africa that was themed "greening Africa's industrialization".

One may argue that the production process of maize, the main agricultural product of the country, has the same environmental implications and maybe worse on climate, because many farmers resort to burning their maize stalk after harvest. My line of thought here or rather my defence would be that we already enough land under maize production and creating room for tobacco production will double the impact of agriculture on climate.

In addition to environmental impacts, tobacco production has psychological impacts on families that are desperate to earn a living. Many farmers in Zambia are small scale and there are enough farming households headed by women. Certainly a high value crop will attract many of these farming households to adopt tobacco production and earn a living. These families engage their families or house hold members as the main source of labour in their fields and wear very little or no protective clothing when working in these fields, these are measures taken to reduce the cost production and in essence increase their profits. This labour force includes children and exposes both women and children to a hazardous environment; the nicotine chemical from the tobacco leaf can be absorbed directly onto women's skin and blood by contact posing health implications. Also its production is labour intensive and children working in the fields are rendered unproductive in school work due to fatigue.

Tobacco production has economic benefits in an economic sense but poor regulation and monitoring by the public sector or state will not prevent the negative effects from outweighing the benefits of the crop. I believe there are many sectors of the Zambian economy that we can focus on that are less hazardous to the labour force, the consumer and the environment and also bring with them economic benefits. Growing tobacco on a large scale is possible but the cost will be high if it is not carefully planned and implemented according to the agreed upon plans.

While recognising the negative effects that may come as a result of tobacco cultivation and consumption, and highlighting the ways these effects can be mitigated I'm of the strong conviction that Zambia should not promote tobacco production and grow its economy in line with the SNDP.

ZAMBIAN FRAMEWORK ON TOBACCO CONTROL: THE HEALTH VS. WEALTH DICHOTOMY

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1. Introduction

Zambia, a third world economy with heavy reliance on the copper industry, has over the recent years looked for means of diversifying its economy by improving the agricultural sector, as it has promising prospects of economic growth.¹ It is therefore no wonder that over the spotlight has been shone on the growing tobacco industry owing to the fact that it poses as a lucrative means of income generation.²

However, this flies in the teeth of Zambia's international obligations towards health promotion as envisaged in the World Health Organisation Framework Convention on Tobacco Control (hereinafter referred to as the ("WHO FCTC")), which it acceded to in 2008.¹ The question that therefore forms the bulk of this paper is whether Zambia will choose to grow tobacco and develop its economy, or whether the obligations arising out of the WHO FCTC will be adhered to.

2. The Crucial Crossroad: Health Promotion Vs. Income Generation

Tobacco has been described as one of the major causes of preventable diseases such as lung cancer and heart disease.² As a matter of fact, about six million deaths per year are attributable to the use of tobacco products.³ Zambia alone records about 3,300 deaths owing to tobacco-caused diseases each year, while more than 56,000 children and more than 1,052,000 adults continue to use tobacco each day.⁴

It is therefore no understatement that tobacco poses significant injury to the health and welfare of people. It is against this background that significant strides have been formulated, particularly by the World Health Organisation (hereinafter referred to as the WHO) to deal with this scourge.⁵ One significant stride has been the formulation of the WHO FCTC, a public health treaty adopted on May 21st 2003 and entered into force on 27th February 2005, with the principal aim of curbing tobacco-related crises through obligating state parties to implement tobacco control measures.⁶ The WHO FCTC requires state parties to, inter alia, adopt policies and implement strategies that will serve as tobacco control measures to the demand and supply of tobacco, as well as protecting the environment from harmful substances. Specifically, Article 17 of the WHO FCTC mandates state parties to implement alternative measures for tobacco farmers, growers or sellers.

¹"About the WHO Framework Convention on Tobacco Control," World health Organisation Framework Convention on Tobacco Control, Last modified: 21 November, 2017, www.who.int/fctc/cop/en

²International Tobacco Control Policy Evaluation Project, *ITC Zambia National Report: Findings from the Wave 1 and 2 Survey 2012-2014* (Ontario: University of Waterloo, December 2015) 1

³Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 1.

⁴The Tobacco Atlas: American Cancer Society and Vital Strategies, Last modified: 20 November 2017, www.tobaccoatlas.org

⁵"About the WHO Framework Convention on Tobacco Control," World health Organisation Framework Convention on Tobacco Control, Last modified: 21 November, 2017, www.who.int/fctc/cop/en

⁶Recital 14 of the Preamble to the WHO Framework Convention on Tobacco Control

Thus, having acceded to the WHO FCTC in 2008, Zambia is obligated to implement comprehensive tobacco control laws to control the threat of the tobacco epidemic, including large pictorial health warnings, bans on smoking in public places and tobacco advertising, and increases in tobacco taxes and prices.⁷ However, it is unfortunately noted that despite the ratification, Zambia has been complacent in as far as implementing the provisions of the treaty is concerned. Nomsa Nkana⁸ notes that:

“Zambia lags far behind other countries in implementing effective policies to protect the public from the growing threat of tobacco harms to health. Despite strong public support, Zambia’s continued inaction is promoted by incorrect beliefs that tobacco leaf growing is an economic boom to Zambian farmers.”

Furthermore, the International Tobacco Control Policy Evaluation Project⁹ asserts that Zambia has made little progress towards meeting its WHO FCTC obligations and addressing the policy shortcomings. This reluctance may largely be attributed to the fact that the tobacco industry is perceived as a highly lucrative venture, being estimated to have contributed to about 0.4% of the total Gross Domestic Product (GDP) in the 2012 season.¹⁰

It is therefore this promising overview that has led the government of Zambia to work at ensuring that the tobacco production industry continues to thrive.¹¹ This however puts Zambia at a cross-road; on one hand is the duty to meet its obligations arising out of the WHO FCTC, whereas on the other, is the promising prospect of tobacco farming. Which route should Zambia take?

3. Choosing The Right Alternative

It is trite law that state parties enjoy the principle of sovereignty, a principle appreciated and underscored in varied international instruments such as the Charter on the Economic Rights and Duties of States (CERDS), the General Assembly Resolution 1803, as well as leading jurisprudence such as *Texaco v. Libya 53 ILR 389*. It is therefore this principle of sovereignty that enables state parties to enter into international agreements.¹² Hence, when State Parties enter into these agreements, they are promising to uphold and implement all the obligations arising therefrom.

Furthermore, according to sections 4 and 5 of the *Ratification of International Agreements Act, No. 34 of 2016 (“the Ratification Act”)*, any treaty or protocol that has been ratified by the National assembly attains the force of law and the government is obliged to domesticate that treaty through enacting laws to incorporate the terms of that treaty or protocol. This position is buttressed by the fact that shortly after the ratification of the WHO FCTC in 2008, parliament enacted legislation prohibiting the public smoking of tobacco.¹³

⁷Nomsa Nkana, “Zambia Facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

⁸Nomsa Nkana, “Zambia Facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

⁹International Tobacco Control Policy Evaluation Project, *ITC Zambia National Report: Findings from the Wave 1 and 2 Survey 2012-2014* (Ontario: University of Waterloo, December 2015) 1

¹⁰Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 2

¹¹“Zambia to raise tobacco production to 30 MT in 2017,” *Zambia AgriBusiness Magazine* (2016) accessed 20 November 2017, www.agribusinesszambia.com

¹²Saudi Arabia v ARAMCO ILR 1963

¹³International Tobacco Control Policy Evaluation Project, *ITC Zambia National Report: Findings from the Wave 1 and 2 Survey 2012-2014* (Ontario: University of Waterloo, December 2015) 3

Hence, that Zambia acceded to the WHO FCTC imputes on it the obligations to uphold and implement the measures that the treaty imposes on its state parties, which include the provision of alternative measures of income generation especially for tobacco growers, the sensitization of the harmful effects of tobacco as well as the imposition of taxes on tobacco production.¹⁴ These obligations must be met, as any “complacency in the face of the tobacco epidemic will ensure that the tobacco industry continues to run roughshod over the lives of Zambia’s citizens and ensure that tobacco’s death toll will grow with each passing year.”¹⁵

The government, being the principal duty bearer, must therefore reach out to other communities to strengthen their efforts in the mortal fight against tobacco.¹⁶ Zambia cannot therefore use the economic advantage argument as a smokescreen to evade its obligations.

Additionally, the American Cancer Society Report¹⁷ provides evidence countering tobacco industry claims that tobacco farming is an economic benefit for farmers.¹⁸ The report is based on an extensive survey of 497 small-scale tobacco farmers across the three largest tobacco-growing provinces in Zambia. The survey found that most small-scale tobacco farmers are in fact losing money each year.¹⁹ According to Dr. Jeffrey Drope, vice-president of Economic and Health Policy Research at the American Cancer Society, tobacco farmers with contracts experience a net loss of about K2, 700 (about US\$250) per acre, whereas independent farmers report a slight profit of about K2, 200 (about US\$200) per acre.²⁰

This is because the perceptions of profit are an illusion as they do not take into account the costs of labour, which are substantial, requiring about 1,200 to 1,500 hours to produce just one acre, with the most intensive tasks such as harvesting adding to the total hours required.²¹ Hence, it can safely be stated that the apparent profits that accrue from the tobacco industry actually translate into net losses, all factors taken into account.

Nomsa further notes that:

“Contract farmers, who make up nearly three-quarters of small-scale tobacco farmers, are attracted by the fact that they have a buyer for tobacco leaf, they have access to credit through their contract, and most importantly, many contracts provide for cash payments up-front. This is very attractive for farmers who for other crops would need to pay up-front for their inputs and would need to wait many months for an uncertain return on their investment. The combination of cash up-front and certainty in having a buyer for their crops compels many farmers to enter and to continue farming tobacco.”²²

¹⁴Articles 12, 6 and 17 of the WHO Framework Convention on Tobacco Control

¹⁵The Tobacco Atlas: American Cancer Society and Vital Strategies, Last modified: 20 November 2017, www.tobaccoatlas.org

¹⁶The Tobacco Atlas: American Cancer Society and Vital Strategies, Last modified: 20 November 2017, www.tobaccoatlas.org/zambia

¹⁷Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 2.

¹⁸Nomsa Nkana, “Zambia Facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

¹⁹Nomsa Nkana, “Zambia Facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

²⁰Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 10

²¹Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 10

²²Nomsa Nkana, “Zambia Facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

However, the contracts plunge these farmers into an increasing and deepening cycle of debt because the cash payments plus their revenue at harvest are not sufficient: they must grow tobacco again to pay back the leaf-buying companies.²³ Their contracts keep them at subsistence levels from year to year while their total debt increases year after year. Hence contrary to the picture painted by the tobacco industry that growing tobacco leaf provides a good living for thousands of farmers in Zambia, “the results of research clearly show that the opposite is really true: the vast majority of small-scale tobacco farmers have very bleak economic livelihoods, and many are firmly stuck in vicious and increasing cycles of debt.”²⁴

Thus, Zambia should remain committed to the protection of its citizens from the harms of tobacco smoking and consumption.²⁵ This should be done in addition to the already existing tobacco control programmes or the laws prohibiting smoking in public places, to also cover tobacco excise taxes, enforcing a comprehensive national smoke-free law and a ban on tobacco advertising and promotion, and mandating large graphic warning labels appear on tobacco product packaging.²⁶ This small investment will reap enormous dividends in health and prosperity.²⁷

²³Nomsa Nkana, “Zambia facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

²⁴Fastone Goma, Jeffrey Drope, Richard Zulu, Qing Li, Grieve Chelwa and Johnny Banda, *Economics of Tobacco Farming in Zambia*, (Lusaka: The University of Zambia School of Medicine, and Atlanta: American Cancer Society, December 2015) 12

²⁵Nomsa Nkana, “Zambia facing Tobacco Threat.” *Zambia Daily Mail*, 3 January 2016, accessed 20 November, 2017 <http://www.daily-mail.co.zm>

²⁶The Tobacco Atlas: American Cancer Society and Vital Strategies, Last modified: 20 November 2017, www.tobaccoatlas.org/zambia

²⁷The Tobacco Atlas: American Cancer Society and Vital Strategies, Last modified: 20 November 2017, www.tobaccoatlas.org/zambia

ZAMBIA SHOULD RESPECT FCTC OBLIGATIONS AND LIMIT TOBACCO GROWING AND CONSUMPTION

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Introduction

Tobacco is an agricultural crop, most commonly used to make cigarettes. It is grown all over the world and supports a billion dollar industry. The psychoactive ingredient is nicotine, a stimulant, but more than 4000 other chemicals (2000 of which are known to be poisonous) are present in cigarettes.

Tobacco is nervous system stimulant that triggers complex biochemical and neurotransmitter disruption. It elevates heart rate and blood pressure, contracts blood vessels irritates lung tissue, and diminishes your ability to taste and smell.

Tobacco can be processed, dried, rolled, and smoked as cigarettes, cigars, bids (thin, hand-rolled cigarettes imported from Southeast Asia) and clove cigarettes.

During the past decade, tobacco leaf production has shifted from high income countries to developing countries, particularly those in Africa. Most African governments promote tobacco farming as a way to alleviate poverty. The economic benefit of tobacco farming has been used by tobacco industries to block tobacco control policies.

The tobacco industry is active in promoting the alleged positive aspects of tobacco farming and in protecting farmers from what they portray as unfair tobacco control regulations that reduce demand.

In 2003, the World Health Organisation (WHO) adopted the Framework Convention on Tobacco Control (FCTC), an international treaty to reduce demand for tobacco products and address supply issues. In addition to demand reduction strategies the treaty specified that signatory countries should promote economically viable alternatives to tobacco for farmers to reduce the amount of land cultivated for tobacco leaf; and to protect the environmental and health of farmers.

On May 23rd 2008, Zambia acceded to the FCTC and since then the Ministry of Health has persuade the implementation of the WHO FCTC principles. However, according to the Seventh National Development Plan (SNDP 2017- 2021) of Zambia, "tobacco production is 7.5 times more profitable than maize production and 14 times more profitable than cotton.

In as much as tobacco can be 7.5 and 14 times more profitable than maize and cotton production respectively, Zambia should respect its international obligations under the FCTC and limit, tobacco growing, production and consumption because tobacco has many negative consequences for the health and well-being of farmers as well as for the environment and the long term well- being of the country.

Environmental Effect

Growing tobacco, negatively impacts the environment. Tobacco farming practically in low and middle income countries leads to deforestation and soil erosion because of the clearing of the land for tobacco farming and curing, and the population of rivers and streams with agrochemicals such as pesticides and fertilizers that are used extensively. These in turn leads ecological disruption. Governments and tobacco companies have tried to address the deforestation issue by encouraging reforestation, providing tree seedlings to farmers. But the amount of reforestation is much less than introduced by the government or what is necessary to stem the rate of deforestation. Some trees that are planted such as eucalyptus and cypress absorb a lot of water adversely affecting the water supply for other food crops and for drinking water.

Health Effect

Tobacco cultivation requires pesticides, fertilizers and other chemicals. These are often sold in bulk without proper labels or instructions. Farmers have little knowledge of the toxicity of such chemicals and do not know the right way to store, handle and use them. Tobacco field workers exposure to such chemicals may poison them. Furthermore, the health of the villagers even if they are not tobacco farm workers, can be affected because of the improper disposal of containers and run off of pesticides and other chemicals into rivers and streams that are the source of the village water supply.

Farm workers, often women and children, also absorb nicotine through their skin when they harvest the leaves, a problem inherit in the crop itself. The risk is substantially higher when the leaves are almost from rain, or when the workers do not wear protective clothing, which is often the case.

Food Insecurity Effect

According to the 2013 Global Hunger Index Development by the International Food Policy Research Institution Zambia (with a score of 24.1), Mozambique (with a core of 21.5) and Tanzania (with a score of 20.6), The Global Hunger Index measures the proportion of a country's population that is under nourished, the privileged and the underweight children under ages five, and the mortality rate of children in this age group. Despite this food and malnutrition situation, tobacco leaf production and land use for tobacco growing in these countries has been increasing dramatically more land devoted to tobacco farming means less land available to grow other crops for food.

Clearing of land for tobacco, depletion of soil nutrients by tobacco growing, the cutting down of trees to care for tobacco and the use and contamination of the water supply as a result of tobacco farming all have a negative effect on growing staple food crops. This contributes to malnutrition in the communities that farm tobacco. Tobacco farming further diminishes food security in these countries.

Economic Return of Tobacco Farming and the Livelihood of Farmers

A technical document prepared in 2007 for the *ad hoc* study group on alternative crops established by FCTCs conference of parties looked at a number of countries including Malawi and Zimbabwe, and examined the comparative efficiencies of several crops as compared with tobacco. Depending on marketing arrangements, it was found that in Malawi crops such as paprika, rice and coffee can bring in more income than tobacco farming.

Therefore, countries like Zambia can derive more income by growing crops like maize, watermelons, groundnuts to mention a few than growing tobacco.

Pollution

In addition to the carbon dioxide generated in the production of cigarettes, there are other environmental pollutants created. According to Economic Input-Output Life Cycle Assessment (EIO-LCA) models developed by Cornege Mellon University Green Design Institute, in 1995, for example, worldwide tobacco manufacturing produced 2.26 billion kilograms of solid wastes. Over the past century, ten trillion packs of cigarettes have been smoked. If each of empty packs weighs about five grams, that adds up for about 110 billion pounds of packaging waste including paper, ink cellphone, foil and glue.

Additionally, tobacco smoke in itself is a pollutant, whether the smoke is inhaled in the act smoking or inhaled by non-smokers out of the air indoors or outdoors. Tobacco smoke contains at least 172 toxic substances including three (3) regulated outdoor air pollutants, thirty – three (33) hazardous air pollutants, forty seven (47) chemicals carcinogens.

Cigarettes are a serious litter disposal problem made up of cellulose acetate, they are not biodegradable. This means that although ultraviolet (UV) rays from the sun will break them down, the source material never disappears and instead becomes diluted in water and soil. Additionally, cigarette butts contain benzene, nicotine, cadmin and dozens of other known poisons.

Health – Care Costs and Productivity Losses

Countries suffer economic losses due to high health care costs and loss of productivity as a result of tobacco related illness and premature deaths.

Between 1995 and 1999 in the United States of America, tobacco use accounted for 440 000 premature death and approximately US \$ 157 billion in annual health related economic losses. US \$ 81 – 9 billion in mortality related productivity.

In China, where tobacco use is increasing, study from the 1990s established the direct and indirect health costs of smoking at US \$6.5 billion per year. In 1998, an estimated 514 100 people died prematurely from smoking related illness, resulting in a productivity loss of 1.46 million people per year.

If current trends persist, about 650 million people alive today will eventually be killed by tobacco.

Conclusion

From the perspective of those countries, the labour intensive nature of tobacco farming generates employment for many in rural areas, including woman and children where unemployment is high, especially among youths, this opportunity for employment is particularly important. Furthermore, the export value of the tobacco crop is an important source of foreign exchange. Growing tobacco is perceived as a good for countries economic development. With all negatives of tobacco farming described above how does a country weigh the pros and cons in considering a policy approach?

Earning foreign exchange is obviously an important consideration for developing countries

like Zambia particularly in the short term. But government officials need to realize the long term effect of tobacco farming, production and consumption punctuates the cycle of poverty. The adverse socioeconomic consequences and the harm done to the environment are long term costs that the country will have to bear.

While full scale crop substitution for tobacco farming in Zambia may not be a realistic goal at least in the near to medium term, encouraging tobacco farmers to shift to other crops has intrinsic benefits because of the health hazards that farm workers including women and children face, the poverty that they suffer, and the adverse environmental impact on the countries concerned. Government should invest in the infrastructure that will help the farmers grow and market other crops.

Investigate. Find. Act



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