as critical to the overall success of the FCTC, and the limited evidence of active measures reported in these reports raise serious concerns. While issues of resources and capacity might explain limited progress in much of the Global South, the disappointing levels of implementation in high income countries rather suggest limited political commitment. This is echoed by the limited interpretation of Art. 5.3 that characterises some national tobacco control plans. While Art. 5.3 is increasingly seen as a model that might be applicable to other industries, this analysis shows that substantial work needs to be done within tobacco control to consolidate this approach. Increasing policy interest in harm reduction and innovative products may further hinder such progress.

OP007 LITIGATION, A KEY TO TOBACCO FREE WORLD: A REVIEW OF JUDICIAL PRONOUNCEMENTS FROM INDIA
Deepti Singh, Amit Yadav. Public Health Foundation of India

Background: Law as an instrument of social transformation helps in creating public awareness strengthens public policies and redresses injuries. The legislature realized the hazardous effects of tobacco use which has resulted in drafting of the pertinent tobacco control laws. The judiciary has complemented these legitimate goals of public health pronouncing tobacco control initiatives as imperative to realization of fundamental right to life. The Supreme Court of India in 2001 itself banned smoking in public places throughout the country and since then has upheld several tobacco control provisions under its domestic laws. Recently health rights judgments from Australia, Latin America, Colombia, South Africa, Argentina, Brazil & Canada strengthened tobacco control enforceability and these judicial precedents have provided strength to the much awaited goal of the endgame for tobacco.

Objective: This paper will present a review of the judicial pronouncements in enforcing right to health as a concomitant part of the Indian constitution with special reference to tobacco control litigations in India

Method: Review of primary sources such as Indian Tobacco Control Laws, the Constitution of India and key tobacco control litigations from India and other countries have been undertaken.

Result: The Courts in India have played a significant role in realization of the right to health by recognizing it as a part of the fundamental right to life and issued suitable directions to the state authorities for the fulfillment of their duties. Similarly, for the effectiveness of tobacco control in India, judiciary has come up with path breaking judgments from enforcing the ban on smoking in public places to imposing a ban on sale of gutka (smokeless) products across the country and have paved the way for achieving the goal of a tobacco free society.

Conclusion: This paper identifies series of judgments passed in public interest and role of judiciary in progressive realization of the right to health. The judiciary has played a vital role in enforcing tobacco control laws in India by creating a promising scenario for successful implementation of stronger and effective tobacco control measures.

OP017 FCTC ARTICLE 5.3 & GOOD GOVERNANCE/ANTI-CORRUPTION MEASURES: HOW TO ACCELERATE ARTICLE 5.3 IMPLEMENTATION
John Stewart, Cloe Franko. Corporate Accountability International, United States

Background: Big Tobacco’s future hinges on its ability to interfere in public health laws. The world’s first public health and corporate accountability treaty, the Framework Convention on Tobacco Control (FCTC), includes a critical provision, Article 5.3, which states the tobacco industry has an irreconcilable conflict of interest with public health. Article 5.3 is already paying dividends for public health. However, its incorporation into national legislation has been slower than other FCTC articles, in part because Article 5.3 is a good governance measure that limits corporate interference in policymaking.

The tobacco control movement has spent decades devising a good governance context of tobacco control ranges the gamut of tobacco industry interference that have violated Article 5.3 and research of existing anti-corruption law and how it compares to Article 5.3 and its guidelines.

Result: Because the tobacco industry has a history of fomenting corrupt practices among policymakers, insulating public policymaking from tobacco industry interference and increasing transparency is, in actually, an anti-corruption measure. This is precisely what Article 5.3 aims to do. Article 5.3 and its guidelines can be incorporated into existing anti-corruption measures like codes of conduct of enforcement mechanisms.

Conclusion: National anti-corruption laws present an opportunity to strengthen the implementation and enforcement of Article 5.3 provisions. Anti-corruption laws apply broadly to government officials across agencies to further public health policy.

OP035 TOBACCO INDUSTRY DIVERSIFICATION IN AFRICA: STRATEGIES, ACTIVITIES AND IMPLICATIONS
Mohamed Ould Sidi Mohamed, Kellen Nyamurung, Possy Mugyenyi. WHO – Center for Tobacco Control (CTCA), Uganda

Background: Center for Tobacco Control (CTCA) has prepared this study on tobacco industry (TI) for governments and other TC stakeholders in Africa to provide a snapshot of the TI behavior in terms of common activities and tactics, TI market share and progress on implementation of Article 5.3 of FCTC. Furthermore, this report provides a comparison of TI actions and makes recommendations on how to counter the TI interference in the region.

Objective: The objectives of this presentation
1. Identify the tobacco industry interference in AFRO region
2. Determine tobacco industries marketing strategies in Africa
3. Determine the range and target of industry activities and tactics
4. Identify corporate social responsibilities activities
5. Identify tobacco industries sources of profit

Method: The study used data from 12 countries using a semi-structured questionnaire based on the WHO-FCTC Article 5.3 and guideline. Specifically the data collection tool focused on interference on legislation, tobacco production, market share, and new tactics of the TI including TAPS, CSR, philanthropy, alliances and front groups. The data collection took place from September 2012 to March 2013 and analysis focused on twelve countries and in the Africa region.

Data collection was done by Ministry of Health and Civil Society Organizations in each country. The country data collected using the TIM tool developed by CTCA. The main objective of this study is to provide a more comprehensive understanding of the presence of the Tobacco Industry (TI) and its operations in Africa.

Results:
- Market share: three major trans-national tobacco companies operating in these countries are British American Tobacco (BAT), Imperial Tobacco and Philip Morris. BAT has a strong presence in Angola, Burkina Faso, Ghana, Kenya, Senegal, and Uganda; while Imperial Tobacco has a strong presence in Côte d’Ivoire, Burkina Faso and Chad, while Philip Morris International is in Senegal.
- Tactics and activities: the analysis shows a gradual move from use of giant billboard to subtle but aggressive point of sale brand. The findings also show that the TI is targeting children and the youth in their marketing.
- Implementation of Article 5.3: Some countries’ view the TI as a partner, source of a partner, source of revenue.

OP038 ENDGAME FOR MENTHOL AND SLIM CIGARETTES IN EUROPE? POLAND – THE LAST HURDLE
Mateusz Zygmont Zatonski. Health Promotion Foundation, Poland

Background: In internal tobacco industry documents, menthol and “slim” cigarettes appear as key products for enticing teenagers into smoking, and in Japan, Finland, or Poland account for over 1/5 of the tobacco market share. In December 2012 the EU Commission proposed to update the Tobacco Products Directive, including a ban on the sale of flavoured and “slim” cigarettes (FaSCs) in the EU. While the majority of EU countries support this proposal, the Polish Ministry of Agriculture, urged by Polish tobacco growers and many MPs, has called the government to block the update.

Objective: 1) Identify the key stakeholders among the Polish and EU bodies involved in the discussion over the sale of FaSCs since December 2012.
2) Classify their position, and assess their relative impact on the eventual outcome of the debate.

Method: Qualitative analysis and synthesis of primary and secondary sources released by the EU during the update’s formulation, and of sources documenting the attitudes towards this proposal, e.g. EU Commission update proposal and impact assessment, Eurobarometer survey on Europeans attitudes towards tobacco (May 2012), Euromonitor tobacco in Poland report (September 2012), and documents analysing the impact of the update on Poland released by tobacco companies, the pro-tobacco lobby, the anti-tobacco lobby, Polish governmental agencies, and the reception of the update in the Polish parliament and media.

Result: Eight principal stakeholders were identified that could be grouped as: public opinion (Polish citizens, media), lobbyists (pro-tobacco and pro-health groups), political bodies (EU Commission, Polish Health Ministry, Polish Agri-
The tobacco industry frequently argues that tobacco is a significant source of employment and livelihood. Economies, particularly of low-income households, will suffer greatly if strong tobacco control legislation is passed. However, considering the ill effects of tobacco on human, there are multiple attempts in different dimensions both from its supply and demand side to reduce its production and consumption. One of the dimensions is to consider alternate sources of crop to tobacco or identifying alternate sources of livelihood for the farmers involved in tobacco farming.

Objective: The aim of the study was to identify multiple determinants which govern the decision of growing tobacco crop or shifting from tobacco to an alternate crop. The study considers the feasibility of the transition from tobacco farming to non-tobacco farming, undertaking different barriers and enables to alternate farming of tobacco in India.

Method: The data of the study has been collected through a systematic literature search of database; Agris, Econlit, IBSS, Pubmed, web of Science; using various keywords such as “tobacco farming”, “tobacco and alternate farming”, “tobacco crop”, “tobacco cultivation” and “tobacco farming”. Due to the paucity of data available, the study has considered both peer reviewed and non-peer reviewed literature from both published as well as grey literature.

Result: The tobacco cultivation trend in India shows that the tobacco has replaced fiber, coarse grains along with some cereals crops production and reversing the trend from tobacco to non-tobacco crops, would be highly complex and not a linear processes. The literature review suggests that the extent of irrigation, availability of labor, input subsidy related to fertilizer, tobacco

industry price degradation and income eroding arrangements in favor of land owners. This debt increases with industry’s annual loans of US$ 870, a common practice. In contrast, with an investment of US$ 6,000 for land and infrastructure for agro-ecotourism, a farm family could reach net profits between US$1,800 and 3600 per year per 2 hectares, at the first year of implementation, with monthly salary between US$380 and 530.

Conclusion: Ecological/orange crops of a variety of vegetables and fruits are sources of healthy jobs and food for farm families, giving significant profitability at short and long term, providing options to exit tobacco farming improving income and life quality.