

TRADE AND TOBACCO CONTROL: RESOLVING POLICY CONFLICTS THROUGH IMPACT ASSESSMENT AND ADMINISTRATIVE TYPE INTERNATIONAL LAWS

*Benn McGrady**

ABSTRACT

The forward to the World Health Organization Framework Convention on Tobacco Control (FCTC) describes the convention as a response to the globalisation of the tobacco epidemic and in particular, to the liberalisation of trade. Without doubt, the drafters were concerned with the potential for trade liberalisation to stimulate tobacco consumption. In response, the FCTC obliged parties to implement a range of tobacco control measures as indirect means of flanking trade liberalisation. This paper argues that the response of the FCTC to trade processes could be improved by the conclusion of a protocol setting out administrative style international laws governing processes of trade-related policy-making. This approach should improve the response of the FCTC to trade processes, promote the reconciliation of trade and tobacco control as policy choices and ensure that the FCTC is capable of serving as a model with respect to broader issues of trade and health.

* Benn McGrady is an Australian lawyer. The author acknowledges the assistance of the anonymous referees and of Professor Jeff Waincymer who reviewed this work in his role as supervisor of the author's PhD dissertation (under examination) "Trade and Tobacco Control: The World Trade Organization and the Framework Convention on Tobacco Control." The author may be contacted at bennmcgrady@hotmail.com.

KEYWORDS: *trade, tobacco control, FCTC, impact assessment, policy coordinatio*