

CHAPTER I

INTRODUCTION

1.1. Background

As an international organization that focuses on health care of the world, the World Health Organization (WHO) became one of the international organizations that have legalized and running under the United Nations. The main focus of the establishment of the World Health Organization is to ensure the health of the world and responsible for providing the health system and eradicate global health matters. The World Health Organization (WHO) has an annual meeting and consultation regarding to the health matters which happening in the world.

In the 56th World Health Assembly held in Geneva on May, 21st 2003, there are various highlights has been decided. A major highlight of the 56th World Health Assembly is the creation of the Framework Convention on Tobacco Control (FCTC) as the reflection of the high rate of tobacco consumption which causes mortality around the world. Tobacco epidemic was brought to the World Health Organization (WHO)'s discussion because a lot of experts came up with the argument of International Health Law which can be decrease the tobacco use. WHO Framework Convention on Tobacco Control was made as to the responses to the globalization of tobacco use (WHO, 2003) which emphasized the high standard of health for everyone to put the health aspect as their priorities whenever and wherever he/she is.

In this era, human needs are increasing following the trend which spreading due to the rapid movement of globalization. There are fashion trends, food and beverage trend, and many other trends attached to people's lives around the world. However, it cannot deny that besides the human needs are increasing very rapidly, the challenge and the risk that comes from the impact of the needs are also increasing. That fact represents the reason for tobacco use nowadays. Tobacco has become a significant market opportunity for many people looking for.

Tobacco first use began in the 18th century and continued until the 21st century, where there is a lot of company that chose to produce tobacco.

Tobacco is known as the product that brings both good and bad impact on the individual and groups. Those who were looking for tobacco and produced it to make it a product that has value for themselves will gain the advantages by producing it. However, on another side, many studies show that tobacco gives a negative impact on both smokers and non-smokers. According to the Surgeon General report, the health effects of consuming tobacco can cause many dangerous diseases such as cancer, cardiovascular diseases, and respiratory disease (U.S. Department of Health and Human Services, 2004).

The dilemma between consuming tobacco as a chance of a big opportunity for the economic aspect of the country and consuming tobacco can be a boomerang for the health matters for those who consumed it and for those who breathe the smoke was happening around the world. Due to many people looking for cigarettes to consume, the tobacco company gains many advantages. By then, the tax that will be the income of the country will increase. For more, job opportunities for the society would be wide open in the tobacco company area due to a large number of requests for produce and sale of the processed tobacco itself (Nguyen, Giang, & Pham, 2020). However, by the health view, Tobacco is a dangerous product to consume. The reason is that once people learn to try cigarettes and got the effects of the inhaled nicotine inside of the cigarettes, they will quickly become dependent on cigarettes (Carson-DeWitt, 2003). Further information, Tobacco plant contained alkaloid, nicotine, which gives the power over man's mind for those who consumed it. The argument supported by John Langley's research about nicotine and shows that nicotine produced strong effects on the nervous system known as 'receptors' (Goodman, 2005).

Tobacco use is a global matter. The high rate of consuming Tobacco is happening in almost all countries. Thailand becomes one of the example countries that experienced a high amount of people who consumed Tobacco. Firstly, Thailand has its legal manufactured tobacco products called Thailand Tobacco Monopoly (TTM), which has a big market share of Tobacco in Thailand and has

produced around 20 brands of cigarettes to sell. In 1991, American Tobacco products began to enter the tobacco market in Thailand hand in hand with Cigarettes Exports Associations (CEA) which complained to the United States Trade Representative (USTR) to negotiate with the Thailand government to open the market for the American Tobacco products such as Phillip Morris, British American Tobacco, and Japan Tobacco (Charoence, et al., 2012).

Supported with a lot of advertisement about cigarettes, people who try to consume cigarettes was increased and impacted to the economic value for each person as what shown by Jayanton who examined the impact of smoking on the health care, the average for the cost of medical in 2001 is about 13.265 baht per person per year (Patumanond, 2001). But on the other side, the total revenues that Thailand gain from several tobacco companies is about USD 346 Billion, which the value represents more than half of the Gross National Income of Thailand in 2016.

The dilemma experienced by the Thailand government about tobacco product had come to an end when the Thailand government decided to do the tobacco control as what many countries already implement. The dangers of tobacco use are such a big matter, especially for the health sector, which has been discussed around the world. The fact that around 8 million people died because of tobacco in 2017 (WHO, 2019).

However, the action took by the Thailand government has a pro and contra from other parties. As the tobacco company, Phillip Morris felt the disadvantages of the rules of tobacco control set by the Thailand government about the tax that is higher than before. Phillip Morris claimed Thailand to the World Trade Organization as Thailand's act of inconsistently with the Customs Valuation Agreement. For more, Phillip Morris also claimed that Thailand made such tax rules started with the ad valorem excise tax, health tax, and TV tax on both domestic and imported cigarettes that are inconsistent with GATT 1994 (WTO, 2019).

Concerning that Thailand has a big chance in tobacco product on the economic aspect, meanwhile, in the health sector it is also a big concern about the

risk of the tobacco consumption, this research will seek for the effectiveness of the Framework Convention on Tobacco Control (FCTC) by the World Health Organization (WHO) in decreasing the impact of tobacco and reducing the tobacco consumption that was happened in Thailand. It is important to be examined because not just Thailand that experienced the negative impact of tobacco in health and positive impact in the economic sector, but it is happening worldwide. Therefore, the researcher wants to know that is WHO FCTC could be the treaty that implements in the country to reduce the risk of the tobacco consumption.

As explained by (Jitnarin, et al., 2011) inside their article which title “Socioeconomic Status and Smoking Among Thai Adults: Results of the National Thai Food Consumption Survey” that sees the causes of the smoking behavior that happened on Thai adults is because the factor of socioeconomic which about the educational level and occupational class. So, this journal can be used to be one of the sources to support the argument in this research.

As explained by (Charoenca, Kungskulniti, Sritabutra, Pitayarangsarit, & Hamann, 2018) about the effort undertaken by Thailand in implementing the Framework Convention on Tobacco Control (FCTC) to its country through their journal which title “Using an Assessment Tool to Further Tobacco Control Accomplishment in Thailand” which stressed about facing a limitation of human resources and fiscal in order to devise methods on fulfilling the implementation of FCTC in case of tobacco control in Thailand. This journal uses to be a data comparison with the previous article and analyze how to solve the problem of tobacco use in Thailand. As we know that all of the world were challenged by the globalization of tobacco use that makes all of countries to be ready in order to face the situation of tobacco product users.

1.2. Research Question

Based on the background that has been explained, the author has formulated question as follows: *How is the effectiveness of WHO FCTC in reducing the tobacco consumption in Thailand?*

1.3. Theoretical Framework

International Regime Theory

The international regime theory develops from the viewpoint of the realist experts in the international relations arena. International regime theory introduced by Stephen D. Krasner. According to Stephen D. Krasner, international regime theory is about (Hasenclever, Mayer, & Rittberger, 1996):

“implicit or explicit norms, principles, rules, and procedures of decision-making around which actor’s expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are norms of conduct specified in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making mechanisms are prevailing practices for making and implementing the collective choice.”

A regime will have a cycle that starts from creating an expectation, setting a standard of behavior, and producing a general obligation that can be followed by the actors. Then, the general obligation that has produced from the collective ideas by the actors will be implemented by the actor domestically as the guide of decision making of the national rules. It is also supported by the Martha Finnemore’s opinion in the book of Introduction to International Relations that international norms can encourage the formation of national policies of the actors (Jackson & Sorensen, 2013). Regime theory also shows that the power of the agent/actor not just about the state, but it can be about multinational companies, international organizations, firms or interest groups, and so on as long as those agents are under a similar understanding of the outcome. According to the Hasenclever book, the norm is basic on how the regime members act which leads to the collective outcomes that are specified in the regime principles. By then, the outcomes will be in harmony with the goals of regime principles (Hasenclever, Mayer, & Rittberger, 2000).

Every country has its interest to make its nation looks better in some aspects, it can be from the economic aspect, political aspect, security aspect, and so on, so forth. From the national interest of each state, it cannot be denied that every state sometimes has the same way that can be discussed to make a coalition

or cooperation to achieve the national interest or the advantage for the state. According to Keohane, regime theory is a theory for explaining and understanding international cooperation intending the coordination and harmonization of interest among nations (Keohane & Goldstein, 1993). However, the same thinking of the way to achieve interest among nations does not mean that every state has the same national interest.

Robert Jervis makes it clear by arguing the concept of the regime include not only about norms and expectation that promote cooperation, but also the process of cooperation that is more than the product of short-run self-interest (Jervis, 1982). The regime is mentioned as the result of the majority calculation of decision. The regime emerged as the result of hegemon which had the power to attract others to participate and contribute to regime maintenance. As long as the hegemony still needed, the hegemon still interests in the regime, the regime should persevere.

Susan Strange appears with the argument of the regime is not matters. This is expressed by Susan Strange because she argued that “All those international arrangements dignified by the labelling regime are only too easily upset when either the balance of bargaining power or national interest interpretation or it can be both together change among those state who negotiate them.”. Susan stressed that if whether the causal schematic or the outcomes are changed, the regime will change also or it can be said as trivial. The explanation regarding the role of the regimes by Krasner which also put other scientist point of view. There are some figures that (Krasner, 1982) put to clearly describe the regimes, such as:

Basic Causal Variables → Regimes → Related Behavior and Outcomes (1)

Basic Causal Variables → Regimes → Related Behavior and Outcomes (2)

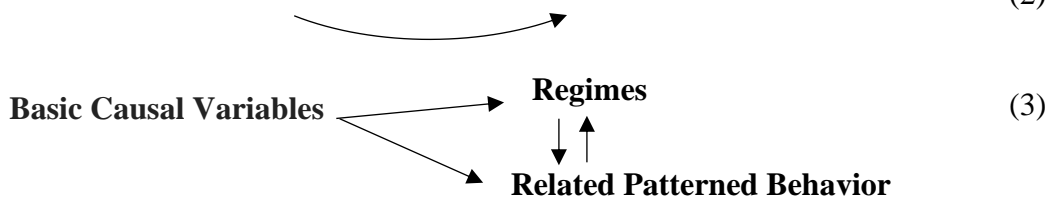


Figure 1.1 Regimes

- (1) In Figure 1, it is explained that the regime is not an independent element but standing between the causal variable and related behavior and outcomes to represents the cause and effect of the phenomena that happened.
- (2) In Figure 2, it is agreed with what Susan Strange has said that Regimes is not mattered in international relations. In this figure, it stresses that regimes only used when the conditions are tight enough. As an alternative, basic causal variables can directly affect the behaviour and outcomes.
- (3) In Figure 3, it is explained that both regime and patterned behaviour can affect each other according to the phenomena that happened. Patterned behaviour can lead to the interest that creating a regime. Meanwhile, patterned behaviour can be strengthened by the regimes.

The example of the international regimes is the Kyoto Protocol and Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Those international regimes represent the condition of the world that should be shaped under the international regimes. Kyoto Protocol is about Climate Change where countries are mandated to reduce greenhouse-gas emissions. While CEDAW is about the commitment of countries to undertake various measures to end any action related to discrimination of women in all forms (Cole, 2016).

1.4. Hypothesis

The effectiveness of WHO FCTC (Framework Convention on Tobacco Control) in reducing the tobacco consumption in Thailand through the measures of MPOWER which are Monitor tobacco use and prevention; Protect people from tobacco smoke; Offer help to quit tobacco use; Warn about the dangers of tobacco policies; Enforce bans on tobacco advertising, promoting, and sponsorship; and Raise taxes on tobacco policies.

1.5. Methodology Research

The researcher would implement the qualitative research methodology as the method to analyse the curiosity of the researcher about the case. The core property of qualitative research is that it examines the way people make sense out of their own concrete real-life experiences in their own minds and in their own words (Cropley, 2015). The using of Qualitative method is able to use the method of collecting data and several information obtained from journal articles, an official online source, books, a scientist's point of view, the documents that can be trusted through an online source, and other sources that are relevant to the author's research. The researcher will analyze the research question of the thesis by interpreting the meaning and gaining a holistic view of a phenomenon and trying to describe the meaning of a phenomenon from the researcher's point of view and understanding.

1.6. Limitation and Scope of Research

The researcher would like to create a scope of Researcher to limit the problem which would be analyse. The scope of research is about from 2003 to 2020 to answer on how the effort of Thailand in order to implement the FCTC treaty by WHO in Thailand. The adoption of the Framework Convention on Tobacco Control was happened in 2003 on the 56th World Health Assembly that held in Geneva where the participant of the convention is about 181 countries. In 2020, Thailand on processing the regulations domestically based on the MPOWER measures which Thailand has adopted from the WHO FCTC (Framework Convention on Tobacco Control)

1.7. Research Outline

The researcher using the outline as follows:

Chapter 1: the researcher describes the introduction of the research that begin with Background of the issue, Research Question, Theoretical Framework, Hypothesis, Research Methodology, Limitation and Scope research, and the Research Outline

Chapter 2: the researcher is about to explain the Framework convention on Tobacco Control (FCTC) as a global treaty in terms of health under the World Health Organization (WHO) that includes the process of adopting the treaty, the rules and regulation of the treaty, the members countries, and how is the background of tobacco epidemic as the cause of creation of the treaty. Also, as a part of the global matters, describing tobacco problem generally in the world as the serious problem continued with specifically in Thailand.

Chapter 3: the researcher discussed the effectiveness of the Framework Convention on Tobacco Control (FCTC) by the World Health Organization (WHO) in reducing Thailand's tobacco consumption

Chapter 4: the conclusion that the researcher concludes based on the explanation and discussion that have been analyzed in the previous chapters.