

Article 19: Make Big Tobacco pay

The FCTC contains a powerful provision, Article 19, on liability. Article 19 gives Parties the power to use the law to hold the tobacco industry legally and financially accountable for its abuses. It also advances all of the lifesaving measures enshrined in the FCTC by ensuring there are resources available and legal consequences for violating tobacco control laws.

An expert group established at COP5 developed some of the legal tools, information, and technical resources governments need in order to advance implementation of this powerful article of the treaty. However, additional research needs to be done and Parties need more guidance in order to effectively implement Article 19.

At COP6, Parties should establish a Working Group with the full participation of experts to:

1. Complete research on criminal liability and international liability.
2. Create guidelines, including model laws, to provide Parties the necessary guidance and tools to effectively strengthen the implementation of Article 19.



Photo: John Duricka

Just twenty years ago, the CEOs of the seven major U.S.-based transnational tobacco corporations swore under oath that nicotine was not addictive (pictured here). Legal action by 46 U.S. state attorneys general is what finally brought these corporations to justice. At COP6, Parties have the opportunity to advance Article 19 to hold the tobacco industry liable for its lies and harms to public health globally.

ESSENTIAL ELEMENTS OF ARTICLE 19:

- ▶ It is one of the most under-utilized Articles of the treaty and a powerful tool to denormalize the tobacco industry and make it pay the high cost of tobacco-related death and disease.
- ▶ It urges Parties to adopt laws and policies to hold the tobacco industry liable for its abuses and for violations of tobacco control laws.
- ▶ Successful implementation can force the tobacco industry to reveal millions of internal documents containing its secret tactics to undermine health policy.
- ▶ Cost-recovery litigation can provide much-needed resources to implement tobacco control policies.
- ▶ Though offensive litigation might not be right for every Party, a few successful legal actions against the tobacco industry could deter abusive behavior worldwide.