

Keep Big Tobacco out of public health



Tobacco industry infiltration of FCTC meetings through badges intended for the public forced Parties to expel the “public” from recent meetings, including COP5, COP6 (pictured here), and COP7.

Parties should protect COPs

BIG TOBACCO IS THE GREATEST THREAT TO FCTC IMPLEMENTATION

Parties have made incredible progress implementing the lifesaving measures of the World Health Organization’s Framework Convention on Tobacco Control (FCTC). Much of this progress stems from decisions made at the Conferences of the Parties (COPs).

But mounting evidence, including an in-depth investigation by Reuters,¹ demonstrates that the tobacco industry and its front groups infiltrate these meetings. Industry representatives manipulate, intimidate, and lobby delegates while they collect information about policy proposals—according to tobacco industry internal documents,² medical journals,³ industry publications,⁴ and whistleblower testimony.⁵ Their end goal is to gain the information they need to devise strategies that will undermine progress on treaty implementation.

Industry representatives infiltrate COPs through 1) obtaining public badges, 2) using tactics to stack delegations with officials favorable to industry interests, and 3) acquiring media badges.

At COP8, Parties should adopt a comprehensive policy that closes all loopholes that currently allow the tobacco industry and affiliates to infiltrate these important meetings. Doing so will bring the COPs in line with the requirements and recommendations of FCTC Article 5.3 and its guidelines, which prohibits the tobacco industry from having any role in policymaking.

INDUSTRY INFILTRATING DELEGATIONS

At COP7, Philip Morris International set up a covert operations room at a hotel an hour away from the COP convention center. There, corporate representatives held secret meetings with delegates from Vietnam and other Parties.⁶ And in 2015, a British American Tobacco (BAT) employee-turned-whistleblower exposed evidence of BAT bribing FCTC delegates from Rwanda, Burundi, and Comoros.⁷

INDUSTRY MANIPULATING PUBLIC PARTICIPATION

At the third round of negotiations toward the Protocol to Eliminate Illicit Trade in Tobacco Products (ITP) in 2009, civil society advocates discovered that representatives of BAT, Japan Tobacco International, Philip Morris International, and Imperial Tobacco were observing the negotiations under the guise of "the public." In fact, 23 of the 28 people who were willing to identify themselves within the public gallery overlooking the negotiation space were employed by the tobacco industry.⁸ As a result of this and further interference, Parties have been forced to eject the public from COP5, COP6, and COP7 as well as from the final negotiating rounds for the ITP.

RECOMMENDATIONS

1. The tobacco industry should no longer be allowed to exploit public badges. Governments should bring the COPs in-line with Article 5.3 and close this loophole. Doing so will cast out the industry from the talks while keeping the process open to members of the media and in-line with the FCTC guidelines. Real members of the public have the opportunity to attend the talks on NGO observer badges.
2. Rules of Procedure should be aligned with current practice by changing the default category for subsidiary body meetings to "open." This would enable the Secretariat, Parties, inter-governmental organizations, and NGO observers to attend committee meetings.

ENDNOTES

- 1 Aditya Kalra et al., "Inside Philip Morris' Push to Subvert the Global Anti-Smoking Treaty," Reuters, July 13, 2017, <http://www.reuters.com/investigates/special-report/pmi-who-fctc/>.
- 2 Jeannie Cameron, "LIFTING THE LID," n.d. http://www.jcicinternational.com/wordpressjc/wp-content/uploads/2012/07/LIFTING_THE_LID-October2012.pdf.
- 3 Mary Assunta, "Tobacco Industry's ITGA Fights FCTC Implementation in the Uruguay Negotiations," *Tobacco Control*, January 1, 2012, *tobaccocontrol-2011-050222*, <https://doi.org/10.1136/tobaccocontrol-2011-050222>.
- 4 A COP Too Far? January 2013. *Tobacco Reporter*.

- 3 All accredited attendees to FCTC negotiations (observers, international organizations, media, and government delegates) should submit Declaration of Interest forms to ensure that participants do not have ties to the tobacco industry.

WHY SHOULD GOVERNMENTS CLOSE THE LOOPHOLE?

Parties do not want the tobacco industry to manipulate the World Health Organization's commitment to transparency. There are bold solutions that will both safeguard the integrity of the proceedings and protect them from tobacco industry infiltration.

Making the recommended adjustments to the Rules of Procedure could solve this issue once and for all.

1. To streamline applicant screening:
The Secretariat already has screening procedures in place for NGO observers. And NGOs have their own internal screening procedures to prevent tobacco industry representatives from attending as part of their delegations. This would delegate the screening to NGO observers who might have more capacity to do so.
2. To separate bona fide members of the public from tobacco industry representatives:
There is little, if any, evidence that more than a handful of bona fide members of the public actually attend/observe the COP proceedings. These members of the public are usually friends/family of delegates and members of academia.

5 "The Secret Bribes of Big Tobacco Paper Trail," BBC News, November 30, 2015, sec. Business, <http://www.bbc.com/news/business-34944702>

6 "Inside Philip Morris' Push to Subvert the Global Anti-Smoking Treaty," Reuters, accessed September 19, 2018, <https://www.reuters.com/investigates/special-report/pmi-who-fctc/>

7 "The Secret Bribes of Big Tobacco Paper Trail," BBC News, November 30, 2015, sec. Business, <http://www.bbc.com/news/business-34944702>

8 "Smokescreen for Smuggling" (Corporate Accountability, The Network for Accountability of Tobacco Transnationals), accessed September 19, 2018, https://www.corporateaccountability.org/wp-content/uploads/2018/08/smokescreen-for-smuggling_0.pdf.

