

# Safeguard public health from Big Tobacco

## Parties should implement the “maximizing transparency” decisions

### COP9 IS THE TIME TO REIN IN BIG TOBACCO

The Ninth Conference of the Parties (COP9) of the World Health Organization’s Framework Convention on Tobacco Control (WHO FCTC)<sup>1</sup> is proceeding entirely virtually, in the shadow of the devastating COVID-19 pandemic. As governments around the world grapple with COVID’s impacts—which are likely exacerbated by smoking<sup>2</sup>—the pandemic of tobacco-related disease has continued to claim more than 8 million lives each year. Unlike COVID, this pandemic is wholly preventable, driven by a powerful industry with a history of interference in lifesaving public health policy.

The industry is expected to take advantage of the meetings’ virtual format this year to attempt new tactics for interference. This interference undermines Parties’ ability to effectively implement and advance the WHO FCTC’s measures—at the expense of people’s lives.

### BIG TOBACCO REMAINS THE GREATEST THREAT TO WHO FCTC IMPLEMENTATION

Parties have made enormous progress implementing the lifesaving measures of the WHO FCTC and its Protocol to Eliminate Illicit Trade in Tobacco Products (The Protocol). Much of this progress stems from decisions made at the Conferences of the Parties (COPs) and Meetings of the Parties (MOPs).

Yet the tobacco industry and its front groups remain intent on derailing the treaty process, and their tactics are well-documented.<sup>3 4 5</sup> Industry representatives manipulate, intimidate, and lobby delegates while they collect information about policy proposals—according to tobacco industry internal documents,<sup>6</sup> academic

journals,<sup>7 8</sup> whistleblower testimony,<sup>9</sup> and a brand-new set of reports exposing British American Tobacco’s widespread scheme of questionable payments in Africa.<sup>10</sup> That’s why at COP8 and MOP1, Parties decided to act to safeguard the integrity of the treaty, its protocols, and its lifesaving potential.

### PARTIES APPROVED A POWERFUL SOLUTION

At COP8 and MOP1, Parties agreed on groundbreaking decisions to maximize transparency of treaty negotiations. These decisions enhance Article 5.3 of the WHO FCTC, known as the ‘backbone of the treaty,’ which guides Parties to protect negotiations from the undue influence of the tobacco industry.

Specifically, Parties decided to require members of the public, the media, and accredited observer organizations attending negotiations to submit declarations of any conflicts of interest with the tobacco industry.<sup>11</sup>

In addition, when designating representatives to meetings such as COPs and MOPs, each Party agreed to formally indicate that it has “observed Article 5.3 of the WHO FCTC and has been mindful of the recommendations 4.9 and 8.3\* of the Guidelines for the implementation of Article 5.3 of the WHO FCTC.”<sup>12</sup> <sup>13</sup> Parties may do this via a declaration-of-interest form, or the format they determine to be in accordance with their internal procedures and domestic legislation.

Together, these measures provide a powerful safeguard to ensure maximum transparency and protect treaty negotiations from tobacco industry interference.

\*4.9. “Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.”

8.3. “Parties should ensure that representatives of State-owned tobacco industry does not form part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.”

## **PARTIES SHOULD SUBMIT DECLARATIONS OF INTEREST AS SOON AS POSSIBLE**

Now, Parties have the opportunity to lead by example. By submitting declarations of interest as part of the accreditation process, Parties demonstrate their integrity in honoring their commitments on the world stage. They prove their commitment to keeping treaty meetings free from tobacco industry interference. And they send a strong message to the world that public health is essential and that the WHO FCTC will not be undermined by vested interests.

Moreover, Parties are providing a powerful precedent for other treaty bodies and international forums that look to the WHO FCTC as a gold standard for protecting policymaking from the interference of harmful industries.

Most importantly, by implementing the Maximizing Transparency decisions, Parties will safeguard the WHO FCTC's critical mission, and protect millions of lives from the tobacco industry.



Tobacco industry infiltration of years of WHO FCTC meetings led Parties to adopt a precedent-setting decision at COP8 (pictured here) and MOP1 to ensure transparency of delegations and protect policymaking from industry interference.

### **LEARN MORE**

Visit our resource hub: [CorporateAccountability.org/COP9](https://CorporateAccountability.org/COP9) or contact [COP9@corporateaccountability.org](mailto:COP9@corporateaccountability.org) for more information.

## **Frequently asked questions**

### **What has tobacco industry interference looked like in the past?**

Industry interference in Party delegations has been blatant and egregious. 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 Party delegates.<sup>14</sup> And in 2015, a British American Tobacco (BAT) employee-turned-whistleblower exposed evidence of BAT bribing FCTC delegates from several East African nations.<sup>15</sup>

### **Do declarations of interest undermine state sovereignty?**

No. Parties unanimously made the decision at COP8/MOP1 to protect their own delegations from tobacco industry interference. The decision encourages each Party to determine the best format for their declaration, in line with their own internal procedures and national legislation.

### **How can Party delegations submit DOIs?**

When Parties register for COP9/MOP2, they may indicate that they have observed this decision in their registration form; they may send a separate document to the Secretariat using the template provided<sup>16</sup>; or they may send a declaration in the format of their choice.

### **What else can Parties do to stop Big Tobacco's abuses?**

In addition to Article 5.3, Article 19 of the WHO FCTC provides a powerful pathway for industry accountability: It encourages Parties to hold the tobacco industry liable for the harms it causes. The Secretariat has a mandate from prior COPs to create tools and resources to assist Parties with Article 19. Parties can support this mandate by securing budgetary allocations for this at COP9 and ensuring it is on the agenda for COP10. Also, Parties can report tobacco industry interference experienced by their delegations before or during COP to the email above and to the Secretariat.

