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)¹ 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 smoking²—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.³ ⁴ ⁵ Industry representatives manipulate, intimidate, and lobby delegates while they collect information about policy proposals—according to tobacco industry internal documents,⁶ academic journals,⁷ ⁸ whistleblower testimony,⁹ and a brand-new set of reports exposing British American Tobacco’s widespread scheme of questionable payments in Africa.¹⁰ 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.¹¹

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.”¹² ¹³ 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.

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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.¹⁴ And in 2015, a British American Tobacco (BAT) employee-turned-whistleblower exposed evidence of BAT bribing FCTC delegates from several East African nations.¹⁵

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 provided¹⁶; 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.