

Guidelines must spell out *how* to protect health policy from industry sabotage

Every single tobacco-related death is potentially preventable. But governments can only begin to realize their potential to save lives if they develop and implement effective public health policy that embraces tobacco control wholeheartedly.

The Framework Convention on Tobacco Control (FCTC) recognises this need for countries to adopt strong domestic public health policies and effective legislation. The FCTC also reflects an expectation that the tobacco industry will do everything within its power to obstruct such public health measures.

The World Health Organization (WHO) knows from first-hand experience that industry interference is calculated and persistent. A report by an international committee of experts, entitled *Tobacco Companies Strategies to undermine tobacco control strategies at WHO* (2000), cites a number of tactics from the industry's own documents. They include:

- “Undertake a long-term initiative to counteract the WHO’s aggressive global anti-smoking campaign . . . “
- “(Try) to stop the development towards a Third World commitment against tobacco.”
- “Establish the International Tobacco Growers Association (as a) front for our third world lobby activities at WHO.”
- “Split the Food and Agriculture Organization and WHO.”

The FCTC therefore provides, in article 5.3: “In setting and implementing their public health policies with respect to tobacco control, the Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry”

The Framework Convention Alliance (FCA) contends that effective implementation of Article 5.3 is critical to the effective implementation of the Convention as a whole. Since the tobacco industry does everything it can do to undermine tobacco control, deploying its vast resources to obstruct, delay and dilute tobacco control policies, governments need strong and clear guidelines on how to go about protecting their policies and legislation from industry interference.

This need for guidelines was recognised by the first Conference of the Parties in 2006 and a working group was established at the second conference to develop them. The present conference will be considering the draft guidelines and the FCA hopes that strong guidelines will be adopted.



Irreconcilable interests

The FCA believes that guidelines must be based on the frank recognition that the conflict between the interests of the tobacco industry and the aims of tobacco control is fundamental and irreconcilable: while the tobacco industry seeks to maximize consumption of its inherently deadly products, tobacco control aims to protect and promote public health by reducing tobacco consumption and exposure to tobacco smoke.

The tobacco industry certainly recognises this conflict and has attacked tobacco control measures by every possible means, including covert and fraudulent action. Governments cannot afford to treat the industry as just another “stakeholder” that should be given a generously democratic ear in the framing and implementation of public health policy. The FCA believes that the guidelines should recommend that governments:

- Restrict interaction with the tobacco industry to that which is strictly necessary to enable them to effectively regulate the industry and its products.
- Conduct interaction with the tobacco industry in a transparent way – that is, through public forums or, if this is not possible, by giving public notice of interactions, keeping full records of these interactions and releasing these records to the public in a timely manner.
- Avoid any possible conflict of interest including by refusing to appoint any individual who has worked in the tobacco industry within the past five years to a position that involves the development or implementation of public health policies.

Recommendations

The FCA believes that the guidelines should be based on the following principles:

- Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy.
- Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.
- Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.
- Principle 4: Because their products are lethal, tobacco industry entities should not be granted incentives to establish or run their businesses.

The FCA further recommends that the guidelines should recommend that countries that have ratified the FCTC:

- Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with the tobacco control policies of governments.

- Establish measures to limit the interactions between government representatives and the tobacco industry and to ensure transparency when interactions do occur.
- Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry and tobacco industry voluntary codes of conduct.
- Avoid conflicts of interest for government institutions, officials and employees.
- Require the tobacco industry to provide comprehensive and accurate information about its activities.
- Denormalize any tobacco industry “corporate social responsibility” activities that have not already been banned under the advertising, promotion and sponsorship provisions of the FCTC.
- Decline any incentives, privileges or benefits to tobacco industry entities.
- Treat state-owned tobacco industry entities in the same way as any other tobacco industry entity.

For more information see: www.fctc.org

The Framework Convention Alliance is an international network of more than 350 non-governmental organisations dedicated to achieving global tobacco control.