



This document is the second of two relating to item 7.9 of the provisional agenda

Seventh Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control,  
7-12 November 2016, New Delhi

*FCA Policy Briefing*

**Maximizing transparency of Parties' delegations, intergovernmental organizations, nongovernmental organizations and civil society groups during sessions of the COP and meetings of its subsidiary bodies**

**Key recommendations**

- FCA fully supports Article 5.3 and its guidelines, and believes the tobacco industry should be prevented from infiltrating COP sessions through the public badge;
- FCA recommends Parties apply a pre-screening process for members of the public to screen out tobacco industry representatives from bona fide members of the public in advance of COP sessions;
- FCA recognises the importance of media attendance at COP sessions and recommends Parties apply a pre-screening process for members of the media to ensure the tobacco industry cannot infiltrate FCTC meetings through the media.

**Why is this issue important?**

The tobacco industry has a long history of abusing the FCTC Secretariat's commitment to transparency and making FCTC meetings open to public participation. When tobacco industry representatives infiltrate sessions of the Conference of the Parties (COP) through the public, they manipulate and intimidate delegates while collecting information about potential regulation in order to devise strategies to undermine progress. For example, at the third round of negotiations toward the Illicit Trade Protocol (ITP), 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.<sup>1</sup>

These individuals represented British American Tobacco, Japan Tobacco International, Philip Morris International and Imperial Tobacco, among others. As a result of this and further interference, Parties have been forced to eject the public from COP5 and COP6 and the final negotiating rounds for the ITP.

Because of this interference, after COP5 several Parties approached the Secretariat and the FCTC Bureau to devise a more permanent and streamlined procedure – instead of taking ad hoc

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<sup>1</sup> [https://www.stopcorporateabuse.org/sites/default/files/resources/smokescreen-for-smuggling\\_0.pdf](https://www.stopcorporateabuse.org/sites/default/files/resources/smokescreen-for-smuggling_0.pdf)



decisions – that would prevent the tobacco industry from infiltrating the space and accreditation designated for bona fide members of the public, such as academics and students. This proposal was discussed at the COP6 but no consensus was reached.

FCA recognises that the tobacco industry and its affiliates have no place in public health policymaking, including in sessions of the COP. This is made very clear in Article 5.3 of the FCTC and its guidelines, and these principles should be upheld in not only COP sessions but in all public health policymaking arenas. FCA is also committed to the principle of transparency in policymaking and public participation.

FCA notes that the tobacco industry is powerful and well-financed, and because the FCTC is highly effective at reducing tobacco consumption globally, the industry will go to any lengths to undermine the FCTC, including infiltrating COP sessions. A pre-screening process for members of the public will not be completely effective in protecting COP sessions from tobacco industry interference, but would be a good step forward toward bringing FCTC meetings in line with Article 5.3 and its guidelines.

### **FCA recommendations for action at COP7**

FCA recommends that Parties adopt a policy for future COPs that will require members of the public to apply 30 days in advance and that their application process include signing a Declaration of Interest form. The Secretariat, with support from civil society, could then screen applicants for conflicts of interest. The Secretariat should be empowered to not invite to FCTC meetings those with conflicts of interest.

FCA also highlights the importance of media attendance at sessions of the COP. We recommend Parties adopt a process to require members of the media to sign a Declaration of Interest form, and that those representing the tobacco industry's interests not be accredited to attend.