



14 September 2011

The Framework Convention Alliance (FCA) would like to congratulate the Government of the Philippines for taking concrete steps toward protecting its citizens from the global epidemic that is caused by tobacco use.

The FCA is an international alliance of more than 350 non-governmental organizations from more than 100 countries around the world that work collectively to support the first international public health treaty, WHO Framework Convention on Tobacco Control (FCTC). Today there are 174 Parties to the FCTC.

Given the rising death toll worldwide caused by tobacco use, we strongly laud the initiative of the Metro Manila Development Authority (MMDA) in implementing a smoke-free campaign to protect Filipino citizens from the hazards of second-hand smoke.

We are deeply concerned by the legal challenge facing MMDA, and the reported links of these challenges to tobacco industry giant Philip Morris. It is indeed most alarming how a number of pending cases utilize your own statute, Republic Act 9211 or Tobacco Regulation Act, in restraining the execution of the WHO FCTC, which the Philippines ratified in 2005. The establishment of an Inter-Agency Committee on Tobacco under RA 9211 is certainly admirable. However, the present position that the tobacco industry holds in this committee poses an irreconcilable conflict of interest in the effective implementation of tobacco control policies. As such it violates article 5.3 of the FCTC, concerning interference from the tobacco industry in public health policy.

Worldwide, the tobacco industry is known to aggressively challenge the mandate of developing countries to uphold the right to life and health of their populations. Tobacco multinationals are wealthy corporations that use their immense resources to intimidate governments through court cases. Philip Morris International, operating in 182 countries and holding more than 27% of the international tobacco products market, is the most profitable publicly traded transnational tobacco corporation. Its recent legal challenge to health policy measures in Uruguay and Australia serve as good examples of the tactic in so far as they challenge

the sovereign right of Parties to the FCTC to protect their health policies from the commercial and other vested interests of the tobacco industry by attempting to have countries' own judiciaries restrict governments' attempts to uphold the right to health of their citizens.





Taking into consideration the historical behavior of the tobacco industry and its potential to circumvent present initiatives, we strongly recommend further protection of the executive, legislative, and judiciary branches of your government in order to effectively implement Article 5.3 of FCTC.

At present, the World Health Organization estimates that 240 Filipino lives are lost everyday due to a tobacco-related death. Such tragic loss is preventable with the help of your steadfast commitment to the implementation of effective tobacco control measures.

Thank you for your consideration of these views. We hope to be able to count on your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurent Huber".

Laurent Huber, Executive Director FCA, United States

A handwritten signature in blue ink, appearing to read "Shoba John".

Shoba John, Framework Convention Alliance Board Chair, India

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