



This document relates to item 4.8 of the provisional agenda

Sixth Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control,  
13-18 October 2014, Moscow

**FCA Policy Briefing**  
**Thai Proposal:**  
**Implementation of Article 5.3 of the WHO FCTC: evolving issues related to interference  
by the tobacco industry**

**Key Recommendations:**

1. Parties should support Thailand's draft decision, which would mandate the Secretariat to support Parties in addressing international-level tobacco industry interference and accelerating Article 5.3 implementation, as well as establishing an expert group to develop model policies for international organisations and produce a report that looks into, *inter alia*, best practices and barriers to Article 5.3 implementation globally.
2. Parties should ensure that there is enough time to discuss this agenda item.

**Introduction**

The tobacco industry's aggressive and coordinated attempts to block, delay, and weaken tobacco control policies worldwide are the greatest impediment to progress in implementing the FCTC's life-saving measures. At the national level, the latest Global Progress Report of the FCTC shows that Parties have identified tobacco industry interference as the single greatest challenge to tobacco control<sup>1</sup>.

On the international level, the tobacco industry's tactics have evolved significantly since the adoption and entry into force of the FCTC in 2005. As it is increasingly excluded from the public health arena, it is resorting to infiltrating, creating partnerships with, and manipulating inter-governmental organisations in order to undermine the treaty. In fact, the report of the Secretary General to the Economic and Social Council (ECOSOC) highlighted tobacco industry interference in the UN system and recommended the development of policies consistent with Article 5.3 for UN agencies.

The good news is that since the passage of the Article 5.3 guidelines, many Parties have implemented strong safeguards in line with Article 5.3. Civil society groups and the World Health Organization Tobacco Free Initiative (WHO TFI) have also conducted extensive monitoring and documentation of tobacco industry tactics globally for years<sup>2</sup>.

However, despite the fact that progress has been made and piecemeal actions have been taken to advance Article 5.3 implementation, there has so far been no global effort or mechanism established to deal with evolving tobacco industry strategies and tactics, many of which require

<sup>1</sup> See: FCTC/COP/6/5 pg 7, which states that TII is the challenge most frequently mentioned by Parties

<sup>2</sup> See the WHO's Tobacco Industry Monitoring Database here: <http://www.who.int/tobacco/industry/monitoring/en/>.

counter-action from the international community. Many of the issues involved in international/intergovernmental interference are beyond the reach of national efforts, which makes international cooperation and action from the COP critical. It is clear that more intersessional work on Article 5.3 implementation needs to be prioritised.

### **Thailand's Proposed Decision on Article 5.3:**

The Thai delegation has prepared a draft decision for Agenda item 4.8 titled, "**Implementation of Article 5.3 of the FCTC: Evolving issues related to the interference of the tobacco industry**".

FCA shares Thailand's concerns, most of which are outlined in the Secretariat's background paper on the subject:

1. Article 5.3 implementation at the national level is essential to accelerate the implementation of all other FCTC Articles. It would be beneficial for the Secretariat to continue to report on best practices, barriers and tools to assist Parties to implement Article 5.3 and its guidelines.
2. Diplomatic missions should not promote the interests of the tobacco industry, and more countries should pass policies in line with Article 5.3 and its guidelines for diplomatic missions, as the UK<sup>3</sup> and the Philippines<sup>4</sup> have done.
3. The tobacco industry's partnering with inter-governmental and international organisations is an ongoing threat to FCTC implementation and needs to be addressed. More international organisations should adopt policies that are consistent with Article 5.3, such as the UNDP policy not to accept funding from tobacco companies and their affiliates.
4. It is valuable to assemble a group of experts to report on tobacco industry interference at the global level, elaborate on roles of various ministries and international organisations in implementing and promoting Article 5.3, develop model policies for international organisations, and recommend strategies to raise awareness of the importance of Article 5.3 and promote international cooperation to strengthen its implementation.

One concern that we have is that the Thai decision is currently last on the agenda for Committee A. Given the importance of this issue to Parties and to FCTC implementation overall, Parties should ensure that there is sufficient time for discussion.

### **Conclusion**

Intersessional work to address both international-level and national-level tobacco industry interference is crucial. At the national level, Article 5.3 implementation must be accelerated, and at the international level, the tobacco industry's latest strategy of interfering with and infiltrating international organisations must be addressed through international cooperation and global efforts within the UN system. Adopting this draft decision will be an important way to advance Article 5.3 implementation and prevent tobacco industry interference at national, global and intergovernmental levels.

Parties should support the Thai proposal at COP6 and ensure there is enough time on the agenda to discuss it thoroughly.

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<sup>3</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287119/Guidance\\_for\\_Overseas\\_Posts\\_on\\_support\\_to\\_the\\_Tobacco\\_Industry.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287119/Guidance_for_Overseas_Posts_on_support_to_the_Tobacco_Industry.pdf)

<sup>4</sup><http://web.csc.gov.ph/cscsite2/2014-02-21-08-28-23/pdf-files/category/164-csc-doh-joint-memorandum-circular-no-2010-01-protection-of-the-bureaucracy-against-tobacco-industry-interference>.