Participation of Public and Media at Sessions of the FCTC Conference of the Parties

Key Recommendations

- FCA fully supports Article 5.3 and its guidelines, and believes the tobacco industry should be prevented from infiltrating COP sessions by means of public badges.
- 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 recognizes 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.
- In line with this, FCA also supports the Secretariat’s proposal to amend Rule 32 of the Rules of Procedure to allow accredited, properly vetted representatives of the media to attend ‘open' COP discussions.
- Finally, FCA supports the Secretariat’s proposed amendment to Rule 27(2) of the Rules of Procedure to make subsidiary body meetings ‘open’ by default, in line with established practice, unless Parties decide they should be ‘public’ or ‘restricted’.

Why this is important

The ‘public’ badge is one of the few remaining avenues by which the tobacco industry enters and influences the official treaty making space. As such, it is important to protect and insulate the Conference of the Parties (COP) from undue influence from the tobacco industry through rules of

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1 “public” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rules 30 and 31, respectively, and members of the public;

“open sessions or meetings” means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations that have observer status pursuant to Rules 30 and 31, respectively;

“restricted” sessions or meetings means sessions or meetings held for a specific purpose and under exceptional circumstances that are open to attendance by Parties and essential Secretariat staff
participation. At the same time, it is also important to ensure that the process allows for access and participation of well-intentioned and well-vetted entities that are not tied in compromising ways to the tobacco industry that impacts the treaty making process.

Background

The tobacco industry has a long history of abusing the FCTC COP’s commitment to transparency and making FCTC meetings open to public participation. When tobacco industry representatives infiltrate sessions of the COP through the public badge, they have been witnessing manipulating and intimidating delegates, while at the same time collecting information about potential regulation in order to devise strategies and 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. 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 took an ad-hoc decision to eject the public from the final negotiating rounds of the ITP. This practice has also been applied at the fifth, sixth, and seventh sessions of the FCTC Conference of the Parties.

At the same time, however, the public badge is an important way to uphold the COP’s commitment to transparency. For example, it allows academics and students who are not affiliated with an official delegation or observer to attend COP meetings.

Since COP6, the Secretariat has required that those wishing to attend sessions of the FCTC COP as members of the public sign and submit declarations that they are not affiliated with the tobacco industry. There is no follow-up process in place to ensure the veracity of the declarations, however.

Representatives of the media wishing to attend COP sessions are subject to a separate accreditation process. As described on the FCTC website\(^2\), \(^3\), reporters, journalists, and other representatives of the media must fill out application forms, provide declarations of conflict of interest, and provide a number of accompanying documents, including letters from their editors-in-chief, and copies of their passport.

Members of the Public should be subject to a more detailed screening process

In order to strengthen the Secretariat’s existing measures, and to reduce the likelihood of tobacco industry infiltration, FCA recommends that the Convention Secretariat implement a more in-depth screening procedure for members of the public who wish to attend COP sessions.

For example, members of the public might be required to submit to the Convention Secretariat a letter of intent to attend the COP well in advance of the beginning of the session, along with a resume describing their professional background and interests in tobacco control.


In addition, members of the public should be required to complete and submit a declaration of conflict of interest form 30 days in advance of the event convened by the Convention Secretariat for which accreditation has been approved.

After review of these credentials by the Convention Secretariat, vetted members of the public could then be granted entry to the COP and provided with a badge unique to the public, and which will include their name, country, position and title and photograph.

Lastly, the Convention Secretariat might arrange for the distribution of the list of accredited members of the public to Parties and accredited observers in advance of the COP session.

**Attendance of members of the media at sessions of the COP**

FCA acknowledges, in particular, the importance of media at sessions of the FCTC COP. Media participation provides an important opportunity to raise the profile of the FCTC and to shed light on important issues among the general public.

FCA recommends that, in line with current practice, the Convention Secretariat should continue to vet representatives of the media who apply to attend COP sessions, and should work to ensure that these applicants are free from associations with the tobacco industry.

In addition, the Convention Secretariat should publish a list of the names and status/affiliations of members of the media accredited to attend the COP to Parties and observers in advance of the COP session.

Finally, FCA recommends that Parties endorse the Secretariat’s proposal to amend Rule 32 of the Rules of Procedure to allow accredited, properly vetted representatives of the media to attend ‘open’ COP discussions.

**Public participation in subsidiary body meetings**

Currently, the Rules of Procedure state that meetings of subsidiary bodies to the FCTC (i.e. working groups) should be open to public participation unless the COP decides otherwise. This is in line with the established Rules of Procedure for sessions of the COP, which are also public by default. As noted in document FCTC/COP/8/21, however, neither a working nor expert group meeting has ever been held in public.

FCA supports the Secretariat’s proposed amendment to Rule 27(2) of the Rules of Procedure to make subsidiary body meetings ‘open’ by default, in line with established practice, unless Parties decide they should be ‘public’ or ‘restricted’.

Only Parties, States non-Parties, the Convention Secretariat, and accredited observers to the COP are allowed to attend ‘open’ meetings.