



Medicus Mundi Switzerland

Netzwerk Gesundheit für alle
Réseau Santé pour tous
Network Health for All

MMS Bulletin #160

In the clutches of the tobacco companies

Interference, COP and LMICs: observations and predictions

Dirty tricks: exposing tobacco industry efforts to undermine LMICs and the Framework Convention on Tobacco Control

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The 2005 World Health Organization Framework Convention on Tobacco Control - FCTC (Tobacco Tactics, 2020) is an international treaty developed in response to the global tobacco epidemic. With 182 parties, it is one of the most widely embraced global treaties. The Conference of Parties (COP) to the FCTC is the governing body of the treaty. The parties meet periodically to both review the implementation of the treaty and take decisions to promote its further implementation. Each of the last nine COPs has continued to emphasise the need to protect health measures from tobacco industry and holding it accountable. A milestone in this was the adoption of Article 5.3 implementation guidelines in the third COP in 2009.

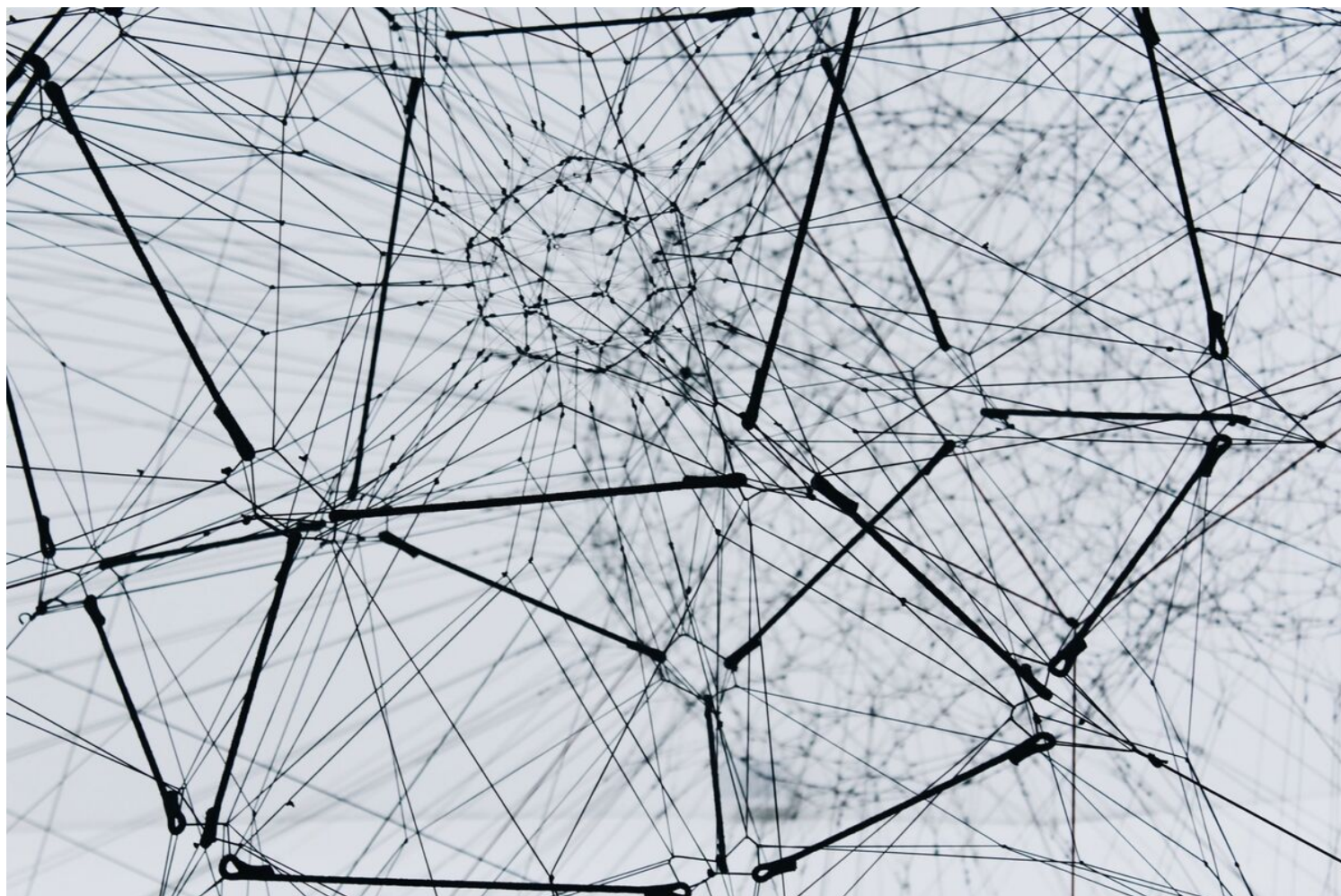


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A summary of relevant COP decisions can be found [here](#).

This ground-breaking legislation is a major inhibitor of tobacco industry activity and as such a target for the industry which wishes to blunt its impact. That confrontation is felt most keenly in low- and middle-income countries where civil support for the FCTC can be weak and the industry most powerful. Interference by the Tobacco industry and its allies was always reported by parties as the most common challenge to overcome in implementing the FCTC. In this paper we will look at interference during the most recent COP, how that compares with previous such activity and what it suggests for future interference.

Types of tobacco industry interference have been published by WHO though tactics are continually developing. Examples can be found on Tobacco Tactics pages of tobacco companies. Common measures include:

- Maneuvering to hijack the political and legislative processes;
- exaggerating the economic importance of the industry;
- manipulating public opinion to gain the appearance of respectability;
- fabricating support through front groups;
- discrediting proven science; and
- intimidating governments with litigation or the threat of litigation

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General Analysis of Previous COPS

Within the Conference of Parties

Industry allies seeking observer status. Industry representatives are not allowed to take part in COP, as part of the comprehensive guidelines set out by FCTC article 5.3 against industry interference. Others, however, can access COP by applying for Observer Status. (WHO FCTC, Observers). Tobacco industry allies have attempted to infiltrate previous COPs through this mechanism. The International Network of Nicotine Consumer Organisations (INNCO), for example, sought observer status to COP8 in 2018. INNCO had received a grant from the Foundation for a Smoke Free World (FSFW), in turn entirely funded by Philip Morris International (PMI). INNCO's observer status was later rejected. In 2012, the International Criminal Police Organisation (INTERPOL), which had received a donation from PMI, was similarly rejected observer status.

Industry allies as official delegates. Another way through which the industry has sought to gain influence is the direct or indirect influence of the official delegations. For example, one Zambian delegate to COP5 was affiliated with the International Tobacco Growers Association, an industry front group. (Exposed – industry reps as COP5 delegates - Framework Convention Alliance); while in 2014 well-known pro-tobacco interest advocate Sacchetto formed part of the official Italian delegation to COP6. Having industry-friendly delegations can help industry gain insights into the negotiations taking place. BAT Kenya, for example, obtained detailed information about COP5 negotiations, which it then used to file a complaint with the government in 2012 (Exposed – industry reps as COP5 delegates - Framework Convention Alliance).

Noise around COP. With restrictions preventing industry and its allies from attending official sessions, industry has sought to influence discussions outside COP. In 2018, for example, after being denied access to COP8 as an observer, INNCO set up an industry-friendly side event, as well as a small-scale protest outside the conference meeting space. Research has also found that industry allies formed a significant part of the Twitter activity around COP8, influencing debates around newer nicotine products and harm reduction. Similarly, the UK Vaping Industry Association (UKVIA), which has ties with tobacco industry, funded meetings held by the All-Party Parliamentary Group for Vaping (APPG) alongside COP8.

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Detailed Summary of COP 9

The virtual COP9 brought up existing and new challenges. While having a virtual meeting provided the opportunity for Parties to meet and for some decisions to be made before 2023, it still left many key discussions postponed until COP10. Tobacco industry interference was detected, as the tobacco control community and several parties had warned. The interference took place both inside and outside the official realms of the Conference of Parties:

Within the Conference of Parties: the statements by the delegations of some parties focused on the need to include “all” stakeholders in tobacco control discussions and highlighting the need to invest in harm reduction efforts. This mirrors industry language on why they should be included in discussions.

Focus on low- and middle-income (LMICs) insider advocates: the delegations that were displaying pro-industry messaging were mostly coming from LMICs countries: Philippines, Zimbabwe, Nicaragua, Honduras, El Salvador, and Malawi. Evidence shows that the tobacco industry puts even higher pressure into LMICs, where the FCTC implementation is often in its initial phases.

Non-parties to the FCTC: Malawi and Dominican Republic Malawi and Dominican Republic are not parties to the Framework Convention, though their delegations actively participated in the discussions, seeking to delay discussions, and pushing for decisions to be postponed to COP10.

Membership of delegations: not all delegations have representatives with public health experience and this can help the industry focus discussions on purely economic areas. Guatemala and Philippines, for example, only had non-health members and they put forward industry-friendly messaging and sought to delay the negotiations. The statements by the Philippines led to its own Department of Health making an official statement, distancing itself from that message.

Noise around COP: the tobacco industry allies that could not attend the COP9 sessions, did not miss the opportunity to advocate on behalf of the industry’s interests on social media and through small scale street demonstrations.

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Funded allies' initiatives on COP: the FSFW funded numerous initiatives around COP9 through the International Network of Nicotine Consumers Organization (INNCO), Knowledge Action Change (KAC), the Alternative Research Institute (ARI), the Asociación Argentina de Servicios Medicos de Avanzada, the Economic Policy Research Foundation of Turkey, among others.

Attacks on WHO, COP and FCTC by tobacco industry allies aimed at undermining the importance of the work of WHO, the COP and the relevance of the FCTC, while at the same time requesting for observer status to officially join COP. Many side events were organized to discuss what was happening at COP by vaping groups as well as a YouTube parallel streaming called "Scope".

COP 9 Decisions

Despite the interference, the COP9 still managed to pass 12 decisions, including the creation of the investment fund to provide sustainable funding to tobacco control measures around the world with a focus on supporting LMICs. Moreover, the Declaration on WHO FCTC and recovery from the COVID-19 pandemic highlighted the key role that tobacco control plays in the global COVID 19 recovery. Civil society organizations also played an important role in calling out the delegations that were advocating for the tobacco industry interests, which is very important to guarantee transparency and accountability of the Parties.





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COVID-19

Since March 2020 the tobacco industry has exploited the COVID-19 pandemic. Corporate Social Responsibility has been a major tactic deployed by the industry. For example, PMI donated ventilators in Greece and were later involved in vaccine discussions with the Greek Prime Minister. PMI and BAT were both invested in COVID-19 vaccine production, undermining article 5.3 of the WHO FCTC. There was also discussion about the potential for smoking or nicotine to protect against COVID-19, despite smoking causing more severe disease. Some of these discussions were financed by the tobacco industry. Further examples, including lobbying, policy interference and worker exploitation can be explored on the Tobacco Tactics COVID-19 database.

The associated risk of smoking and COVID-19 and tobacco company COVID-19 interference were therefore important topics at COP9. Iran tabled the Declaration on WHO FCTC and recovery from the COVID-19 pandemic that emphasised “the inherent and irreconcilable conflict between the tobacco industry’s interests and public health policy interests” and called on parties to prevent tobacco industry interference in COVID-19 related policies. The declaration was adopted by all parties.

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Conclusion

COP 9 was delayed, virtual and stripped of much meaningful decision-making. As such it was not ideal territory for the industry to interfere. As difficult as it was to monitor Zoom conversations, so it was difficult to influence dozens of isolated delegates.

Nonetheless, one key line of attack and two tactics are worth highlighting.

The attack is the framing of the FCTC as a treaty from the past. Describing it as not fit to handle a changing tobacco landscape. This line feeds the industry narrative of change while allowing its supporters to portray themselves as victims.

As for tactics; it was noticeable how the industry left the field to the newer tobacco products advocates to make the most noise. Message discipline has long been an industry strength. Here their discipline was keeping quiet so that their allies, often at several stages removed, could have the space to make their arguments. That space was also filled by those not aligned with the industry but whose messaging helps it meet its strategic objectives. The report from the UK's All Party Parliamentary Group was an example which was repeated in LMICs.

Secondly, we saw familiar Western faces providing support to new actors, often from LMICs. The libertarian organisations ideologically opposed to state activities generally and public health measures specifically were evident. They were joined by small organisations in tiny online echo chambers.

These next generation advocates are training for real fight at COP 10 which will meet in person and with meaningful decisions to make.

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References (referring to the lead text)

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