

# THE GLOBAL TOBACCO TREATY

## PROTECTING AGAINST TOBACCO INDUSTRY INTERFERENCE

### A GLOBAL EPIDEMIC

*Tobacco kills 5.4 million people around the world every year. The death toll from tobacco is projected to rise to eight million by 2030, with 80 percent of those deaths in the Global South.*

Tobacco giants based in wealthy countries are spreading this preventable epidemic. The three leading tobacco transnationals – Philip Morris International (PMI), British American Tobacco (BAT) and Japan Tobacco (JT) – had combined revenues of \$147 billion in 2007, far eclipsing the gross domestic products of many of the countries where they operate.

Big Tobacco promotes its addictive and deadly product to kids with images like Philip Morris's Marlboro Man, by sponsoring rock concerts and sporting events, and by putting tobacco brand names and logos on everything from T-shirts to patio umbrellas.

For decades, tobacco giants used their political and economic power to prevent effective regulation. That all changed when the World Health Organization launched negotiations on a global tobacco treaty. Now that treaty – the Framework Convention on Tobacco Control (FCTC) – is international law, in force in more than 160 countries.

Today, interference by tobacco corporations like Philip Morris International poses the single greatest threat to the implementation of the treaty's lifesaving measures.

**According to Article 5.3 of the global tobacco treaty, ratifying countries should refuse to:**

- **Treat tobacco corporations as "stakeholders" in public health policy;**
- **Invest in the tobacco industry;**
- **Partner with tobacco corporations for health or other purposes; or**
- **Accept their so-called corporate social responsibility schemes.**

### TREATY SLAMS THE DOOR ON THE TOBACCO INDUSTRY

*Article 5.3 of the treaty obligates ratifying countries to protect their health policies from tobacco industry interference.*

With support from Corporate Accountability International and the Network for Accountability of Tobacco Transnationals (NATT), Global South governments led the way in getting this provision in the treaty, and advocating for specific guidelines on its implementation.

In November 2008, these guidelines were unanimously adopted by ratifying countries. They begin by recognizing the tobacco industry's fundamental and irreconcilable conflict with public health, and follow with concrete policy recommendations.

Of course, Big Tobacco is not giving up. BAT resorted to scare tactics in its response to the new guidelines, warning that government tobacco control efforts "could go badly wrong and make the huge illegal tobacco trade even worse." PMI dangled the carrot of its "expertise" and desire to be helpful on regulatory issues such as illicit trade, fiscal policy and product regulation.



**Tobacco control activists march on the streets of Durban, South Africa.**

## CHALLENGING BIG TOBACCO

[www.StopCorporateAbuse.org](http://www.StopCorporateAbuse.org)

**CORPORATE ACCOUNTABILITY INTERNATIONAL**

## AN ACCOUNTABILITY PRECEDENT

Comprehensive, effective implementation of the global tobacco treaty also sets an accountability precedent for other industries with interests that run counter to the public interest – on issues ranging from health to human rights to environmental protection to economic security.

In general, the recommendations break down into two categories: activities governments should prohibit and transparency measures.

### The Article 5.3 guidelines are already making an impact:

- **The Chinese government, which had nominated several state-owned tobacco companies for awards in recognition of their philanthropic contributions, withdrew the nominations in light of the newly approved guidelines.**
- **Citing Article 5.3, the government of India severed ties with a conference on tobacco that included industry representatives.**

## ACT GLOBALLY AND ACT LOCALLY: DOMESTIC IMPLEMENTATION

Now is the time for advocates and public officials to slam the door on tobacco industry tactics, and focus on implementing the treaty's lifesaving measures. The Article 5.3 guidelines are the backbone of the treaty – they can and should prevent tobacco industry interference in everything from bans on advertising, promotion and sponsorship to smokefree public places to graphic warning labels.

The next 18 months are a pivotal period in the Campaign Challenging Big Tobacco. The 4th enforcement meeting on the FCTC will take place in late 2010 in Uruguay. By then, we need to prove that Article 5.3 will work.

*This is essential for two reasons:*

1. To break the tobacco industry's stranglehold over public health policy, enabling the global tobacco treaty to fulfill its potential to reverse this preventable epidemic.
2. To put in place precedent-setting checks and balances over the political influence of a profit-driven industry.

*Corporate Accountability International and NATT need your help to carry out four major strategies in this timeframe:*

- Organize and demonstrate effective implementation of Article 5.3 in targeted countries in every region of the world.
- Mobilize civil society organizations and networks to expose, challenge and thwart tobacco industry interference in public health policy.
- Build government capacity to implement and enforce the treaty.
- Integrate protections against tobacco industry interference across all tobacco control measures taken under the treaty.

## ACTIVITIES PROHIBITED UNDER ARTICLE 5.3

- No partnerships, non-binding or non-enforceable agreements between tobacco industry and governments
- No contributions by tobacco industry to governments
- No tobacco industry-drafted legislation or policy, or voluntary codes as substitutes for legally enforceable measures
- No investments by governments or public officials in tobacco industry
- No tobacco industry representation on government tobacco control bodies or FCTC delegations

## TRANSPARENCY MEASURES UNDER ARTICLE 5.3

- Transparency of government interactions with tobacco industry, through public hearings, public notice of interactions, and disclosure of records
- Disclosure of tobacco industry activities, including: production, manufacture, market share, revenues, marketing expenditures, philanthropy – with penalties on tobacco industry for providing false or misleading information
- Disclosure or registration of tobacco industry affiliated entities, including lobbyists
- Disclosure of current or previous work with tobacco industry by applicants for government positions related to health policy, and of plans to work for tobacco industry by former public health officials