Protecting tobacco control policies from the tobacco industry

Why protect tobacco control policies?

Is it a legal obligation?

Yes, it is. Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) states: *"in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law".*

How the tobacco industry undermines tobacco control efforts

The tobacco industry has for years been the vector of the "disease" of tobacco use. The industry promotes tobacco use for all groups, especially targeting young people and women as an 'untapped' market, regardless of the negative health-related consequences of tobacco use.

The preamble of the FCTC states that Parties to the Convention: *"need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts".* This is therefore a legal obligation of all Parties to the FCTC. Parties need to take measures to ensure the protection of tobacco control policies from the influence of the tobacco industry, whether they are state-owned monopolies or multinational companies.

It has been proven on numerous occasions that the tobacco industry, as a whole, aims to undermine tobacco control to increase tobacco use. In 1993, a member of parliament in Egypt submitted a proposal for a total ban on tobacco advertising in Egypt. Philip Morris, from their offices in the United Arab Emirates, produced strategic guidelines and an action plan to undermine the proposal and partnered with the Eastern Tobacco Company in Egypt, the main dominator of the tobacco market at that time, to prevent the ban.[1] The experience showed that the tobacco industry, globally, is one and the same, whose common purpose is to sabotage tobacco control efforts to ensure continuation of their profits.

Preventing attempts to undermine tobacco control

Parties need to put in place rules and regulations as per the FCTC and its guidelines to protect tobacco control policies from being undermined by the tobacco industry. This will guarantee better protection to the public, and accordingly, will lead to a better use of national resources. Implementing the steps recommended by the FCTC and its guidelines will result in inclusiveness and efficiency in tobacco control measures and in planning public actions based on the interests of the public and not the tobacco companies.

There are four key facts behind Article 5.3 of the FCTC.

1. There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and public health policy.
2. When dealing with the tobacco industry or those working to further its interests accountability and transparency should be key principles.
3. The tobacco industry and those working to further its interests should operate and act in a manner that is accountable and transparent.
4. The tobacco industry should not be granted incentives to establish or run their business operations because their products are harmful to human health.

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1   *The threat of a total ban on tobacco advertising in Egypt. Strategy guidelines and action plan*. United Arab Emirates, Phillip Morris Services Inc, 1993.

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Activities of the tobacco industry in the Eastern Mediterranean Region

Activities of the tobacco industry in the Region to undermine tobacco control policies can be divided into the pre- and post-FCTC era.

In the 'pre-FCTC era' the tobacco industry used direct contact with decision-makers to openly manipulate tobacco control measures; openly undermined and opposed tobacco control attempts; and undertook "socially responsible" activities for purely profitable purposes. The tobacco industry formed the Middle East Tobacco Association (META) to promote and defend the industry's interests and established strong relationships with officials and influential people, and tobacco industry documents show that the companies enlisted prominent political figures in the Middle East to provide information and to lobby for them.

Their activities included:

- lobbying the Egyptian parliament against a total ban on advertising.
- countering the total ban on tobacco advertising in 1993 in Egypt.
- manipulating media and advertising associations.
- establishing contact with owners and publishers of major media outlets in order to influence editors not to publish "anti-industry propaganda".

In the 'post-FCTC era' the tobacco industry:

- uses 'corporate social responsibility' to gain social support and influence society and decision-makers, conducting activities such as sponsoring football teams.
- undermines tobacco control legislation indirectly through third parties and interest groups.
- attempts to influence tobacco control policies and encourage loopholes in the legislation, such as designating areas for smokers.
- engages in multisectoral alliances within governance structures to exploit differing priorities of government agencies.

WHO has produced several reports exposing the truth behind tobacco industry activities. The release of these publications led the governments taking a more aggressive attitude towards the industry as their true intentions were revealed. Both the League of Arab States and member countries of the Gulf Cooperation Council have adopted resolutions calling upon its countries to monitor closely the activities of the tobacco industry at national level. Since the adoption of the FCTC by the World Health Assembly 19 countries in the Region have become Party to the Convention. All countries are aware of the interference of the tobacco industry and countries are taking different steps to address their attempts to subvert tobacco control efforts. Countries need to continue to monitor the activities of the tobacco industry and to counter efforts to sabotage tobacco control efforts.

How to protect tobacco control policies

Guidelines on protecting tobacco control policies from the vested interests and influence of the tobacco industry are outlined below.

- Raise people's awareness of the addictive and harmful nature of tobacco products and the interference of the tobacco industry in tobacco control policies.
- Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions.
- Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
- Reject the involvement of the tobacco industry in youth and public education initiatives, or in initiatives of any kind, that are directly or indirectly related to tobacco control.
- Ban the involvement of the tobacco industry in drafting national or subnational tobacco control policies.

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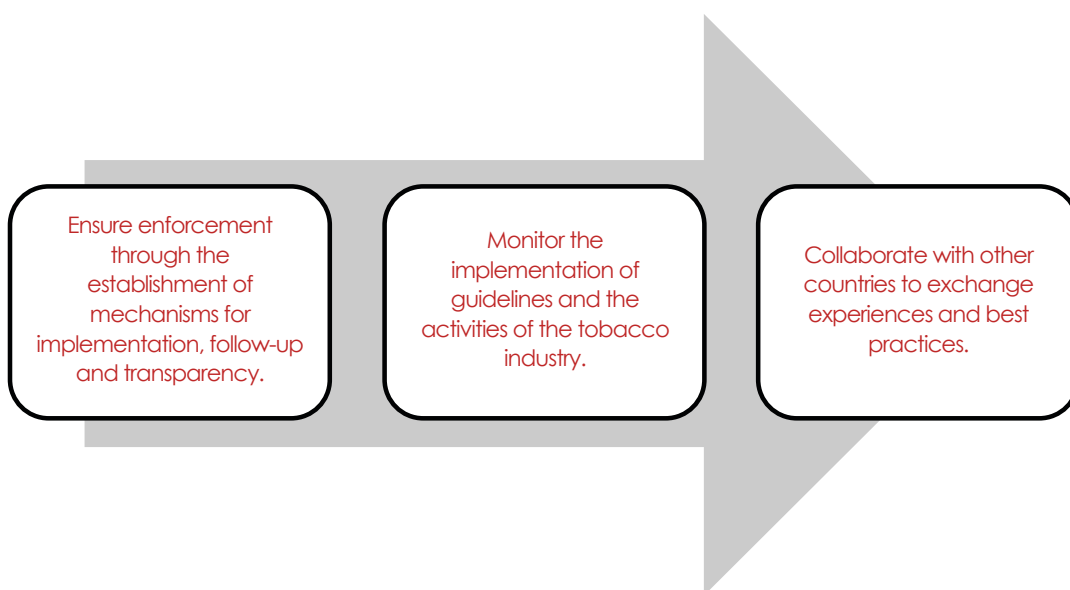
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- Ensure government officials and employees follow an established code of conduct and are transparent in their interactions with the tobacco industry.
- Ensure representatives of the tobacco industry are not included in official delegations to meetings related to the FCTC or tobacco control.
- Request that the tobacco industry periodically submit information on sales and any other activities/contributions in a transparent and accurate manner.
- Discourage and regulate tobacco industry activities conducted under the umbrella of "corporate social responsibility".
- Do not give preferential treatment to state-owned tobacco monopolies.
- Separate policies relating to tobacco control from policies overseeing and managing the tobacco industry.

Moving forward towards successful implementation cannot be achieved without effective enforcement, regular monitoring and collaboration with other countries to learn from their experiences.

| Ensure enforcement through the establishment of mechanisms for implementation, follow-up and transparency. | Monitor the implementation of guidelines and the activities of the tobacco industry. | Collaborate with other countries to exchange experiences and best practices. |

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