

The National Action Plan on Tobacco

Industry Interference

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STOP
TOBACCO
INDUSTRY
INTERFERENCE

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Abbreviations

WHO	World Health Organization
FCTC	Frame Work Convention on Tobacco Control
UNDP	United Nation Development Program
The Union	The International Union against Tuberculosis & Lung diseases.
Tcc	Tobacco Control Cell
NHSRC	National Health Services, Regulations & Coordination
NAP	National Action Plan
TI	Tobacco Industry
MDGs	Millennium Development Goals

Preface

Globally, there are resilient evidences corroborated, that the tobacco industry uses a comprehensive range of tactics to interfere with tobacco control. These strategies encompass direct and indirect influencing policy / decision makers, political lobbying and campaign contributions, financing of research, attempting to affect the course of regulatory and policy machinery and engaging in social responsibility initiatives as part of public relations campaigns.

Although more and more is known about tobacco industry tactics, a systematic, comprehensive national action plan is needed to assist regulators and policy-makers in combating those practices. Guidelines and recommendations exist for countering and monitoring industry marketing, and recommendations have been issued by World Health Organization to refuse industry funding of certain activities. Frame Work Convention on Tobacco Control (FCTC) have issued a broad policy to assist government officials, policy- makers and nongovernmental organizations in their interactions with the tobacco industry in global context. There was grim need to develop country's own national action plan in the context of our country by following these guidelines.

This manual of national action plans on TI interference has been developed as one of important intervention of BI funded project of Tobacco Control Cell to assist & facilitate different government organs , institutions, provincial and district authorities and others relevant agencies to understand and manage the tactics of TI as required by our international commitments.

A series of supporting tools / training materials / training manuals will also be developed by tobacco control cell (TCC), in collaboration with WHO, FCTC, The Union, to strengthen and accompany this manual. Other tools will be added as the needs arise. It is expected that this national action plan and accompanying material will become a valuable source for tobacco control advocates, govt: agencies, and others in helping to understand the tobacco industry strategies, how they maneuver and undermine the tobacco control policies. This manual will also help them to know how to protect these policies, actions from the pressure of Tobacco Industry. It is therefore anticipated that this manual will be revised in future in order to reflect this experience and better serve the needs of country and tobacco control efforts.

Background

Referring the definition of tobacco Industry, enlightened through Article 13 guidelines of FCTC. These include:

- Tobacco retailers and their agents and associations;
- Persons or entities that produce or publish content (e.g. advertising agencies, designers, publishers of newspapers and other printed materials, broadcasters and producers of films, television and radio programs, games and live performances, and Internet, mobile phone, satellite and game content producers);
- Any entity that makes any relevant form of contribution, those that receive any relevant form of contribution and any intermediaries that facilitate the making or receiving of a relevant form of contribution;
- Persons or entities, for example media and event organizers, sports-people, celebrities, film stars and other artists, who should be banned from engaging in tobacco advertising, promotion and sponsorship.

Tobacco use, driven by industry marketing and fueled by social inequities, is killing 07¹ million people per year, inhibiting socio-economic development at household, national and global levels, exacting economic burdens on national health care systems, infringing human rights and obstructing progress towards achieving the Millennium Development Goals (MDGs).

¹ WHO REPORT ON THE GLOBAL TOBACCO EPIDEMIC, 2017.

The idea of a global tobacco treaty had been discussed among health advocates since at least 1979, when a WHO committee suggested the possibility. Gro Harlem Brundtland, a former prime minister of Norway who became director-general of the WHO in 1998, made it happen.

The WHO Framework Convention on Tobacco Control (FCTC) was developed in response to the globalization of the tobacco industry and tobacco use and the ensuing harms. It sets out the necessary principles, obligations and tobacco control measures that are required in order to combat the global tobacco epidemic. Article 5.3 of the FCTC requires all Parties, when setting and implementing their public health policies with respect to tobacco control, to:

“ . . . act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”.

In 2001, World Health Assembly through its resolution 54.18, demands Member States to be aware of affiliations between the tobacco industry and members of their delegations, and desires Member States to be alert to any efforts by the tobacco industry to continue its subversive practice and to assure the integrity of health policy development in national governments.

The 2003 World Health Organization (WHO) Framework Convention on Tobacco Control (WHO FCTC) is a ground-breaking international legally binding treaty that takes a comprehensive, evidence-based approach to addressing these devastating effects.

The Convention acknowledges the relationship between tobacco and development and makes connections to relevant United Nations (UN) conventions that protect populations, including those on human rights, particularly the right to health. With its

multi sectoral approach to both the supply and demand sides of tobacco use, and a mandate for international cooperation, the treaty is a significant global public health accomplishment.¹

Effective tobacco control is, almost by definition, adversative to the vested commercial interests of the tobacco industry, associated industries, and entities or persons working to further the tobacco industry's agenda. To embellish tobacco industry profits and growth, tobacco industry needs to put hurdles and halt for policies, decisions which leads to decrease their monetary benefits. For getting their interest, they could do anything to not let the policy, decision issued or reversal of the policies and decision. Therefore, precise understanding and effectually counteracting efforts made by the tobacco industry and its allies against tobacco control are essential.

Globally the tobacco industry uses a range of strategies to weaken or prevent advances in tobacco control, including:

- a) establishing inappropriate relationships with relevant government staff;
- b) wielding financial power;
- c) leveraging influence through other persons;
- d) discrediting government;
- e) using surrogates, such as front groups and trade unions;
- f) Distorting national and international tobacco control researches;
- g) staging media events to distract from tobacco control initiatives; and
- h) monitoring and surveying tobacco control activities.

¹ Development Planning and Tobacco Control Integrating the WHO Framework Convention on Tobacco Control into UN and National Development Planning Instruments)

The WHO Framework Convention on Tobacco Control recognizes that tobacco industry interference poses the single greatest threat to tobacco control. It has been documented that, the tobacco industry has used strategies to subvert, hinders, and prevent tobacco control efforts.

This mandate has been expanded further in the FCTC Conference of the Parties' Guidelines for Implementation of Article 5.3. These emphasize through guiding principles and recommendations that Parties should implement measures to prevent interference by the tobacco industry in all branches of government that may have an interest in, or the capacity to affect, public health policies with respect to tobacco control. These measures are necessary due to the behavior of the tobacco industry aimed at undermining tobacco control efforts – in many cases successfully – and the fact that, unlike other consumer products, there are no safe ways of using tobacco products. This has led governments and international agencies to conclude that there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interest.

Hence, one of the general obligations of parties to the WHO FCTC is **Article 5.3**. It is the key provision aimed at protecting public health policies from interference by the tobacco industry.

Other provisions of the FCTC, and guidelines developed to guide their implementation, govern other aspects of industry behavior that Parties to the FCTC have agreed should be prohibited or limited. For example, the Guidelines on Implementation of Article 13 of the FCTC propose a ban on all contributions from tobacco companies to any other entity for 'socially responsible causes' as it constitutes advertising and promotion.

Tactic	Goal
Intelligence gathering	To monitor opponents and social trends in order to anticipate future challenges
Public relations	To mould public opinion, using the media to promote positions favorable to the industry
Political funding	To use campaign contributions to win votes and legislative favors from politicians
Lobbying	To make deals and influence political processes
Consultancy	To recruit supposedly independent experts who are critical of tobacco control measures
Funding research, including universities	To create doubt about evidence of the health effects of tobacco use
Smokers' rights groups	To create an impression of spontaneous, grassroots public support
Creating alliances and front group	To mobilize farmers, retailers, advertising agencies, the hospitality industry, grassroots and anti-tax groups with a view to influencing legislation
Intimidation	To use legal and economic power as a means of harassing and frightening opponents who support tobacco control
Philanthropy	To buy friends and social respectability from arts, sports, humanitarian and cultural groups
Corporate social responsibility	To promote voluntary measures as an effective way to address tobacco control and create an illusion of being a 'changed' company and to establish partnerships with health interest
Youth smoking prevention and retailer education program	To appear to be on the side of efforts to prevent children from smoking and to depict smoking as an adult choice
Litigation	To challenge laws and intimidate tobacco industry opponents
Smuggling	To undermine tobacco excise tax policies and marketing and trade restrictions and thereby increase profits
International treaties and other international instruments	To use trade agreements to force entry into closed markets and to challenge the legality of proposed tobacco control legislation
Joint manufacturing and licensing agreements and voluntary policy agreements with governments	To form joint ventures with state monopolies and subsequently pressure governments to privatize monopolies
Pre-emption	To overrule local or state government by removing its power to act

The tobacco industry has many business allies and third parties with which it works to block implementation of effective tobacco control legislation and programs. Such groups often appear in the news media and at legislative hearings, where they seek to reframe tobacco control policies as economic issues rather than public health initiatives.¹

The tobacco industry has a long history of offering financial support to scientists, other academics and research consultants.²

¹ Scollo M et al. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control*, 2003, 12:13–20.

² Kessler G. Final opinion: United States of America versus Philip Morris. Civil action No 99– 2496 (GK), 2006. <http://tobacco.neu.edu/litigation/cases/doj/20060817kessleropinionamended.pdf>

Strategies used by the tobacco industry

Noteworthy Example of lobbying strategy

The tabs below show the company's strategy in action in three countries in recent years, according to internal company documents. The extent to which Philip Morris' actions affected the outcome in each case is unclear.

In September 2011, Israel's health ministry proposed new measures to regulate flavoring and advertising of tobacco products. In a draft company strategy document from October 2011, Philip Morris said the proposals included "a few excessive and disproportionate measures" such as restricting the use of fruit or chocolate flavorings in tobacco products, and broadly prohibiting advertising and marketing of tobacco.

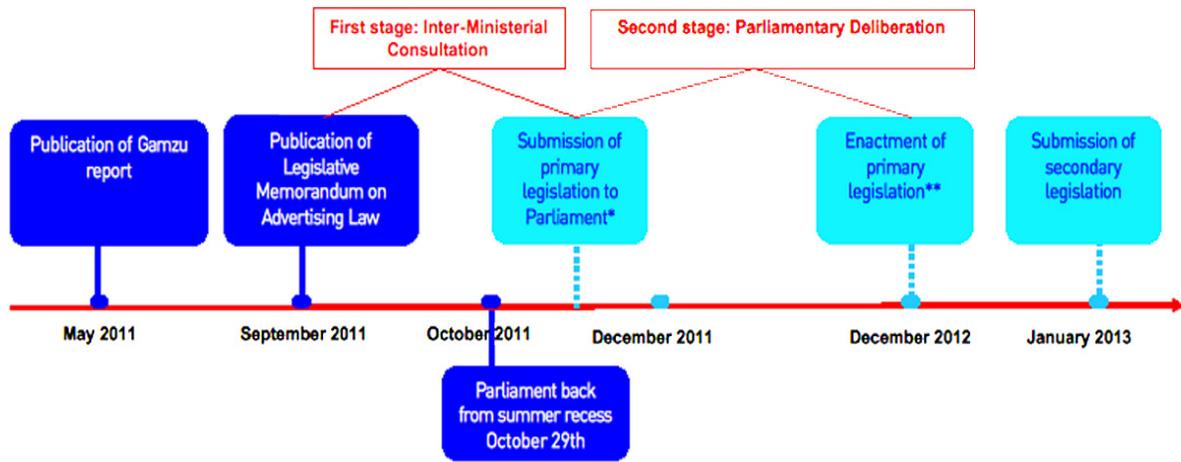
Elements of the campaign:

- 1: Leverage established relationships with different government ministries, mobilize retailers to advocate against "excessive" provisions, and lobby the health ministry.
- 2: Lobby the government through third parties such as an Israel-based supplier of licorice.
- 3: Use Philip Morris' database of more than 60,000 adult smokers to reach consumers and create a public debate through the media "to influence MPs," or members of parliament.¹

¹ The world's largest publicly traded tobacco company is deploying its vast resources against international efforts to reduce smoking. Internal documents uncovered by Reuters reveal details of the secret operation; By ADITYA KALRA, et al; July 13, 2017; <http://www.reuters.com/investigates/special-report/pmi-who-fctc/>

OUTCOME: The bans on advertising and ingredients did not go through.

Procedure and timing:



* Probably around November/December, but could happen as of October 29th.

** Likely to take about a year, but there is no fixed time frame.

A Reuter's investigation published in July 13, 2017, reveals that Philip Morris International has for years run a secret global campaign to undermine the World Health Organization's anti-smoking treaty, which was designed to save lives by curbing tobacco use around the world.

In one of the largest-ever tobacco industry leaks, internal Philip Morris International documents seen by Reuters provide details of the company's operation. Reuters reporting and thousands of pages of internal Philip Morris documents expose a secretive corporate lobbying campaign that is one of the biggest in the world – with potentially millions of lives at stake. Philip Morris isn't alone in seeking to weaken the treaty.

Ahead of the 2012 FCTC conference, in Seoul, four cigarette giants – Philip Morris, British American Tobacco (BAT), Japan Tobacco International and Imperial Brands Plc – formed an “informal industry Working Group” to oppose various proposals on tobacco taxation, according to an internal BAT document reviewed by Reuters.¹

The tobacco industry is not and cannot be a partner in effective tobacco control. However,

it is seen all over the world that tobacco industry tried to portray itself as a legitimate stakeholder in tobacco control ; and attempts to position itself as a legitimate partner.

Therefore, straightforwardly can be stated that, industry has and will continue to interfere in implementation of effective tobacco control, as outlined in the articles of the WHO FCTC.

Henceforth, for effective tobacco control such interference needs be curtailed by strict controls on interactions and by setting rules of engagement, as well as by demanding transparency and disclosure of tobacco industry conduct and finances.

¹ Inside Philip Morris' campaign to subvert the global anti-smoking treaty ; <http://www.reuters.com/investigates/special-report/pmi-who-fctc/>

Purpose, aim of National Action Plan

As a Party to the FCTC, the government of Pakistan has an obligation to take steps to protect its policy setting and law making from the commercial and other vested interests of the tobacco industry. This action plan sets out how the government intends to do this, by imposing specific obligations with which all government agencies and bodies, as well as all persons working for or acting on behalf of those agencies and bodies, must comply.

Article 5.3 stipulates that, while 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. To assist Parties in meeting their legal obligations under this article, at its third session in 2008 the COP adopted guidelines for implementation of Article 5.3. At subsequent COP sessions, Parties reiterated their commitment in this regard. The implementation guidelines are applicable to government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party and to any person acting on their behalf.¹

¹ Implementation of Article 5.3 of the WHO FCTC: evolving issues related to interference by the tobacco industry; file:///C:/Users/hp/Documents/Article%205.3%20National%20Action%20Plan/FCTC_COP6_16-en.pdf.

At its sixth session (Moscow, Russia, 13–18 October 2014), the Conference of the Parties (COP) adopted decision FCTC/COP 6 (14) entitled “Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry”.

The COP urged Parties to strengthen their implementation of Article 5.3, including at international levels, and to raise awareness and adopt measures to implement Article 5.3 and its guidelines throughout government including diplomatic missions. COP also requested the Secretariat to carry out various activities and report on its findings to the seventh session of the COP.¹

The resolve of this national action plan is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective. The recommendation of Article 5.3 are also apply to persons, bodies or entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of those policies.

The rationale of this national action plan is also to provide guidance to all relevant persons, provincial and district government, departments and enforcement agencies involved in tobacco control and interacting with tobacco industry.

¹ Implementation of Article 5.3 of the WHO FCTC Report by the Convention Secretariat
file:///C:/Users/hp/Documents/Article%205.3%20National%20Action%20Plan/FCTC_COP_7_7_EN.pdf

This manual is intended primarily for national policy-makers, program managers and partners responsible for strategic planning, development and implementation of national tobacco control plan and activities across the country. These may comprise government and ministry representatives and other public and private associations and foundations working in the field.

The Preamble of the WHO Framework Convention on Tobacco Control recognized the parties ¹ “need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts”.

The [Ministry of NHSRC (‘the FCTC & Article 5.3 oversight body {Tobacco Control Cell}’)] is responsible for overseeing the implementation of this national action plan, and ensuring its implementation is consistent with the Guidelines for Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control.

¹ “The term ‘Parties’ refers to States and other entities with treaty-making capacity which have expressed their consent to be bound by a treaty and where the treaty is in force for such States and entities.” (Source: United Nations Treaty Collections: <http://untreaty.un.org/English/guide.asp#signatories>).

Knowing the importance of protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry; and protecting the health policy decisions and actions, interaction with tobacco industry, it is imperative to develop country centric NAP. This is developed for carrying out tobacco control activities and government business with tobacco industry, which is still legitimate so far. For developing this NAP, strategies and principal were derived from “Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control”.

Deployment of National Action Plan

There is a need for political leadership and ownership of this policy as the tobacco industry has been known to try to subvert local policy either directly or through proxies. The proposed NAP is proposed to be strategically positioned in phases, through consultative meeting both at Federal and Provincial level. All stake holders would be invited to join for the purpose of better understanding and implementation of Article 5.3. This would be executed in two phases;

Phase 1:

These at Federal level may include;

- i. Ministry of NHSRC;
- ii. Ministry of Foreign Affairs;
- iii. Ministry of Finance;
- iv. Chief Commissioner Islamabad;
- v. Federal Board of Revenue;
- vi. Ministry of Commerce;
- vii. Civil Society and Media.

And consultative meetings at Provincial level may include;

- i. Provincial departments of health;
- ii. Provincial home departments;
- iii. Provincial representatives of In land Revenue;
- iv. Excise departments,
- v. Civil Society and Media.

Arguments and proposals evolved during consultation process, would be incorporated to consummate draft of NAP. These amendment roused from consultative meetings, will made NAP more exegetic and elucidative. This process would bolster ownership of all stake holders for acquiring desired outcomes.

Phase 2:

In second phase it is proposed that training material will be developed from approved document of NAP. These training material would be utilized for developing and enhancing capacity of health department and allied ministries / departments both at federal and provincial levels.

Proposals and recommendation

- All governments' policies and actions will conform to the requirements of Article 5.3 of the FCTC, and the subsequent guidelines, subject to national law.
- Officers of the governments will interact with the industry only in so far as is necessary to meet regulatory responsibilities.
- Where possible, any information provided by the tobacco industry to the government, for example intelligence about the sale of illicit tobacco products, shall be submitted in writing.

- When face-to-face meetings with the tobacco industry are necessary, the tobacco industry shall not be permitted to publish details about the meeting, or imply that such a meeting constitutes a partnership with government.
- The government will publish details of any necessary meetings or interactions with the industry, including an explanation of why they were required and how they are consistent with Article 5.3 of the FCTC.
- Where meetings discuss or receive sensitive information, the sensitive material discussed in these meetings may be kept confidential. A broad description of the meeting content should be made available.
- All research used when developing tobacco control policy must be clearly referenced. Tobacco industry sources should be used with caution.
- No funding, either monetary or in kind, will be accepted from the tobacco industry (or their subsidiaries) for any public health or other government work. This does not include Government mandated payments from the tobacco industry.
- No partnerships will be entered into with the tobacco industry, for example around tackling illicit tobacco or under age sale of cigarettes.
- The government will not participate in any “corporate social responsibility” activity undertaken by, or funded by, the tobacco industry or their subsidiaries. (subject to issuance of relevant national legislation)
- Civil Society Organizations and individuals engaged with the governments on any area of work or policy related to tobacco control will be expected to declare any tobacco industry funding or support they receive. Where such organizations and individuals do receive such funding or support, or where they refuse to

disclose such information, they will be treated as representatives of the industry in respect of this policy.

- Implementation of this policy is the responsibility of focal person in each department / ministries nominated by their organization head and they will require to report regularly to Ministry of NHSRC.

Guiding principles

1. Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.

The Article 5.3 stated that tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

2. Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.

The FCTC guidelines recommends that parties should ensure that any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent.

3. Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.

The tobacco industry should be required to provide parties with information for effective implementation of these guidelines.

4. Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.

Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy.

Recommendations of Article 5.3

- a) Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.
- b) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
- c) Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
- d) Avoid conflicts of interest for government officials and employees.
- e) Require that information provided by the tobacco industry be transparent and accurate.
- f) Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”.
- g) Do not give preferential treatment to the tobacco industry.
- h) Treat State-owned tobacco industry in the same way as any other tobacco industry

To comply the principles and recommendation of Article 5.3 guidelines of FCTC, it is therefore proposed that, the tobacco control cell (Tcc) of Ministry of NHSRC will promote:

- Public awareness, including awareness within the tobacco industry, of this action plan so that there is a clear understanding of the obligations of government bodies with respect to its implementation.
- Monitor compliance with this plan by all government bodies. Raise any incidents of alleged or actual breaches of the guidelines with the relevant heads of government bodies.
- Monitor progress with investigation and/or resolution by the heads of government bodies of any incidents of alleged or actual breaches of the guidelines.
- Impose appropriate sanctions for breaches of the guidelines.
- Annually review and the guidelines to ensure, it keeps pace with changes in tobacco industry tactics designed to influence public policy setting, or any deficiencies in implementation, monitoring and enforcement.

The Tobacco Control Cell may issue further advice and supporting materials from time to time in support of government bodies' compliance with this plan. This may include determining sanctions for breaches of the guidelines by the government body and/or personnel concerned, including outlining specific sanctions that will be imposed for initial and ongoing breach of specific provisions.

The Tobacco Control Cell may also establish and oversee a central web-based repository for registering government bodies' engagements with the tobacco industry.

The head of each government department shall:

- Take active steps to meet all obligations under this national action plan.
- Actively promote the existence of this document and compliance by all personnel with it.

- Implement agency-specific policies and procedures to give effect to the guidelines. Put in place, and take, appropriate disciplinary steps against personnel who breach this.
- Establish, maintain and publicly promote an accurate and up-to-date web-based record of all interactions with the tobacco industry, investigate, and report within 60 calendar days, any alleged breach of the guidelines by that government body or its officials, employees, or agents.
- Establish a mechanism for its officials, employees or agents to report alleged breaches of the Directive without fear of reprisal. Report to the Tcc, Support tobacco industry monitoring efforts by the Tobacco Control Cell.

This NAP empowered Tobacco Control Cell to review all reported interactions between government bodies and the tobacco industry, recorded and publicized in line with this NAP and reports on breaches of the NAP submitted by government bodies. Monitoring the activities of lobbyists, front groups and others working to further the interests of the tobacco industry.

Definitions

The following definitions shall apply:

Conflict of interest shall mean a situation where there is a conflict between the public duties and private interests of a public office holder – or a close family member – having responsibility for tobacco control, where the public office holder has or is subject to tobacco-related interests which could improperly influence the performance of his or her official duties and responsibilities. A close family member includes [at least the spouse or life partner, parent, child or sibling] of the public office holder. Interest includes any personal, financial, or any other interest in the tobacco industry, such as having an existing ownership or investment therein, or income derived from services provided to the tobacco industry; being an officer or a member of the board of directors of a corporation (including its subsidiaries, affiliates, branches) or a partner in partnership engaged therein, and receiving any contribution therefrom. This includes receiving or accepting any offer or contribution from the tobacco industry, even if a promise of favorable consideration is not given in exchange. A conflict of interest shall be deemed to exist where a perception of conflict of interest may exist or arise.

Contributions shall mean anything given, whether monetary or in-kind, in favor of an official or employee of government, or an agency or institution he/she is affiliated with, other than those required by law. This includes, but is not limited to, any act, right, charity, payment, gift, service, gratuity, favor, perquisite, entertainment, loan, funding, and technical, financial, legal and other resources or support.

Government body includes all government ministries, departments, agencies, bodies, quasi-or semi-governmental institutions, boards, committees, commissions, and other

state-run or state-funded bodies in all branches and at all levels of government. Where obligations are imposed on government bodies by this Directive, those obligations become the obligations of all personnel of such bodies.

Interaction with the tobacco industry includes, without limitation, any of the following: telephone, email, social media or face-to-face communication, including meetings, conversations and the submission of written or recorded materials. It includes both formal and informal or social interactions.

Personnel in relation to a government body, means all employees, contractors, providers or other persons acting on behalf of, or providing services for, that government body, whether such activities, work, or service are gainful or not.

So-called corporate social responsibility activities shall mean activities of the tobacco industry with the aim, effect or likely effect of promoting, enhancing or marketing the corporate brand, product, public relations, or related image. These may include any youth, public education, political, social, financial, educational, or community contributions of any kind or any other activity to promote, enhance or market the corporate brand, product, public relations, or related image of the tobacco industry.

Tobacco control means a range of supply, demand, and harm reductions strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke.

Tobacco control policies or 'public health policies with respect to tobacco control' includes policies relevant or related to tobacco control, such as tax, price, trade, business and employment policies.

Tobacco industry includes all organizations, entities, associations, and individuals that engage in work for or on behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesalers, distributors, importers of tobacco products, growers, tobacco retailers, front groups and any other individuals or organizations, including, but not limited to lawyers, scientists and lobbyists that work to further the interests of the tobacco industry.

Tobacco industry interference refers to a broad array of tactics and strategies used directly or indirectly by the tobacco industry to interfere with, or influence, the setting and implementation of effective tobacco control measures.

Obligations

Raising awareness

The head of each government body, with information and technical support provided by the Tobacco Control Cell, shall conduct a sustained campaign to raise awareness among all personnel, but especially focused on those personnel likely to be involved in, or contribute to, the development, implementation or evaluation of public health policies with respect to tobacco control, about: the addictive and harmful nature of tobacco products; the need to protect tobacco control policies from the commercial and other vested interests of the tobacco industry; the strategies, tactics, and front groups used, openly or covertly, by the tobacco industry to undermine and subvert the development and implementation of effective tobacco control policies and advance its influence, including the true purpose and scope of so-called corporate social responsibility activities; and, this NAP and obligations on all personnel under it.

The focus of the sustained awareness campaign is to create a clear understanding of tobacco industry interference strategies and the implications of that interference, and their obligations under the NAP. The awareness campaign shall be designed to be consistent with the government's obligations under Article 12 of the FCTC.

The head of each government body shall be responsible for: ensuring that all relevant personnel participate in the campaign; ensuring that any information gathered from the campaign is actively used to continue to develop and improve tobacco control policy.

Limiting interactions and ensuring transparency

All interactions will be conducted according to the NAP, for Interactions with the Tobacco Industry.

Government bodies' interactions with the tobacco industry shall be limited to only those strictly necessary for the effective regulation, supervision or control of the tobacco industry and tobacco products.

Necessary tobacco industry-government interactions will include, for example, those having to do with: licensing, compliance inspections, identifying contraband tobacco products enforcement actions, proactive or defensive litigation, mandated tobacco industry reporting, constitutionally-required consultation with affected parties on proposed new policy and legislation.

Prohibited interactions include the following examples: Working with the tobacco industry or accepting its assistance to draft legislative or policy proposals and other forms of lobbying by the tobacco industry. Participation in, or attendance at, industry-initiated or industry-funded policy meetings, seminars, dialogues, and other forums. Allowing the tobacco industry to play any role that is properly a government function in carrying out monitoring or enforcement. Partnering with the tobacco industry or accepting or endorsing tobacco industry involvement in any tobacco control or public health programs, such as public education and youth tobacco use prevention campaigns. Any other interaction, in either a formal or informal setting, that is not strictly necessary for effective regulation of the tobacco industry or tobacco products.

Rejecting partnerships with the tobacco industry

No government body shall, directly or indirectly, accept, support or endorse: Any potential or real partnership or cooperation of any kind, other than that which is legally mandated, with the tobacco industry. Any initiatives or activities of the tobacco industry described, characterized, implied, or likely to be perceived as socially responsible, including youth-based initiatives, public education, or any initiatives that are directly or indirectly related to tobacco control or public health. Any voluntary, non-binding or non-enforceable agreement, memorandum of understanding, voluntary arrangement, or tobacco industry code of conduct, position paper, policy or instrument drafted by or in collaboration with the tobacco industry in the place of legally enforceable tobacco control measures. Any proposals, drafts, or offers of assistance with the development or implementation of policies, legislation, regulations, or programs for, or relevant or related to, tobacco control. Any direct or indirect financial or resource contributions or involvement in any manner in any initiative, campaign, or program directly or indirectly related to tobacco control or public health, including but not limited to, youth access and education programs, public education campaigns, and other initiatives from the tobacco industry. Any voluntary contribution of any kind, financial or otherwise, unless such contribution results from legal action.

Transparent and accurate information

Where interactions are held with the tobacco industry, government bodies should always seek to verify through reputable and independent sources the veracity of any information provided by the tobacco industry.

When government bodies are designing and implementing tobacco control policy and legislation, the imposition of requirements on the tobacco industry to supply information for policy and legislative development should be a key consideration. Any information provided through legislation should be made readily available to the public by government bodies.

Denormalising 'socially responsible' activities

Government bodies should report to the Tobacco Control Cell, any activities by the tobacco industry which are undertaken as part of tobacco companies' so-called corporate social responsibility activities. These may include financial or other resource contributions to non-governmental organizations or individuals for community and social development, environmental, poverty alleviation or disaster relief purpose.

Government bodies shall not, directly or indirectly, endorse, support, form partnerships with, or participate in the so-called corporate social responsibility activities sponsored and promoted by the tobacco industry and shall not accept contributions from the tobacco industry except for compensations due to legal settlements or mandated by law.

Preferential Treatment

Government bodies are prohibited from providing incentives, privileges, benefits or exemptions to the tobacco industry to run or promote their businesses domestically or internationally. This prohibition includes, but is not necessarily limited, to any form of subsidies, investment incentives, direct investments or loans, tax exemptions or reductions or any other form of favorable tax treatment, and research and development grants or loans.



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