

Executive Summary

WAYS THE TOBACCO INDUSTRY INTERFERES IN TOBACCO CONTROL AROUND THE WORLD

Tobacco use claims more than 8 million lives every year worldwide. The tobacco industry is responsible for perpetuating this global health problem. The industry strategically works to delay and defeat tobacco control measures across the globe, in order to promote and protect the profitability of the tobacco business. The tobacco industry does this through various tactics that interfere in a government's effort to protect public health. In fact, governments have identified tobacco industry interference as the most serious barrier to the success of their efforts in passing strong tobacco control measures. The key to tackle tobacco industry interference however, lies in the hands of governments.

The World Health Organisation Framework Convention on Tobacco Control (WHO FCTC) under general obligations in Article 5.3 requires that: "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". Guidelines were adopted to empower governments with a set of recommendations to protect themselves from industry interference. Article 5.3 is regarded as the backbone of the Convention and its importance cannot be overemphasised.

This first Global Tobacco Industry Interference Index shows governments' efforts to tackle tobacco industry interference have been progressing slowly and are far from satisfactory. Major improvement is needed across the countries. In many countries there is a lack of transparency when dealing with the tobacco industry. The non-health government departments

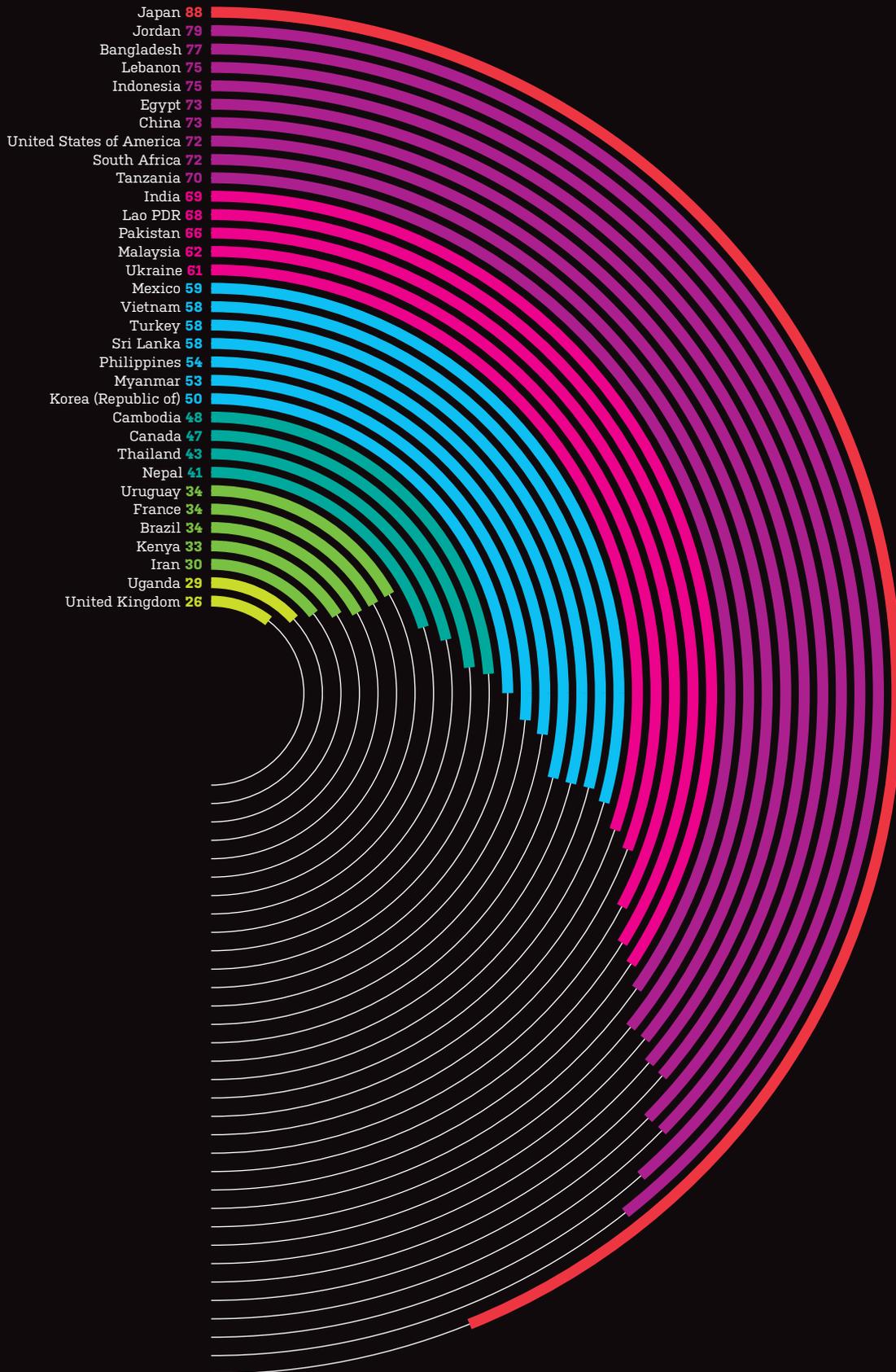
remain vulnerable to industry interference. The tobacco industry continues to obtain incentives to conduct its business. Countries that scored well on the Index have prevailed against tobacco industry interference by implementing measures to protect themselves. These same countries are noted for their strong tobacco control achievement.

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This Index covers 33 countries and is based only on publicly available information on tobacco industry interference in these countries and their respective governments' responses to incidences of interferences for the period of January 2017 to December 2018. The 33 countries are ranked (Figure 1) according to total scores provided by civil society groups who prepared their respective country reports. The lower the score, the lower the overall level of interference, which bodes well for the country.

The lower the score, the better the ranking

Figure 1: Tobacco Industry
Interference overall country ranking



Key findings

1. At least one country in each region successfully resisted tobacco industry interference while others have succumbed.

- **Successfully resisted industry interference:** The U.K., Iran, Kenya, Brazil and Uruguay fared well in resisting industry interference by adopting preventive measures provided in Article 5.3 guidelines to facilitate transparency and avoid conflict of interest. These countries did not collaborate with or endorse the tobacco industry's activities.
- **Succumbed to industry interference:** Of the 33 countries, Japan faced the highest levels of industry interference and fared poorly in implementing Article 5.3 guidelines to protect its public health measures. Jordan, Bangladesh and Lebanon are also lagging far behind in implementing measures to protect themselves.

2. Lack of transparency facilitated industry interference.

- **Lack of transparency:** The lack of transparency in dealing with the tobacco industry and the absence of procedures to record interactions with it are a problem in many countries, and these have facilitated industry influence on policy. Many countries allow political contributions from the tobacco industry.
- **Banning political contributions:** Political contributions and gifts from the tobacco industry are banned in Brazil, Canada, France, Iran, Myanmar, Turkey, U.K., Uganda and Uruguay. Transparency on political contributions is required in Kenya and the U.S.

3. The tobacco industry targeted non-health departments.

- Tobacco companies have used corporate social responsibility activities and presentation ceremonies for frivolous awards to gain access

and obtain endorsement from senior officials, especially from the non-health departments.

- Departments of Finance, Commerce, and Trade, across countries, are targeted by the tobacco industry and remain the most vulnerable to tobacco industry interference, particularly on decisions pertaining to taxation of tobacco.

4. Tax breaks benefited the industry.

- **Incentives to the industry:** Incentives, such as tax exemptions and duty free tobacco, have benefited the tobacco industry. Duty-free cigarettes for international travelers are allowed by all countries except Sri Lanka. The tobacco industry sought endorsement from top officials to manufacturer new tobacco products in Lebanon and Turkey.

5. A whole government commitment (commitment by every department) is needed to withstand industry interference and better protect tobacco control measures.

- **Avoid conflict of interest:** Retiring senior government officials must avoid conflict of interest situations with the tobacco industry. Former senior officials joining tobacco companies has been a problem in Bangladesh, Pakistan and Sri Lanka. In China, Japan, Lebanon and Vietnam, the trade and commerce arms of the government are inadvertently conflicted in developing tobacco control measures according to the WHO FCTC because of their role in promoting the tobacco business.
- **Enduring legal challenges:** Uganda and Kenya have endured protracted court challenges from the tobacco industry against their tobacco control legislation which have strong elements of Article 5.3. The challenges are used to delay or derail implementation of the legislation. Court cases have also been used to challenge other effective tobacco control measures in Brazil and India. These governments did not back down from the legal challenges.

→ **Partial measures are ineffective leaving loopholes that the industry can exploit:** Partial measures, such as a code of conduct only for the health department, is limited in its effectiveness. The findings of the Index show adopting a Code of Conduct that applies to all government officials is more effective as this will provide a firewall and enable officials to conduct tobacco control efforts without interference from the tobacco industry.

Actions outlined in sub-recommendations of Article 5.3 guidelines can put a firewall around the government and enable officials to protect and advance public health policies. It is vital that the recommendations are implemented in their entirety to plug loop holes the tobacco industry can exploit. Ensuring greater transparency when dealing with the tobacco industry and adopting code of conduct for government officials reduce industry interference. Examples of good country practices have been recorded and provide a menu of actions governments can adopt.

Recommendations

Governments have the tools in their hands to short circuit the tobacco industry's interference. They must act fast and do the following:

- 1. Create awareness on tobacco industry interference across all the departments.** A whole-of-government approach is vital to effectively counter tobacco industry interference. More needs to be done to increase awareness on the obligation to protect tobacco control among those in the non-health sector to stop industry influence in thwarting and delaying policy development. Efforts to increase awareness should also include parliamentarians and all local government officials.
- 2. Limit interaction to only when strictly necessary.** Limiting interaction with the tobacco industry to only when strictly necessary, such as for the purposes of controlling, regulating and supervising, will reduce opportunities for interference. This will also halt unnecessary interactions, such as through the awards ceremonies.
- 3. Firewall government officials.** Adopting a code of conduct or guidelines for all government officials will firewall the bureaucracy so that public health policy is developed free of interference. To be more effective, the code

must apply to the whole government rather than just the department/ministry of health.

- 4. Ensure greater transparency.** Greater transparency when dealing with the tobacco industry will reduce opportunities for interference. All meetings with the tobacco industry and their outcomes must be recorded and made publicly available.
- 5. Denormalize so called "socially responsible" activities by the tobacco industry.** A ban on the tobacco industry's so-called socially responsible activities can protect top level officials from endorsing these promotional activities.
- 6. Remove incentives to the tobacco industry.** The tobacco industry should not receive incentives, privileges or benefits to run its businesses.
- 7. Require information on production, marketing and revenue from the tobacco industry.** The tobacco industry should be required to provide information about production, market share, marketing expenditures, revenues and any other activity, including expenditures on research and philanthropy. Best practice is to ban the tobacco industry from providing contributions, including political contributions, gifts, technical advice, scholarships and study visits.
- 8. Require disclosure.** Require a registry of lobbyists and the tobacco industry's lobbying expenditure. The registry should also record representatives of the tobacco industry.

Global Tobacco Industry Interference Index, Mary Assunta, Global Center for Good Governance in Tobacco Control (GGTC) 2019

Global Tobacco Industry Interference Index, a global survey of how public health policies are protected from the industry's subversive efforts, and how governments have pushed back against this influence. The tobacco Industry Interference Index was first initiated by the South-East Asia Tobacco Control Alliance (SEATCA) as a regional report and with support from Bloomberg Philanthropies' Stopping Tobacco Organizations and Products (STOP), is part of a global publication of the Global Centre for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University. Website: <https://exposetobacco.org/>