



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
SECRETARIAT • KNOWLEDGE HUB



Global Center for
Good Governance
in Tobacco Control

Protecting Against Tobacco Industry Interference

A Resource Map

Tools and Resources on Article 5.3 of
the WHO Framework Convention on
Tobacco Control

Article 5.3

of the WHO Framework Convention on Tobacco Control (WHO FCTC) 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.”



Recommendations

from Guidelines for implementation of Article 5.3 of the WHO FCTC

- 1. Raise awareness** about the harmful nature of tobacco products and the tobacco industry interference with Parties' tobacco control policies.
- 2. Establish measures to limit interactions** with the tobacco industry and **ensure the transparency** of these **interactions**.
- 3. Reject partnerships** and non-binding or non-enforceable agreements with the tobacco industry.
- 4. Avoid conflicts of interest** for government officials and employees.
- 5. Require** that **information** provided by the tobacco industry be **transparent and accurate**.
- 6. 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.”
- 7. Do not give preferential treatment** to the tobacco industry.
- 8. Treat state-owned tobacco industry in the same way** as any other tobacco industry.

Reports and Briefs

The Guide for Parties to Monitor the Tobacco Industry

I. THE TOBACCO INDUSTRY

Tobacco Industry Interference:
The Greatest Obstacle to Reducing Tobacco Use,
WHO Report on the Global
Tobacco Epidemic, WHO, pp60-65
(2019)



II. TOBACCO INDUSTRY AND ARTICLE 5.3 IMPLEMENTATION

Indicators of Tobacco Industry Interference (2019)

Tobacco Industry: of **Deception and Duplicity**,
WHO EMRO and GGTC (2019)

Dangers of the **"Unsmoke" Campaign**:
Frequently Asked Questions, WHO FCTC
and GGTC (2019)



Good **Country Practices** in the Implementation
of WHO FCTC Article 5.3 and its Guidelines, WHO FCTC
(2018)

Article 5.3 and **International** Tobacco Industry
Interference, WHO FCTC (2015)

Technical Resource for **Country Implementation** of the WHO Framework Convention on Tobacco Control Article 5.3, WHO (2012)

Tobacco Industry Interference: **A Global Brief**, WHO (2012)



III. TOBACCO INDUSTRY TACTICS IN KEY TOBACCO CONTROL MEASURES

Smoke-free **Environments**, WHO EMRO AND GGTC (2019)

Advertising, Promotion and Sponsorship, WHO EMRO (2019)

Packaging and Labelling, WHO EMRO (2019)

Tax Policies, WHO EMRO (2019)

Organizations in Support of Tobacco Industry's Arguments against **Plain Packaging**, GGTC (2019)

National Tobacco Control Strategies – Toolkit for Parties to Implement **Article 5.1 of WHO FCTC**, UNDP (2019)

National Coordinating Mechanisms for Tobacco Control: Toolkit for Parties to implement **Article 5.2(a)** of the WHO FCTC, WHO FCTC (2018)

WHO FCTC Article 19
Civil **Liability**, WHO
FCTC (2018)



Gender-Responsive Tobacco Control: Evidence and Options for the Policies and Programmes, WHO FCTC (2018)

Women and the Tobacco Industry, STOP (2021)

Compatibility of the United Nations' Guidelines on cooperation between the United Nations and the **business sector** (2009) and the Guiding principles on business and **human rights** with Article 5.3 of the WHO Framework Convention on Tobacco Control, WHO FCTC (2018)

Cigarette Smoking: An Assessment of Tobacco's Global Environmental **Footprint** across its entire Supply Chain, and Policy Strategies to Reduce It, WHO FCTC (2018)

The WHO Framework Convention on Tobacco Control – An Accelerator for **Sustainable Development**, UNDP (2017)



Tobacco and its **Environmental Impact**: An Overview, WHO (2017)

The Tobacco Industry and the **Illicit Trade** in Tobacco Products, WHO FCTC (2016)

Liability: Implementation of **Article 19**
of the WHO, WHO FCTC/COP/6/8 (2014)

Tobacco Industry and **Corporate
Responsibility**... An Inherent
Contradiction, WHO (2004)



IV. TOBACCO INDUSTRY INTERFERENCE IN NOVEL AND EMERGING PRODUCTS

How the Tobacco Industry **Undermines Cessation**,
GGTC (2021)

Selling **Addiction**: Tobacco Industry Transition
to New Products, WHO EMRO (2019)

Heated Tobacco Products, **Electronic** Nicotine
Delivery Systems, WHO Report on the
Global Tobacco Epidemic, pp53-59 (2019)

Information Note on Classification of **Novel
and Emerging** Tobacco Products, WHO
FCTC (2019)

Heated Tobacco Products (HTPs) **Market
Monitoring** Information Sheet, WHO (2018)

Electronic Nicotine Delivery Systems and Electronic
Non-Nicotine Delivery Systems (**ENDS/ENNDS**),
WHO (WHO FCTC/COP/7/11) (2016)

Quick References

Tobacco Industry **Accountability and Liability** in the Time of COVID-19, STOP (2020)

The Role of the WHO FCTC in **COVID-19 Responses, STOP** (2020)

COVID-19 and Tobacco Industry Interference, GGTC (2020)

Crooked Nine: Nine Ways the Tobacco Industry Undermines Health Policy, STOP (2019)

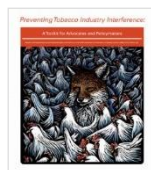
Handbook on Implementation of WHO FCTC Article 5.3: Policies and Practices that Protect Against Tobacco Industry Interference, GGTC (2019)



Guidebook on Implementing **Article 8:** Tracking & Tracing, FCA (2019)

Track and Trace Systems: Tobacco Industry Links, GGTC (2019)

Countering the **Foundation for a Smoke-Free World (FSFW)**, GGTC (2018)



Preventing Tobacco Industry Interference: A Toolkit for **Advocates and Policymakers, SEATCA** (2015)

Websites



Stopping Tobacco Organizations & Products (STOP) (2019)

exposetobacco.org

Resource website on evidence of abuses and tactics of tobacco industry including Philip Morris: Addiction at Any Costs, A Year of Unsmoke, Track and Trace, and COVID-19 Action Center

The Global Tobacco Industry Interference Index (2019)

globaltobaccoindex.org

Compilation of civil society reports from across the globe on how governments are protecting their public health policies from the tobacco industry



Action on Smoking & Health (ASH USA) – Tobacco & Human Rights Hub (2019)

ash.org/hrhub/

Resource center for tobacco control and human rights advocates that responds to the tobacco epidemic not just as a public health problem but as a human rights issue

Campaign for Tobacco-Free Kids (CTFK) – TakeAPart (2018)

wiki.takeapart.org

Dossiers of the largest tobacco transnationals in wikipedia format, including their popular brands by country and annual reports



WHO FCTC Secretariat's Knowledge Hub for Article 5.3 (GGTC) (2017)

untobaccocontrol.org/kh/article-53

Resource center on Article 5.3 implementation and tobacco industry interference, including the most relevant publications, an implementation database, and e-learning tools

Websites



Global Center for Good Governance in Tobacco Control (GGTC) (2016)

ggtc.world

One-stop resource center on all tobacco industry interference and Article 5.3-related news, websites, briefs, training, research papers, multimedia, and other tools

Southeast Asia Tobacco Control Alliance (SEATCA) & HealthJustice (2016)

tobaccointerference.org

Step-by-step guide to implementing Article 5.3 Guidelines; serves as an online guide for the Article 5.3 Toolkit by HealthJustice and SEATCA



Johns Hopkins Bloomberg School of Public Health – Institute for Global Tobacco Control (IGTC) – Tobacco Watcher (2015)

tobaccowatcher.globaltobaccocontrol.org

Search tool for tobacco news articles and tobacco-related content on the web; can be customized to generate tobacco industry-related news

University of Bath – Tobacco Control Research Group (TCRG) – TobaccoTactics (2012)

tobaccotactics.org

Profiles of key players, organizations, and allies of tobacco industry



Stanford University – Cigarette Citadels (2010)

web.stanford.edu/group/tobaccopriv/cgi-bin/map/

World map of and basic facts about cigarette-producing factories

Websites



Stanford Research into the Impact of Tobacco Advertising (SRITA) (2007)

tobacco.stanford.edu/tobacco_main/index.php

Database of tobacco advertisements and promotional activities including a 2020 study on the marketing of Philip Morris International's heated tobacco product, IQOS

World Health Organization Regional Office for the Eastern Mediterranean (WHO EMRO) (2005)

www.emro.who.int/tfi/publications/monitoring-the-tobacco-industry.html

Resource website on monitoring tobacco industry in the Eastern Mediterranean Region



University of California San Francisco (UCSF) – Truth Tobacco Industry Documents (2002)

industrydocuments.ucsf.edu/tobacco

Library of the court-ordered internal documents of the tobacco industry based on cases filed against US tobacco companies. (US Master Settlement Agreement of 1998 and the 2006 US Department of Justice lawsuit/RICO case)

World Health Organization – Tobacco Free Initiative (TFI) (1998)

who.int/tobacco/industry/who_mandate/en/

Web pages devoted to WHO's mandate to monitor the tobacco industry's strategies and related publications from 2000 to 2012

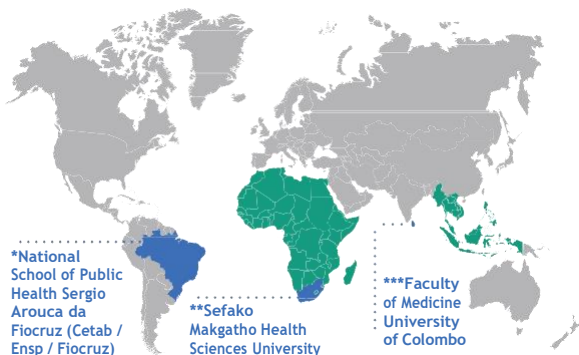


Corporate Accountability (1977)

corporateaccountability.org/tobacco/

Campaigns against tobacco companies and related updates, includes information on the harms to tobacco farmers, environment, and consumers particularly, women and children

Observatories



*National School of Public Health Sergio Arouca da Fiocruz (Cetab / Ensp / Fiocruz)

**Sefako Makgatho Health Sciences University

***Faculty of Medicine University of Colombo



MONITORING
African Tobacco Control Consortium (ATCC)

atca-africa.org



MONITORING
Southeast Asia Tobacco Control Alliance (SEATCA)

tobaccowatch.seatca.org



OBSERVATORY
Africa Centre for Tobacco Industry Monitoring & Policy Research (ATIM)**

atim.co.za



OBSERVATORY
Centre for Combating Tobacco (CCT)***

tobaccounmasked.com



OBSERVATORY
Center for Studies on Tobacco and Health, of the National School of Public Health Sergio Arouca da Fiocruz (Cetab / Ensp / Fiocruz)*

observatoriotabaco.ensp.fiocruz.br

Global Progress

Tobacco industry interference
in the United Nations and other
international organizations

COP - Conference of the Parties

IFRC - International Federation of Red Cross

INB - Intergovernmental Negotiating Body

TPPA - Trans-Pacific Partnership Agreement

UN - United Nations

WHO - World Health Organization

WHO FCTC - WHO Framework
Convention on Tobacco Control

WTO - World Trade Organization

1997

**UN Educational,
Scientific
& Cultural
Organization
(UNESCO)**

Disqualified private
sector funding sources
from those involved
in the “*production or
distribution of tobacco
(products)...*”

1999

World Bank (WB)

Halted lending
directly for, investing
in, or guaranteeing
investments or
loans for tobacco
production,
processing, or
marketing.

WHO FCTC

Entered into force.
Article 5.3 states that Parties must protect public health policies from commercial and other vested interests of the tobacco industry.

2001

UN International Children's Emergency Fund (UNICEF)

Rejected all partnerships or alliances with tobacco companies or related organizations.

2005

**INB on a Protocol on
Illicit Trade in Tobacco
Products meeting on its
third session (INB3-ITP)**

Decided to exclude the general public from observing the negotiations, upon finding that majority of those participating therein were from tobacco companies.

2009

2011

**66th UN General
Assembly
(UNGA)**

Adopted the **Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases** which expressly recognized the fundamental conflict of interest between the tobacco industry and public health.

FCTC/COP/6/10 Rev.1

Invited Parties to “protect tobacco-control activities from all commercial and other vested interests related to ENDS/ ENNDS, including interests of the tobacco industry.”

Decision FCTC/ COP6(14)

Adopted measures to implement **Article 5.3 and its implementing Guidelines** among all parts of government including diplomatic missions and asked the Convention Secretariat to report on tobacco industry interference in International Organizations.

2013

UN Development Programme (UNDP)

Developed guiding procedures to prevent tobacco industry partnership under the **Policy on Due Diligence and Partnerships with the Private Sector**.

2014

TPP Malaysia Proposal

Discussed a tobacco exclusion that was tabled in the negotiations of the 21st century multilateral trade and investment treaty involving 12 countries from Asia and Americas.

69th World Health Assembly Resolution (WHA69.10)

Adopted the WHO Framework of Engagement with Non-State Actors (FENSA) which provides that “WHO does not engage with the tobacco industry or non-State actors that work to further the interests of the tobacco industry.”

Decision FCTC/COP7(8)

Sought establishment of Knowledge Hub for Article 5.3.

2015

UN General Assembly (UNGA)

Included WHO FCTC implementation under Sustainable Development Goals (SDG): **Target 3.a.**

IFRC & Red Crescent Societies

Issued an internal brief on non-engagement with tobacco companies.

UNCITRAL Tribunal: Philip Morris vs Australia*

Dismissed Philip Morris’ claim against Australia’s plain packaging law as this constituted an abuse of rights.

2016

ICSID Tribunal: Philip Morris vs Uruguay**

Dismissed the claims of Philip Morris against Uruguay’s single presentation rule and ordered the company to pay US\$7 million and to reimburse all litigation costs.

WHO FCTC Secretariat

Issued a **note verbale** that expressed concern about meetings organized by the International Tax and Investment Center (ITIC).

WHO : WHO FCTC Secretariat

Announced that it will not engage with the Philip Morris funded FSFW based on the UNGA’s recognition of the “fundamental conflict of interest between the tobacco industry and public health” and WHO Member States’ pronouncement that “WHO does not engage with the tobacco industry or non-State actors that work to further the interests of the tobacco industry.”

Regarded the launch of the FSFW as a clear attempt to breach the Convention, e.g., collaboration with FSFW would constitute a breach of Article 5.3 of the WHO FCTC. Industry-funded initiatives for tobacco growers “give a false impression of sympathy for its victims” and industry funded research was used “to prevent effective tobacco control policies” and reminded Parties not to “endorse, support, form partnerships with or participate in tobacco industry activities described as socially responsible.”

2017

TPPA : Economic & Social Council (ECOSOC)

Concluded treaty negotiations with a provision allowing member states to exclude tobacco industry from benefiting from the investor state dispute settlement provisions.

Encouraged members of the [United Nations Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases](#) “to develop and implement their own policies on preventing tobacco industry interference, bearing in mind the model policy for agencies of the United Nations system on preventing tobacco industry interference, in order to ensure a consistent and effective separation between the activities of the United Nations system and those of the tobacco industry.”

UN Global Compact

Issued an [Integrity Policy Update](#) that excluded participating companies which fall under the high risk sectors such as those in the production and manufacture of tobacco products.

The Illicit Trade Protocol : Stopping Tobacco Organizations & Products (STOP)

Entered into force; Article 8 in relation to track and tracing mandates governments to avoid delegating obligations and interacting with the tobacco industry and those representing its interests only to the extent strictly necessary. The tobacco industry may be asked to bear any costs associated with tracking and tracing systems.

Announced by Bloomberg as an initiative to establish a tobacco industry watchdog and was eventually awarded to three partners including GGTC.****

Decision FCTC/COP8

Sought development and implementation of comprehensive communications plan aimed at raising awareness of tobacco-industry tactics and activities among international and regional government organizations as well as non-State actors.

2018

Comprehensive & Progressive Agreement for Trans-Pacific Partnership (CPTPP) : WTO Dispute Settlement Body

Entered into force; includes a provision allowing member states to exclude tobacco industry from benefiting from the investor state dispute settlement provisions.

Ruled in favor of Australia's plain packaging law; tobacco companies are proven wrong in that there is no unjustifiable infringement of tobacco trademarks nor a violation of intellectual property rights.

International Labour Organization (ILO)***

Ended the partnership with/ funding from Eliminating Child Labor in Tobacco Growing (ECLT) program.

**WHO Director
General at
144th WHO
Executive
Board**

Reaffirmed that the WHO will not work with or accept any kind of support from the tobacco industry in response to pushback from WHO EB Members and civil society to FSFW's attempt to partner with WHO.

WHO FCTC Secretariat

Urged public health community and authorities to be vigilant in countering the aggressive tactics to market novel nicotine/tobacco products to the youth, and prevent repeating the history of tobacco harms through unproven and misleading claims.

WHO

Urged all sporting bodies, including Formula 1 and MotoGP, to adopt strong tobacco free policies that ensure their events are smoke-free as well as free from sponsorship by tobacco companies.

2019

UN Secretary General

Issued an internal memo reminding UN agencies to comply with the **Model Policy for UN agencies on Preventing Tobacco Industry Interference**.

ILO***

Directed the implementation of an integrated strategy to address decent work deficits in the tobacco sector that will be funded by contributions from development aid or ILO resources (deviated from tobacco industry funding that was previously relied on).

WHO : WHO FCTC Secretariat

Celebrated World No Tobacco Day with the theme “Protecting youth from industry manipulation and preventing them from tobacco and nicotine use.” WHO implored all sectors to help stop tobacco and related industry’s marketing tactics that prey on children and young people.

Reiterated that Parties should implement cost-effective tobacco control measures because smoking worsens outcomes for COVID-19 patients; and warned about the tobacco industry’s offering to help, in the context of COVID-19, while interfering with efforts to strengthen tobacco control.

2020

WTO Appellate Body

Reaffirmed Australia’s plain packaging laws which require the tobacco industry to use generic text in drab plain cigarette packs with large graphic warnings.

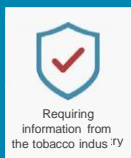
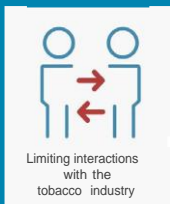
* Tribunal appointed through the Permanent Court of Arbitration (PCA) under the United Nations Commission on International Trade Law (UNCITRAL) Rules

** ICSID stands for International Centre for Settlement of Investment Disputes, an international arbitration institution established by the World Bank.

*** Governing Body

**** The Tobacco Control Research Group at the University of Bath, The Union’s Department of Tobacco Control and Vital Strategies

Implementing **ARTICLE 5.3** of the WHO Framework Convention on Tobacco Control: **from POLICY TO PRACTICE**



Protect public health policies from tobacco industry
interference in an online course that is:



Designed for policymakers,
WHO FCTC focal points,
and advocates



Tested by tobacco
control practitioners



Developed by experts
on Article 5.3



10 hours in length



Free of charge

REGISTER HERE:

www.untobaccocontrol.org/elearning/article53/

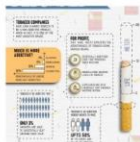
Global Multimedia Hub to Counter Tobacco Industry Interference

A library of photos, videos, posters, infographics and other visual materials from all over the world to help raise awareness about tobacco industry tactics and Article 5.3.

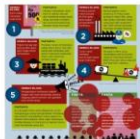
Search here...



Global Media Competition Winners (Photos)



Global Media Competition Finalists (Photos)



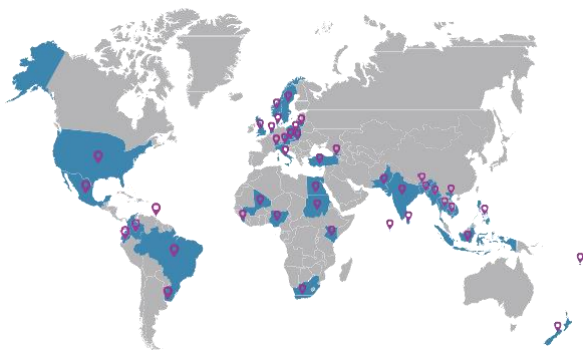
Quotes and Statements



About the WHO FCTC Secretariat's Knowledge Hub for Article 5.3

The WHO FCTC Secretariat's Knowledge Hub for Article 5.3, held at the **Global Center for Good Governance in Tobacco Control (GGTC)**, is a joint initiative of the School of Global Studies, Thammasat University, Thailand, and the Southeast Asia Tobacco Control Alliance (SEATCA). The Knowledge Hub aims to provide the world with strategies and tools to counter tobacco industry interference and promote policy coherence in tobacco control at the national, regional, and global levels.

Map of Technical Assistance



The **WHO FCTC Knowledge Hub for Article 5.3 (GGTC)** provides technical support to countries to advance Article 5.3 implementation through the setting up of Tobacco Industry Observatories and disseminating tools to counter tobacco industry tactics.



Global Center for
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