

# COP9 BULLETIN

TUESDAY, 9 NOVEMBER, 2021



## COP9 – THE CLOCK IS TICKING. LET'S ADOPT THE AGENDA AND GET DOWN TO THIS WEEK'S REAL WORK

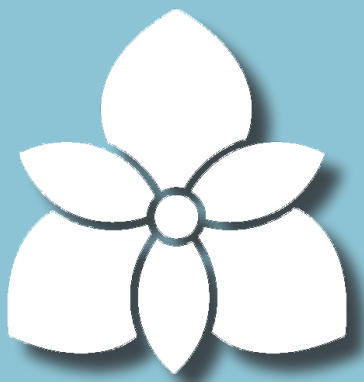
Day two of COP9 may feel very familiar to delegates. After a lengthy day of discussions on one of the COP's first orders of business – the adoption of the agenda and organization of work – consensus has not yet been reached and we resume discussions on this agenda item on day 2. On day 1, we witnessed lengthy and at times frustrating debates on this issue despite consultation with Parties on this topic in the lead-up to COP, and despite a large number of expressions of support for the original text of the decision.

We would like to take this opportunity to remind Parties of the urgency of adopting the proposed decision in relation to the agenda and moving on to addressing the contents of the agenda. The draft decision is reasonable and reflects a path for moving forward with the critical work of the COP while taking into account the realities of working during a global pandemic. It is an important foundation for progress at a time when, according to the Global Progress Report, FCTC implementation has shown only modest improvements and the challenges to implementation still remain.

It is hard to make progress when COP9 faces significant delays in attending to all the important items on its agenda. Chief among these is the workplan and budget for the upcoming biennium as well as the proposed investment fund. Both of these items are critical to supporting progress on global tobacco control until the COP meets again in person at COP10 in 2023. These agenda items will require significant discussion and it is imperative that Parties give themselves the time needed for these discussions. There are also several items to be presented to the COP for Parties to note, with discussion deferred to COP10.

The clock is ticking. For day 2 we implore Parties to work together to adopt the draft decision on the agenda and move on to addressing these critical discussions.





### ORCHID AWARD

To all Parties who stood their ground in support of the original text of the draft decision on the adoption of the agenda and encouraged that the work of the COP progress forward.



### DIRTY ASHTRAY

To Guatemala and the Philippines – For insisting on amendments with unhelpful and often confusing wording which wasted valuable COP time.

## PARTY DECLARATION OF INTEREST SUBMISSIONS: A CRITICAL MEANS OF MAXIMIZING TRANSPARENCY AND SAFEGUARDING THE WHO FCTC FROM BIG TOBACCO

Mônica Andreis, ACT Promoção da Saúde, Brazil;<sup>1</sup> Leonce Sessou, African Tobacco Control Alliance-ATCA, Togo;<sup>2</sup> and, Daniel Dorado, Corporate Accountability International, Ecuador<sup>3</sup>

The tobacco industry regularly attempts to undermine public health policy. These activities often intensify during major events and conferences such as COP and MOP and are a threat to public health and the future of the WHO FCTC.<sup>4</sup>

The tobacco industry and its front groups' tactics for derailing the treaty process are well-documented. At COP7, Philip Morris International (PMI) set up a covert operations room at a hotel to hold secret meetings with Party delegates.<sup>5</sup> More recently, in September 2021, new evidence came to light about how British American Tobacco (BAT) engaged in a years-long, widespread, systematized scheme of questionable payments across 10 African countries to influence health policy.<sup>(6,7)</sup> These are just two brief examples of tobacco industry tactics to undermine tobacco control. The good news is, the public health community continues to fight back, as recently seen by the release of new tools for tracking industry interference in Africa, Latin America and globally.<sup>8</sup>

There is no doubt the tobacco industry will attempt to take advantage of the all-virtual format of COP9 and MOP2, using old and new tactics to interfere with the treaty process.

Fortunately, Parties have a powerful remedy at hand: at COP8 and MOP1, they agreed on decisions to maximize transparency in delegations'

processes of negotiation. These decisions enhance Article 5.3, referred to by many as the 'backbone of the WHO FCTC,' which guides Parties to protect negotiations from the industry's undue interference.

Specifically, Parties decided to require attending members of the public, media, and accredited observer organizations to submit declarations of any conflicts of interest with the tobacco industry.

Moreover, when designating representatives to meetings, each Party agreed to formally indicate that it has "*observed Article 5.3 of the WHO FCTC and has been mindful of [...] the Guidelines for the implementation of Article 5.3.*"<sup>(9, 10)</sup> Parties may do this via a Declaration of Interest (DOI) form, or the format they determine to be in accordance with their internal procedures and domestic legislation.<sup>11</sup>

These measures are groundbreaking and important for keeping the tobacco industry in-check. When fully implemented by all treaty delegations, they will help ensure that COP and MOP meetings are shielded from the corrosive interference of the tobacco industry. Initiatives that maximize transparency and assure efforts to WHO FCTC implementation remain as important and necessary as ever.

If Parties have not yet submitted their Declarations of Interest, they can obtain [guidance here](#).

Parties can also find a sample [Declaration of Interest form here](#), should they choose to use such a format.

For more information, Parties are encouraged to visit the COP9 Resource Hub developed by a coalition of well-respected public health organizations not affiliated with the tobacco industry (some of them longtime observers to the WHO FCTC process): [www.CorporateAccountability.org/COP9](http://www.CorporateAccountability.org/COP9).

1 <https://actbr.org.br/sobre-a-act-promocao-da-saude>.

2 <https://atca-africa.org/who-we-are/>.

3 <https://www.corporateaccountability.org/who-we-are/>.

4 For more information: Statement from the Head of the Convention Secretariat, Dr Adriana Blanco Marquizo, "Tobacco control during the COVID-19 pandemic: how we can help" May 4, 2020, <https://www.who.int/fctc/secretariat/head/statements/2020/tobacco-control-during-covid-19-pandemic/en/>.

5 Aditya Kalra et al., "Inside Philip Morris' Push to Subvert the Global AntiSmoking Treaty," Reuters, July 13, 2017, <https://www.reuters.com/investigates/special-report/pmi-who-fctc/>.

6 BBC Panorama, "Dirty Secrets of the Cigarette Business", September 13, 2021, <https://www.bbc.co.uk/programmes/m000zpd5>.

7 STOP &TCRG, "Sabotage, Deceit and Duplicity British American Tobacco Uncovered", September 2021, <https://bat-uncovered.exposetobacco.org/>.

8 Global Tobacco Industry Interference Index, 2021, <https://globaltobaccoindex.org/>; African Tobacco Industry Interference Index, 2021, <https://atca-africa.org/africa-tobacco-industry-interference-index>; Latin America Tobacco Industry Interference Index, 2021, <https://noalinterferenciatabacalera.com/>.

9 Decision FCTC/COP8(12), October 6, 2018, [https://www.who.int/fctc/cop/sessions/cop8/FCTC\\_COP8\(12\).pdf?ua=1](https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8(12).pdf?ua=1).

10 Decision FCTC/MOP1(15), October 10, 2018, [https://www.who.int/fctc/protocol/mop/FCTC\\_MOP1\(15\).pdf?ua=1](https://www.who.int/fctc/protocol/mop/FCTC_MOP1(15).pdf?ua=1).

11 WHO FCTC, "Governance, declarations of interest", <https://fctc.who.int/who-fctc/governance/declaration-of-interest>.



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