



FIRST ASIAN TOBACCO INDUSTRY INTERFERENCE INDEX

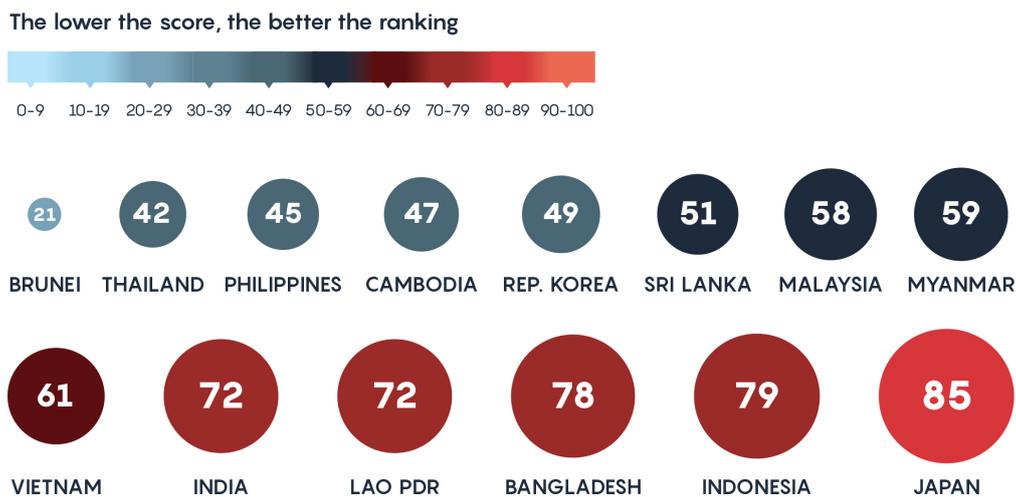


The treaty does not recognize the tobacco industry having a legitimate role to play. The tobacco industry is part of the problem, not part of the solution.

-Dr Vera da Costa e Silva, Head of the Convention Secretariat

This first Asian Tobacco Industry Interference Index provides an overview of how 14 countries are faring in implementing the WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 guidelines. Overall findings indicate that most countries are moving at a glacial pace in implementing Article 5.3 (Figure 1). While some countries have made progress in reducing interference from the industry, others have remained stagnant or regressed. There still remains much room for improvement in Asia in the implementation of Article 5.3 guidelines.

FIGURE 1: TOBACCO INDUSTRY INTERFERENCE INDEX IN ASIAN COUNTRIES



SUMMARY FINDINGS

- 1. Leading countries & slow countries:** Brunei, Thailand and Philippines are doing well in implementing Article 5.3 consistently and creating awareness among other government departments on industry interference. However, there is room for improvement. Japan and Bangladesh are lagging far behind other countries in most issues in implementation of Article 5.3.
- 2. First in Asia:** Thailand is the first country in Asia to require tobacco companies to submit a full report about their business including expenses on marketing, volume of production or importation, market share, income and expense for the benefit of tobacco control. Thailand has also banned all tobacco-related corporate social responsibility (CSR) activities.
- 3. So-called CSR activities:** The tobacco industry continues to use the tobacco-related CSR channel to access senior non-health government officials. Even when a government prohibits officials from participating or endorsing CSR activities, as in the Philippines, the industry uses other business charities to access senior officials.
- 4. Lack of transparency:** in disclosing interactions with the TI remains a problem across most countries. For example, when officials meet with the TI, records of these meetings are not made public. Having records of meetings would be helpful references. Countries also do not have a register of TI entities, their affiliate organisations, and individuals acting on their behalf.

5. **Benefits to the tobacco industry:** Several countries provide benefits to the tobacco industry such as duty exemptions, subsidies, or locating factories in export processing zones. Benefits also include extending compliance deadlines of policy measures such as implementation of pictorial health warnings on packs.
6. **Unnecessary interactions:** Unnecessary interactions occur either through government officials attending functions organised by the industry or engagement in industry-initiated anti-smuggling programmes, which makes officials vulnerable to TI influence in policy development.
7. **Conflicts of interest:** Conflicts of interest arise from former senior officials being appointed in the TI or industry executives becoming advisors to the government. Most of the countries do not prohibit political contributions from the tobacco industry to politicians or political parties, nor require full disclosure of such contributions.
8. **Non-engagement with FSFW:** Vietnam is the first country in Asia to announce its decision to not engage with the PMI-funded Foundation for a Smoke-Free World (FSFW) in line with WHO recommendations.
9. **Indonesia makes progress:** Indonesia, a non-Party to the FCTC, is making some progress in reducing industry interference. While overall interference remains high, the Ministry of Health has adopted Guidelines for Managing Conflict of Interest with the Tobacco Industry, which enabled health officials to respond appropriately when they received a request from the TI on pictorial warnings on tobacco product packs. Indonesia must accede to the FCTC to improve and protect their tobacco control policies.

Philippines: Action to Protect the Bureaucracy

In 2010 the Philippines became the first country in Asia to take a whole-of-bureaucracy approach in enacting measures to deal with the tobacco industry. The Department of Health together with the Civil Service Commission issued Joint Memorandum Circular 2010-01 (JMC), which serves to protect the bureaucracy against TI interference. This policy provides a code of conduct for all government officials in relation to the tobacco industry, which, consistent with Article 5.3 Guidelines, is broadly defined in the policy to include all those that represent the TI.

The main features of the JMC which covers all public officials include:

- Not to interact with the TI unless strictly necessary for its regulation;
- Make all “necessary” interactions public and transparent;
- Not receive any form of direct or indirect contribution from TI
- Disclose interests in the TI

RECOMMENDATIONS

Governments must dramatically step-up their efforts to implement Article 5.3. As a general obligation of the FCTC, it is vital to strengthening overall tobacco control, and the recommendations in the Guidelines provide clear measures that governments can implement to curb industry meddling and disruption. Outside departments/ministries of health, many officials remain largely unaware of Article 5.3 and have not utilised its strength to regulate the tobacco industry. Thus, a more concerted effort is needed to publicise the importance of implementing Article 5.3.

- Transparency is key and is much needed in dealing with the tobacco industry, and this is an area that needs major improvement across all countries. Governments need to record all meetings with the tobacco industry and their outcomes. Similarly, they should require tobacco companies to disclose all marketing expenditures, retailer incentives, philanthropy and lobbying.
- The tobacco industry is not a legitimate stakeholder. Procedures need to be put in place to reduce tobacco industry participation in policy development in every country.
- The tobacco industry continues to obtain benefits to do its business in several countries. Departments/ministries of health need to work more closely with non-health departments/ ministries towards a whole-of-government approach. A practical way forward would be to adopt a Code of Conduct for all government officials.
- The TI uses CSR to greenwash the harms of its products, to legitimize its business, and to gain favour with policy makers. Governments should ban CSR activities by the TI.

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