



PRESS RELEASE

Giant leap for tobacco control in TPP but countries must remain vigilant

Bangkok, 6 October 2015: For the first time in the history of multilateral trade and investment negotiations, tobacco has been singled out in a free trade agreement by excluding tobacco companies from using the investor state dispute settlement mechanisms (ISDS) of the 21st century trade agreement.

Negotiations among 12 countries on the Trans-Pacific Partnership (TPP) Agreement concluded in Atlanta last night with a provision disallowing tobacco companies from suing a country's tobacco control measures such as packaging and advertising of tobacco products.

"This TPP decision is a giant leap for tobacco control and sets a new standard for investment law making in the region. No other multilateral trade agreement ever recognized the nefarious character of the tobacco industry," said Dr. Mary Assunta, Senior Policy Advisor of the Southeast Asia Tobacco Control Alliance (SEATCA), a regional non-profit organization.

"The Malaysian government should be commended for initially tabling a proposal for a more comprehensive proposal to carve-out tobacco control measures entirely from the TPP. This move was widely supported by public health groups and no participating country registered an opposition. While the final outcome of the TPP on disallowing using the ISDS mechanism to challenge tobacco control measures, is a compromise, it is still huge," added Dr. Assunta.

Despite this victory for tobacco control, governments must remain vigilant when they draft stronger tobacco control measures as they still have to contend with the other chapters of the TPP that provide leeway to the tobacco industry to thwart their efforts. Big Tobacco still has many tactics in its arsenal to intimidate governments and stymie tobacco control even before bringing a challenge through the ISDS channel.

"A full carve-out for tobacco control measures should be the standard. We hope Malaysia will continue in its leadership and champion efforts towards a full carve-out of tobacco control measures in future trade and investment agreements. We need to address the loopholes that we know the tobacco industry will exploit. Tobacco kills about 500,000 people in the ASEAN region every year," said Dr. Assunta.

"We look to Malaysia to continue to lead the way on this. Tobacco control must be addressed too in the Regional Comprehensive Economic Partnership (RCEP) agreement being negotiated now," remarked Dr. Assunta.

Of the 12 countries in the TPP, 11 are Parties to the WHO-Framework Convention on Tobacco Control (FCTC), which recommends governments to go beyond the minimal standards in the tobacco control treaty. Only a total carve-out of tobacco control measures in free trade agreements will give governments the 21st century standard they need to protect public health.

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