

UN agencies and tobacco industry interference

Examples of good practice from UN agencies

Introduction

The United Nations Ad Hoc Interagency Task Force on Tobacco Control (Tobacco Task Force) was in place between 1999 and 2013 and aimed to bring UN and non-UN agencies together to strengthen tobacco control globally. In 2013, the Secretary-General established the United Nations Interagency Task Force on the Prevention and Control of Noncommunicable Diseases (UNIATF) by expanding the mandate of the existing Ad Hoc Inter-Agency Task Force on Tobacco Control. The UNIATF terms of reference stipulate that tobacco control continues to be duly addressed and prioritized and public health policies are protected from undue influence by any form of vested interest.

Tobacco Task Force and UNIATF reports to ECOSOC have repeatedly highlighted the importance of protecting activities of the Task Force from undue influence by vested interests. The tobacco industry's efforts to portray itself as a socially responsible entity cannot minimize the impact of tobacco consumption on health and development, hence the importance for UN agencies to work as one and ensure a consistent and effective separation between Task Force members' activities and those of the tobacco industry. In this regard, it is worth noting that if a conflict of interest would arise from situations involving members of the UNIATF or external partners, the Terms of Reference of the IATF require the secretariat to act as a repository to compile such incidents and provide a platform to discuss them¹.

UN agencies with specific policies to dissociate themselves from tobacco industry activities

A good approach to ensure the dissociation from industry activities is to develop internal policies. Below are examples of agencies' policies that have been developed specifically to ensure that tobacco-affiliated groups are not considered when setting up agreements with new partners and donors.

International Atomic Energy Agency (IAEA): In their toolkit for managers, the IAEA provides a checklist for partnership agreements. Screening of partners requires that IAEA confirms that the partner "does not manufacture or distribute products widely recognized as harmful to public health or against public morals". Tobacco products are included in the list.

¹ Examples of conflict of interest that have occurred in the past have been publicly reported by the Secretary-General to the Economic Social Council at its Substantive Sessions, in particular in 2006, 2008 and 2010 in the context of reporting on the work of the Tobacco Task Force (reports E/2006/62, E/2008/59 and E/2010/55).

UNDP: In UNDP's *Due Diligence Policy on Work with the Private Sector*², which defines a set of exclusionary criteria outlining those business practices considered unacceptable to the organization, the manufacture, sale or distribution of tobacco products is in the list of exclusionary criteria.

United Nations Educational, Scientific and Cultural Organization (UNESCO): as indicated earlier, UNESCO's Internal Guidelines For Private Sector Fund-Raising in favour of UNESCO date back to 1997 and disqualify any private sector involved in the "production or distribution of tobacco (products)..." as a funding source for collaboration with UNESCO³.

World Health Organization (WHO): WHO's guidelines of 2007 "...for Responding to Requests Made By the Tobacco Industry to Meet with WHO" sets very strict conditions where WHO staff may meet with the tobacco industry. The guidelines also clearly state that WHO programmes cannot accept any direct or indirect funding from the tobacco industry nor can they endorse projects directly or indirectly funded by the tobacco industry. Additionally, all experts invited to support WHO in its work need to sign a declaration of interest where they should disclose, among other things, any work undertaken for or funding or other support received from the tobacco industry in the last 4 years. Based on this disclosure, WHO could decide to participate fully or partly or to exclude the expert from the requested support. The draft Framework of engagement with non-State actors⁴ stipulates that WHO does not engage with the tobacco or arms industries.

WHO Framework Convention on Tobacco Control (WHO FCTC): Article 5.3 of the Convention stipulates that "in setting and implementing their public health policies with respect to tobacco control, Parties [to the Convention] shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law⁵." Guidelines were developed to guide the implementation of Article 5.3⁶. The Convention Secretariat has the strict mandate to implement Article 5.3 and the Guidelines. For example, the Convention Secretariat has sent a Note verbale to Parties advising them not to engage with the International Trade and Investment Centre (ITIC)⁷. ITIC is a front group of the tobacco industry that strives to influence governments to adopt measures in contravention of the treaty. ITIC receives funding from and includes representatives of all major tobacco multinationals on its Board. Furthermore, the Convention Secretariat has met with officials of the World Customs Organization (WCO) and its Secretary-General and has requested them to discontinue their cooperation with ITIC and other tobacco industry front groups. The Secretariat will also follow up with other international intergovernmental organizations that do not seem to maintain a consistent firewall between them and the tobacco industry. All WHO FCTC experts sign a declaration of conflict of interest. Observers to the Conference of the Parties (COP) are expected to implement the provisions of the Convention,

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http://www.who.int/fctc/mediacentre/iticreminder/en/http://www.undp.org/content/dam/undp/documents/partners/civil_society/miscellaneous/CSAC_Miscellaneous/2013_UNDP_New-Due-Diligence-Policy-to-work-with-the-Private-Sector.pdf

³ <http://whc.unesco.org/archive/1997/whc-97-conf208-inf17e.pdf>

⁴ http://apps.who.int/gb/ebwha/pdf_files/WHA68/A68_R9-en.pdf?ua=1

⁵ <http://apps.who.int/iris/bitstream/10665/42811/1/9241591013.pdf>

⁶ http://www.who.int/fctc/treaty_instruments/adopted/article_5_3/en/

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in particular Article 5.3., the guidelines and decisions of the COP. For example, the Sixth session of the COP per decision FCTC/COP6(2)⁸ rejected the application for the status of observer by the International Criminal Police Organization (INTERPOL) due its acceptance of funding from Philip Morris International Inc. which ran counter to the spirit of Article 5.3. Observers to the COP to date include the International Atomic Energy Agency (IAEA), the International Labour Organization (ILO), the United Nations (Global Compact), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Customs Organization and the World Bank. The Convention Secretariat is also striving to maximize transparency of Parties' delegations, intergovernmental organizations, nongovernmental organizations and civil society groups during sessions of the COP and meetings of its subsidiary bodies through a range of measures pending COP adoption.

World Bank: While not specifically related to dissociating itself from industry activities, it is worth noting that the World Bank adopted a policy in 1991⁹, updated in 1999¹⁰, which prevents it from lending directly for, investing in, or guaranteeing investments or loans for tobacco production, processing or marketing¹¹.

There are examples of good practices where UN agencies dissociated themselves from industry self-proclaimed collaboration.

In 2009 Davidoff Swiss Indoors announced they would give a donation to **UNESCO** through a cheque to UNESCO's Goodwill Ambassador. This was announced despite the fact that UNESCO Internal Guidelines For Private Sector Fund-Raising unequivocally state that no funding from companies involved in the production or distribution of tobacco can be accepted. When UNESCO learnt about this, the organization indicated it was not associated with this event nor the donation and requested its name be removed from the company's website¹².

In June 2015, Philip Morris used **UNEP's** logo¹³ during World Environmental Day (WED) to advertise their engagement to reduce their environmental footprint. UNEP noted that the logo was used in a video Philip Morris prepared in the context of WED in accordance with the Logo Style Guide for the use of the UNEP logo for the event¹⁴. UNEP revised the Guide in order to stipulate some restrictions on the use of UNEP's logo and it to include a specific reference stating that "UNEP does not endorse the entity, their activities or the views/content of the site wherein the UNEP logo is used". The new guidelines will be uploaded onto the UNEP website.

⁸ http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_Report-en.pdf

⁹ <http://www.worldbank.org/en/topic/health/brief/tobacco>

¹⁰ <http://siteresources.worldbank.org/INTETC/Resources/375990-1113921158191/OP476.pdf>

¹² For more information: http://www.davideathswissindoors.ch/index.php?view=article&id=53%3Aunesco-rejects-donation&option=com_content&Itemid=18&lang=en

¹³ http://www.pmi.com/eng/media_center/media_kit/Pages/world_environment_day_2015.aspx

¹⁴ http://www.unep.org/wed/multimedia/WED_2015_Style_Guide.pdf

But challenges remain. Below are recent examples of industry activities associated with agencies work.¹⁵

International Labour Organization (ILO): Philip Morris International's homepage included a rotating banner featuring ILO¹⁶ and World Day Against Child Labour (June 2015). Japan Tobacco International is listed as a donor of the ILO's International Programme on the Elimination of Child Labour on the ILO website¹⁷. ARISE - Achieving Reduction of Child labour in support of education - is an initiative of Japan Tobacco International (JTI - donor) and the International Labour Organization¹⁸. ARISE aims to develop and implement activities that progressively eliminate child labour and address conditions that drive tobacco farmers to engage children in hazardous work. There are currently initiatives in Brazil, Malawi and Zambia. The Zambia programme is funded by JTI until 31 October 2015 in the amount of US\$ 1.6 million for 3 years¹⁹.

United Nations Global compact: The global Compact seeks to promote responsible corporate citizenship as one way to advance sustainable development. Companies voluntarily join the Global Compact. Unfortunately, tobacco companies have not been excluded from this platform and the following companies associated with the tobacco industry are currently registered:

- Souza Cruz (BAT Brazil) – participant since 2003²⁰
- Fuente Cigar Ltd. / Cigar Family Charitable Foundation (Dominican republic) – participant since 2010²¹
- The State Alcohol and Tobacco Company of Iceland (Iceland state monopoly, produces snuff) – participant since 2012²²
- Eliminating Child Labour in Tobacco Growing Foundation (Switzerland, tobacco industry front group) – participant since April 2015²³
- Plasencia Cigars (Nicaragua) – participant since April 2015²⁴
- Philip Morris International (Switzerland) – participant since June 2015²⁵

¹⁵ Those examples have been retrieved from the public domain, from different Webpages and they are referenced whenever mentioned. No feedback from the concerned agencies was sought during the preparation of this report.

¹⁶ <http://www.pmi.com/eng/pages/homepage.aspx>

¹⁷ <http://www.ilo.org/ipec/programme/Donorcountries/lang--en/index.htm>.

¹⁸ <http://ariseprogram.org/en/our-partnership>; http://www.ilo.org/global/docs/WCMS_239578/lang--en/index.htm

¹⁹ http://www.ilo.org/ipec/projects/global/WCMS_356145/lang--en/index.htm

²⁰ <https://www.unglobalcompact.org/what-is-gc/participants/8716-Souza-Cruz>

²¹ <https://www.unglobalcompact.org/what-is-gc/participants/11853-Fuente-Cigar-Ltd-Cigar-Family-Charitable-Foundation>

²² <https://www.unglobalcompact.org/what-is-gc/participants/17175-ATVR-The-State-Alcohol-and-Tobacco-Company-of-Iceland>

²³ <https://www.unglobalcompact.org/what-is-gc/participants/56131-Eliminating-Child-Labour-in-Tobacco-Growing-Foundation-ECLT->

²⁴ <https://www.unglobalcompact.org/what-is-gc/participants/56101-Plasencia-Cigars>

²⁵ <https://www.unglobalcompact.org/what-is-gc/participants/59751-Philip-Morris-International>

United Nations High Commissioner for Refugees (UNHCR): in a tweet on 25 August 2015, British American Tobacco (BAT) Costa Rica announced receiving the “Living Integration 2015 Award” from UNHCR for generating job opportunities for refugees²⁶.

United Nations Office on Drugs and Crime (UNODC): In September 2013, Philip Morris International donated 55,000 Euros for scholarships to the International Anti-Corruption Academy. The Academy was initiated by UNODC, the European Anti-Fraud Office (OLAF) and other stakeholders, and it is an observer to the UN and ECOSOC²⁷. Philip Morris International is to date listed as a contributing partner (non-State entity) on the Academy’s website²⁸.

World Customs Organization (WCO): Digital Coding and Tracking Association (DCTA) has been created by British American Tobacco, Imperial Tobacco Group, Japan Tobacco International and Philip Morris International. DCTA has developed Codentify, a tracking and tracing system. DCTA sponsored the 4th World Customs Organisation Technology and Innovation Forum held in Buenos Aires in 2013²⁹. They also sponsored the 7th Global Congress on Combating Counterfeiting and Piracy held in Istanbul from 24-26 April 2013. The Congress is convened by a public-private partnership with leaders from INTERPOL, the World Customs Organization (WCO) and the World Intellectual Property Organization (WIPO), among others.

Conclusions and proposed actions

In line with the Guidelines for implementation of Article 5.3 of the WHO FCTC and to preserve the integrity of the UN’s work to promote health and development, there is a clear need for the UN in general and observers to the COP in particular to dissociate themselves from tobacco industry activities. While many agencies have usually acted quickly to break any of such links often proclaimed and advertised by the tobacco industry, the tobacco industry continues to be associated and linked with activities led by some UN agencies.

In order to avoid any confusion and prevent any such association to be perpetrated, the most effective approach is to follow the lead of agencies such as WHO, UNDP or UNESCO by setting clear agency guidelines that explicitly exclude the tobacco industry from any activities involving the respective agency. Members of the IATF are therefore invited to consider developing similar guidelines and report on such efforts for the next meeting of the IATF in 2016.

These efforts will have to be coupled with continuous monitoring of tobacco industry activities given that the industry has an interest in associating itself with different agencies as part of its corporate social responsibility campaigns and it will continue to do so sometimes without the knowledge of those agencies. In this regard, the IATF will continue fulfilling its role of compiling cases of conflict of interest and alerting its members about them.

²⁶ <https://twitter.com/BATPress/status/636127023954534400>

²⁷ <http://www.iaca.int/about-us/general-information.html>

²⁸ <http://www.iaca.int/constituency/partners.html>

²⁹ <http://www.dcta-global.com/latest-news.html>