

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:00:02:24 - 00:00:24:09

Louis

Welcome to season two of Deadly Industry: Challenging Big Tobacco from the Tobacco Control Research Group at the University of Bath, hosted by me, Louis Laurence. We are an international research group that investigates the tactics used by Big Tobacco to maximise its profits at the expense of public health. The evidence we produce helps society to hold this deadly industry to account.

00:00:24:11 - 00:00:31:01

Louis

If you enjoy listening, then please subscribe, leave us a review and share this podcast.

00:00:31:03 - 00:00:58:20

Louis

Tobacco is a global business, and regulating big tobacco is essential to protecting people around the globe from its deadly products. But how do we reach international consensus on how this should be done? At the centre of this process are two major international meetings the Conference of Parties (COP) and the Meeting of Parties (MOP). These gatherings bring together governments from around the world to negotiate policies that shape how tobacco is regulated, via the Framework Convention on Tobacco Control.

00:00:58:22 - 00:01:24:21

Louis

But regulators also face ongoing pressure from the tobacco industry, which continues to seek influence over public health decisions from packaging rules to supply chain oversight. Joining us to help unpack what happens at these two critical meetings are, once again, Dr Allen Gallagher, now co-director of the Tobacco Control Research Group, who has extensive expertise in industry interference. And Leslie Rae Ferat, executive director of the Global Alliance for Tobacco Control.

00:01:24:24 - 00:01:26:05

Louis

Welcome, both.

00:01:26:07 - 00:01:27:13

Allen

Thanks, Louis, nice to be here.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:01:27:15 - 00:01:28:15

Leslie

Thanks, Louis.

00:01:28:17 - 00:01:38:04

Louis

So for listeners who might not be familiar of these two conferences, first to you, Allen, what is a conference of the parties or the conference of the parties?

00:01:38:10 - 00:01:59:17

Allen

Sure. So speaking generally, a conference of the parties or a COP with a little O is a term commonly used to describe the governing body of an international treaty. So essentially, they are made up of countries who have joined an underlying treaty known as the parties. And then they will use the conference to meet to discuss the treaty. Hence the term conference of the parties.

00:01:59:19 - 00:02:28:05

Allen

Discussions tend to focus around adopting decisions that align with the treaty objectives, reviewing progress with the Treaty, and planning for the treaty's success in the future. Perhaps the most kind of well known example of this terminology of COP is the United Nations Framework Convention on Climate Change. That usually gets a lot of media coverage but there are many other examples of treaties that have their own COPs covering various topics ranging from endangered species to even hazardous waste.

00:02:28:07 - 00:02:36:08

Louis

And so what we're talking about today is tobacco COP, essentially. Leslie how does this COP relate to tobacco control?

00:02:36:10 - 00:03:07:05

Leslie

Yeah. So as I, I won't repeat too much that Allen mentioned, but, you know, this, this FCTC COP, which is the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

What's special about this COP is it's the first international treaty negotiated under the WHO, the World Health Organization, and its objective is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.

00:03:07:11 - 00:03:44:08

Leslie

So this was really a landmark agreement in global health. It's comprised of all the other countries known as parties, as Allen mentioned, that have ratified or acceded to the convention. And this COP meets every two years. So at the moment, this COP on tobacco control has 183 parties. And in essence, the FCTC COP is where we as a global community and all of the 183 parties come together to discuss, negotiate and decide on policies and strategies that kind of combat the tobacco epidemic and promote tobacco control worldwide.

00:03:44:10 - 00:03:48:00

Louis

So each of those parties that is an individual country, is that right?

00:03:48:02 - 00:04:00:04

Leslie

So there's, why we call them parties is because the EU is also a party to the FCTC. So that's why they're parties. So there's 182 countries. And then the EU, which would make it 183 parties.

00:04:00:06 - 00:04:07:03

Louis

Allen back to you. So there's this Conference of Parties element. And there's also the meeting of parties MOP. What's that?

00:04:07:05 - 00:04:27:20

Allen

It's not confusing at all, is it? So as Leslie has just outlined the kind of tobacco COP, if you will, relates to the FCTC the meeting of the parties or MOP essentially serves the same purposes, but this time it's for a treaty, which stems from the FCTC. So more specifically, this is a protocol to eliminate illicit trade in tobacco products.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:04:27:22 - 00:04:48:21

Allen

And so as such, we can really think of a COP as focusing on all tobacco control issues, whereas the MOP is really more targeted directly toward addressing illicit tobacco trade specifically. And the use of MOP here rather than COP is really just to help differentiate between the two meetings. They tend to happen one after the other so it's kind of COP straight into MOP.

00:04:48:23 - 00:04:51:12

Allen

And yeah, makes a bit more sense than COP one and COP two.

00:04:51:12 - 00:04:53:18

Louis

So one's a conference and one's a meeting but they are essentially the same thing?

00:04:53:18 - 00:05:11:14

Allen

Essentially, yeah, but in terms of their agenda and the structure and set up they are very similar and they are aiming to achieve similar objectives, probably the main difference is that the MOP is a lot younger. So we've had three MOPs so far as we've had ten COPs. Leslie mentioned we've got 183 parties to the COP, for the MOP

00:05:11:16 - 00:05:18:03

Allen

we currently have 67, so, we haven't made as much progress yet, but that's largely just because the MOP came a lot later.

00:05:18:03 - 00:05:34:09

Louis

It's newer. So a bit of catching up to do for MOP and the illicit trade gang. So, Leslie, you guys have a particular perspective on this at the Global Alliance for Tobacco Control, could you tell us a bit about the Global Alliance and what you guys do and how it relates to these meetings?

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:05:34:11 - 00:05:58:14

Leslie

Yeah, absolutely. So, the Global Alliance for Tobacco Control is actually quite new, but not new. So what used to be what we called the Framework Convention Alliance on Tobacco Control, which was established back in 1999 at the very beginning of the negotiations for the FCTC. And we were operating under Switzerland, and there was a kind of request to get us operating out of Canada

00:05:58:14 - 00:06:34:24

Leslie

now where myself and the team were based and kind of look at the structure to the organisation and modernise it a bit. So in 2022, the FCA shut down and dissolved and the Global Alliance for Tobacco Control was created. So it is kind of just a carry on from the FCA. But as a nonprofit or a civil society organisation, we are a global network of civil society actors working towards a world free from the devastating health, social, economic and environmental consequences of tobacco so very much linked to the treaty.

00:06:35:01 - 00:07:06:19

Leslie

We're currently the only global network solely dedicated to implementing the WHO FCTC and serve as the leading voice of civil society in strengthening and accelerating progress. So, we are an alliance with members which is really important because it's a lot of our members doing the national and regional and international work. And since we started the Global Alliance, we're now up to about 100 members and growing daily, and about 70 countries that we're working in right now with our members.

00:07:06:21 - 00:07:38:21

Leslie

And our two main goals are really to embed tobacco control into global health and sustainable development, but also really to accelerate implementation of the treaty at all levels. And we work through our members, and we rely heavily on our members to really kind of achieve those goals. And when it comes to the actual COP, we've been the leading coordinating, convening civil society alliance that brings together all of the other civil society organisations working towards the same goals and objectives through the conference of the parties.

00:07:39:00 - 00:07:50:11

Louis

So as a civil society group, such an international group, what kind of impact are you guys able to have on the framework convention or on COP or MOP?

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:07:50:13 - 00:08:17:06

Leslie

I think we have quite a quite a big role to play and quite a big impact if I might say though some might potentially, have a different opinion, but civil society has kind of, I would say, three big roles to play in participation. Civil society isn't just a formality, it's really considered essential in achieving the objectives of the treaty, as it's actually explicitly stated in article 4.7 of the convention.

00:08:17:08 - 00:08:38:11

Leslie

But we actively advocate for progressive and robust decisions at the COP. So when we're talking about our engagement at the COP, that's one of our roles is to really advocate for these robust decisions to be agreed on at the COP, also ensuring that key and emerging issues are constantly front and centre on the COP's agenda and throughout the discussions.

00:08:38:13 - 00:09:01:21

Leslie

Another role we would play is monitoring and exposing tobacco industry interference, which I know we'll talk a little bit about later. And we also bring this kind of significant technical expertise and support to parties and to the discussions, really helping to inform and strengthen policy decisions. So from the very beginning, civil society was really actively involved in getting the treaty adopted.

00:09:02:00 - 00:09:24:15

Leslie

And then over time, we've been really playing a really good supportive role. And I think with the, kind of the progression of the COP and us being more present at the COP and the observers growing and growing, we now are kind of considered to be a really strong ally and supporting partner for parties and also for the secretariat of the WHO FCTC.

00:09:24:17 - 00:09:43:07

Louis

I mean, you guys obviously play a really important role. Perhaps zooming out just for a moment, back to kind of COP and MOF itself. What is it that so special about these kind of international treaties and conferences that, you know, things that can't be achieved at the national level through tobacco regulation?

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:09:43:09 - 00:10:07:06

Leslie

So I think it's, you know, it's really a time for countries, or let's say parties, to get together and review the implementation of the FCTC as a whole because countries themselves are focusing on national level implementation. But when we get together at this Conference of the Parties, it's an opportunity for everybody together to look at how we're implementing the FCTC at a global level, but also at a national level.

00:10:07:08 - 00:10:33:20

Leslie

And the COP makes decisions that are really necessary to promote it's effective implementation. So thinking about adopting guidelines that all parties can then go and use in terms of their national context, that's really important. Adopting protocols, annexes, potential amendments, all of those types of things don't happen at the national level. And that's the guidance that's needed at this international level for then countries to go and take that and apply in their national context.

00:10:33:22 - 00:10:54:13

Leslie

You can also see different bodies, working group, expert groups that are established to elaborate guidelines, recommendations etc. for implementing all of the articles within the treaty. And that's why it's so special because that can't happen at the national level. And so this is kind of this guiding body that helps countries get what they need to get done within their own national contexts.

00:10:54:13 - 00:11:06:08

Louis

I mean, it's obviously very complex stuff. I mean, there's a few things you mentioned there, things like annexes, amendments, which obviously have specific technical meetings, just taking annex, for example. What does that mean? I mean, maybe we can't go into detail on all of those things...

00:11:06:10 - 00:11:39:13

Leslie

Yeah, maybe we could even call them like, additional guidelines, for example, or additional recommendations. So there was some guidelines adopted on TAPS, which is tobacco advertising promotion and sponsorship. And there was these really great guidelines developed. And then over the years, social media has exploded. And so these guidelines don't actually encompass social media. So thinking about having, not creating a whole new set but kind of supplementary or additional or you know, an add on or an annex to that that would now cover all of that from a social media perspective, for example.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:11:39:13 - 00:11:42:12

Leslie

And those were just adopted at the last Conference of the Parties.

00:11:42:16 - 00:11:49:20

Louis

Yeah. So you're essentially kind of updating and responding to how the products and the industry is changing in the real world.

00:11:49:22 - 00:12:01:14

Leslie

Yeah. That's the thing is, everything's constantly evolving and changing and we'll see that more and more, right? So you can't just start from scratch. It's best to kind of have these annexes, these additions, these supplementary things to continue to guide parties.

00:12:01:16 - 00:12:18:12

Louis

And Allen I suppose it's a bit of an arms race in some ways, right. As the Framework Convention is updated and adapts to the industry, presumably the industry is also responding to that and trying to interfere in this process. What are some of the tactics that the industry uses to influence this process?

00:12:18:15 - 00:12:38:20

Allen

So I mean, firstly, I mean, you're right in terms of an element of, you know, the industry having that vested interest and interfering with the process. That's why it's important to note that for both COP and MOP in line with article 5.3 of FCTC, which is all about requiring parties to protect policymaking from the industry's vested interest, you know, the industry is essentially not welcome.

00:12:38:20 - 00:13:09:01

Allen

You know, at COP and MOP, it should not be feeding into the policy process. But despite that, to answer your question, there is really quite a big list of industry efforts to influence those proceedings. I mean that very literally in that on Tobacco Tactics you can see you can see a list of

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

their recent efforts to influence but just to summarise briefly, you know, the industry is really always very proactive in thinking ahead, this really becomes evident in the lead up to COP, we see senior company representatives talking about the advance events in advance.

00:13:09:03 - 00:13:30:00

Allen

You can look at BAT staff saying to others in the industry prior to the last COP that they should all work together to utilise their access to governments in order to try and shape the agenda of meetings. You also had a senior staff member of Philip Morris attacking the event. He even claimed he was going to attend the conference venue in order to protest the company being excluded from the discussion.

00:13:30:00 - 00:13:45:03

Allen

So really they will go quite far with it. Industry bodies also trying to make their way into pre-COP discussions that governments hold in order to try and shape agendas. So it was really not just influence during the events themselves, but all of these efforts to try and influence and advance of the event.

00:13:45:05 - 00:13:49:19

Louis

So the tobacco companies, they believe as a group that they should have a sort of seat at the table.

00:13:50:00 - 00:14:08:19

Allen

I mean, that's the argument they want to put forward. I mean, I won't speak for whether they truly believe it to be a logical argument, but certainly in terms for them, they understand, you know, we have this global community to address the product that they're trying to sell. And so the more that they can try and influence those discussions, the more likely they are to be able to kind of continue to sell their product.

00:14:08:21 - 00:14:31:00

Allen

and, you know, COP is ultimately introducing policies which are, you know, detrimental to the interests of the industry so that's why they are keen on trying to influence it. Maybe just a few other quick kind of strategies as well. So the companies also make extensive use of in media. So we have a

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

lot of industry funded media outlets which in the lead up to COP will publish a lot of critical articles about the event.

00:14:31:02 - 00:14:50:16

Allen

They'll make a lot of sweeping claims about the World Health Organization really trying to kind of present this idea that, you know, these parties from every country across the world is somehow not actually representative of what's happening, it's this idea that the industry are a minority voice and they're being excluded, when, you know, in reality, they shouldn't really be a voice

00:14:50:16 - 00:15:12:19

Allen

in these discussions are about, you know, protecting people from the health harms of their products. I would maybe just lastly, also add to that point of being proactive, you know, we were seeing industry efforts to influence COP and MOP before there was a COP and MOP in terms of negotiations for the FCTC treaty, there were extensive industry efforts to try and undermine and influence that.

00:15:12:21 - 00:15:37:21

Allen

Same with the illicit trade protocol. I mean, a few examples for that. BAT was able to obtain draft text of the treaty before they were made public, despite rules against that, and they even paid off a delegate in one of the negotiations to support the company's position. So really clear efforts of before we even have, you know, the conferences in place, the industry are trying to influence the underlying treaties within them.

00:15:37:21 - 00:15:47:02

Louis

And despite that, those treaties still came to pass and so now, presumably, those companies are even more keen to try and influence what happens at COP and MOP.

00:15:47:02 - 00:15:48:20

Allen

Yeah, exactly.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:15:48:22 - 00:15:54:20

Louis

How do you go about researching that as the Tobacco Control Research Group? That must come with certain challenges?

00:15:54:22 - 00:16:14:19

Allen

Yeah. So there's a lot there's a lot of monitoring what's happening day to day. We also have a kind of big data team. So we do this kind of social network monitoring as well to get an understanding of the different voices. And so that's quite important. And also in terms of some of that information relating to protocol that often stems from, you know, internal industry documents that are made available.

00:16:14:19 - 00:16:19:11

Allen

and then we can read about them kind of strategising to try and influence these events.

00:16:19:13 - 00:16:24:08

Louis

Leslie, do you guys come under much pressure from the industry like criticism or attacks, that kind of thing?

00:16:24:13 - 00:16:50:20

Leslie

Yeah, we absolutely do, because, as Allen mentioned, we kind of play this watchdog and exposure role of the industry and their tactics. And so naturally, the defence starts from the industry and there's a lot of criticism around, we see a lot at the COP, the GATC, formerly FCA, gets criticised a lot for being, they say stuff about they have this website that it gets really active around the COP.

00:16:50:20 - 00:17:09:24

Leslie

And they like to say that GATC holds all this power, makes all these decisions. Does it let people decide on their own? We're still old fashioned in the way of our thinking and just little things like that they like to criticise and will start to quote us and say that that's not the way that it should be, and they should be allowed to be there.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:17:09:24 - 00:17:38:12

Leslie

And a lot of times too, they'll start to talk about, our orchid and ashtray awards, that we give out that are highly influential. It started a long time ago. The GATC publishes what we call a bulletin at the COP every day. And the information in the bulletin is usually short stories or reports or things being written by all of the different members

00:17:38:18 - 00:17:59:02

Leslie

within the tobacco control community on a broader range of topics. And usually what we try and do is address topics that we know will be discussed at the COP. So it gives a little bit of additional information for governments and stakeholders to get a better understanding of certain topics. So there's a few pages of that, the policy work and things like that.

00:17:59:02 - 00:18:37:20

Leslie

And on the back or now on the front, you have these two different pictures. One is of an orchid and one is of an ashtray. And this started, the very beginning, thinking about almost, if you could imagine rewarding good behaviour and calling out bad behaviour. So what we do is we are listening very intently to all of the discussions and trying to pull out kind of that information where you can see whether someone is trying to potentially block deliberations, block consensus, spewing potentially identical wording to the tobacco industry and those types of parties and delegations will receive what we call the Dirty Ashtray Award.

00:18:37:22 - 00:18:58:00

Leslie

And then the parties who are really trying to get decisions adopted, making progress, etc., we will award them what will be called the orchid for being a rock star party. And it started, like I said, a long time ago. And parties now will walk into the door and just grab the bulletin and right away turn to the back and wonder if they potentially won or were,

00:18:58:02 - 00:19:19:12

Leslie

or how they were ranked. And it's actually become quite controversial as well because nobody wants to receive the Dirty Ashtray award. And it's now had a bit of media attention where there's been discussions after nationally about countries receiving this award, especially if they received it more than once over the years. And we have multiple countries who have received the dirty ashtray multiple times.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:19:19:14 - 00:19:31:09

Leslie

And it hasn't seemed to change, although it is a really good way to expose, in a very kind of soft way, bad behaviour, but also to reward good behaviour for parties who are really trying to get things moving.

00:19:31:09 - 00:19:45:15

Louis

So in the meeting themselves, maybe let's look at last year's 2024's COP and MOP meetings. What actually took place, like what were some of the key discussions or decisions made? Maybe let's start with COP and you, Leslie, and then we'll move on to MOP.

00:19:45:17 - 00:20:07:23

Leslie

Yeah. COP10 was quite good in terms of outcomes and decisions that were made. We had an adoption of the draft decision on article 2.1. So article 2.1 if we say it that like that isn't really something most of us would understand. So what it's called is forward looking measures for tobacco control. So when we refer to that, we refer to measures that go beyond the treaty.

00:20:08:02 - 00:20:33:19

Leslie

So kind of, you know, aspirational things, things that go much more beyond just the articles and policies that were laid out in there so that decision was adopted and there was an expert group that is working to establish and identify and explore these new innovative measures that will really expand tobacco control policies. So that was a really great decision that came up. Article 13, which I spoke about before on tobacco advertising, sponsorship and promotion.

00:20:33:21 - 00:20:45:09

Leslie

The COP adopted more robust and specific guidelines, that were meant to address the marketing of tobacco and nicotine products online geared towards youth. So that was also really, really important.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:20:45:09 - 00:20:50:08

Louis

Give us an example of some of those measures adopted either at COP last year or previous years.

00:20:50:10 - 00:21:12:22

Leslie

Absolutely. So in terms of the article 13 guidelines, these were adopted a long time ago, but then the media ones were just kind of added to be more robust. But a few examples that fall under the article 13 guidelines would be, comprehensive bans. So the guidelines emphasise that a comprehensive ban should cover all forms of tobacco advertising, promotion, sponsorship without exception.

00:21:12:22 - 00:21:36:23

Leslie

So this would include direct and indirect advertising, meaning that not only explicit advertisements but also subtle forms of promotion should be banned. All media, so this extends to traditional media, which is print, television and radio and now as we just talked about these additional guidelines, that would include modern platforms like the internet, social media, product placement and in entertainment.

00:21:37:00 - 00:21:58:20

Leslie

Another example would be point of sales or restrictions on the display and visibility of tobacco products at retail outlets also are very crucial. So those are a few examples of article 13. And then examples of article 2.1 measures which I talked about. These are really meant to be, you know, we're saying that the FCTC in the treaty, it's a floor not a ceiling.

00:21:58:22 - 00:22:21:17

Leslie

So this core principle of article 2.1 of the FCTC sets a floor of obligations for tobacco control. And article 2.1 ensures that these are not seen as a ceiling and that that limits any further action. So it's really actively kind of encouraging countries to implement even stricter or more comprehensive measures. And an example of that would be phasing out commercial sales.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:22:21:19 - 00:22:41:00

Leslie

So reducing the number of point of sales for tobacco products or even aiming to end the sale of tobacco entirely, also potentially tobacco free generation legislation. So banning the sale of tobacco products to individuals born after a certain year, which we're actually seeing more and more countries start to look at that. Those would be examples of article 2.

00:22:41:01 - 00:22:41:22

Louis

Here in the UK that is being debated.

00:22:41:23 - 00:22:56:20

Leslie

Yes the new bill that was put forward, their tobacco and vapes bill. So those are really good examples of these kind of forward-looking measures to be more aspirational and go beyond just those original guidelines and articles that were in the treaty.

00:22:57:00 - 00:23:06:01

Louis

That's really helpful. Thanks, Leslie. And Allen, turning to MOP and illicit trade for a moment, what are some of the decisions made last year or even in recent years?

00:23:06:06 - 00:23:33:04

Allen

Yeah, sure. So a key focus of all of them, of discussion so far has been tobacco tracking and tracing. So for season one listeners that will be familiar, but just a reminder that set a requirement under article 8 of a protocol for parties to introduce measures to track tobacco products through the legal supply chain in a way that then allows for authorities to trace them back through the supply chain and identify if a legal product has ended up on the illegal market.

00:23:33:10 - 00:23:53:06

Allen

So it's a really useful kind of supply chain monitoring measure. Now the last MOP, sorry the previous MOP, the one before the last one, MOP2, featured a report from a working group which was

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

established at the first MOP, basically to investigate kind of best practices for tracking and tracing. Then at the most recent MOP, those recommendations were adopted.

00:23:53:08 - 00:24:19:21

Allen

Those recommendations include the introduction of what we call the interim global information sharing point. So what is that? That's essentially a website that enables all of the parties to the protocol that have tracking and tracing systems to communicate with each other. So every country will have its own individual track and trace system. But then this essentially allows a network for all of the data from all of those systems to be in one place.

00:24:19:23 - 00:24:42:14

Allen

So that was kind of definitely a key decision there. The last MOP also saw the adoption of a roadmap, essentially, for potential future research topics relevant to the protocol. So specifically, areas that just haven't been researched as much as perhaps they could be for us to really be informed enough to make sure of as effective policy interventions in place.

00:24:42:16 - 00:24:56:03

Allen

So specifically, there it's about key inputs in the tobacco supply chain. So this is what elements go into making a tobacco product that actually could potentially be better regulated and monitored to kind of deal with illicit production.

00:24:56:05 - 00:24:58:21

Louis

We actually heard about some of that in the previous episode with...

00:24:58:22 - 00:24:59:11

Allen

Oh, perfect.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:24:59:11 - 00:25:06:00

Louis

with John and Fred so it's interesting to hear that there is this kind of top down regulation of the supply chain happening.

00:25:06:00 - 00:25:25:09

Allen

Yeah, exactly. And also the other element would be duty free sales as well. So, you know, when you are buying cigarettes in the airport, for instance, there are quite a lot of unknowns in terms of the extent to which the availability of duty free tobacco or actually has an impact on illicit trade. So that was another area where we'll see future research as a result of the last MOP.

00:25:25:11 - 00:25:29:20

Louis

And what about looking forward to this year's COP? First off, when is it?

00:25:29:23 - 00:25:30:14

Allen

November.

00:25:30:14 - 00:25:38:09

Louis

So we're recording in June. What are some of, you know, the potential issues on the negotiating table for the forthcoming COP?

00:25:38:15 - 00:25:59:05

Leslie

Yeah. So definitely will be, what we can anticipate, we have to always wait for the full agenda to come out with the documents, but I think naturally looking at what was discussed last year, we can already anticipate some things that will be on the agenda. And so we'll obviously get back the report that I talked about on article 2.1 and forward looking measures will come back from the expert group for discussion and adoption.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:25:59:07 - 00:26:17:10

Leslie

There will also be a report that will come back on liability article 19 that the expert group worked on. We will also see the kind of standard business that you see which is reporting on progress for all countries. There will be the national discussions on budget and work plan that happen every COP.

00:26:17:10 - 00:26:38:20

Leslie

So we know that will be there. There will likely be discussions on the implementation review and support mechanism that was discussed at the last COP and the investment fund. And one kind of decision that kind of got deferred, which doesn't happen all the time, in COP10, was a decision on articles nine and ten, which is on project product regulation.

00:26:38:22 - 00:27:01:15

Leslie

And that was kind of put on hold, as there was no decision reached. So we know that that will likely come back on the agenda as well. And then in terms of the way that the agenda works is parties have the opportunity to propose items on the agenda and draft decisions. And so we're not quite sure yet where that stands in terms of any parties wanting to put forward potential decisions for discussion.

00:27:01:15 - 00:27:04:17

Leslie

So those are kind of the standard things we can expect already.

00:27:04:20 - 00:27:09:19

Louis

We heard there about what might be on the table for next COP, but what about MOP Allen.

00:27:09:21 - 00:27:28:01

Allen

Yep. So I think there's less unresolved just in the context of, as we said earlier, you're kind of, you're building each of these conferences each from the other and you develop further policies further and further and so in the context of MOP being younger, I think we have a little less that to work with and last time around, the key decisions were kind of all adopted.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:27:28:01 - 00:27:49:06

Allen

So it's not quite as easy, I guess, to predict exactly what will be on the agenda as it perhaps is for COP, but there are probably a few kind of safe bets in terms of, again, tracking and tracing is kind of a key policy priority, but implementation of it among parties to the protocol is actually stalled. So I think there will be kind of renewed attention in terms of trying to get more countries to do that.

00:27:49:08 - 00:28:08:06

Allen

I think there's also kind of ensuring that finance books are healthy. The protocol has its own investment fund to raise money specifically for the treaty. So parties will get an update in terms of how that's progressing. Hopefully we'll hear more about kind of research into underexplored areas, like duty free sales and kind of the tobacco supply.

00:28:08:06 - 00:28:22:23

Louis

It must be really complicated, getting these kind of international agreements together. How does that happen? Are there some countries that are more invested, you know, in that project and others who are maybe they're more influenced by industry or other pressures at home?

00:28:23:00 - 00:28:49:09

Leslie

Yeah, there's definitely kind of, you know, I think that naturally, you could say that some parties and countries are more invested in it than others. But I think there's a lot of reasons around that too, is you could think about just capacity in general, right, when you're looking at, a certain delegation, they can bring 20 people on their delegation because they have, you know, 100 people working on tobacco control within their government and in some small, island developing states, for example, or low and middle income countries,

00:28:49:14 - 00:29:08:09

Leslie

the same person working on non-communicable diseases within government is also working on tobacco control and also working on alcohol control and something else. So, you know, their delegation might be two people. And the way that the Conference of the Parties is divided is you have committee A which is technical matters and committee B be which is kind of governance and institutional matters.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:29:08:15 - 00:29:40:11

Leslie

So if you have one person attending, naturally they can't be engaging as effectively as everybody else when they're just being stretched and pulled. So, you know, I think there's that as reason why potentially some engage more, is the capacity issue. And then there also is the issue around countries that, you know, don't want to potentially see tobacco control measures being adopted because either they're influenced by the industry or they are a tobacco growing country, for example, and don't want to see certain policies get passed.

00:29:40:11 - 00:29:58:14

Leslie

So there's multiple reasons for it. But yeah, I think you can definitely see a difference between the countries who are pushing an agenda more than others, or they actually have kind of a vested interest from a national perspective to see a global decision being adopted. And they'll push for that and find allies to help support them push through that as well.

00:29:58:16 - 00:29:59:19

Allen

Sorry Louis do mind if I just...

00:29:59:23 - 00:30:01:01

Leslie

Yeah, absolutely.

00:30:01:03 - 00:30:27:10

Allen

I think just to that point around, you know, the link between how much tobacco is being farmed in the country and then I guess, political will in terms of dealing with tobacco control, you know, some of my colleagues at the Tobacco Control Research Group have done some work kind of specifically around that, exploring countries where they're growing tobacco leaf and manufacturing tobacco and kind of seeing if levels of industry interference are higher in those countries versus countries which don't have so much of that.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:30:27:12 - 00:30:49:23

Allen

And perhaps unsurprisingly, we do find the industry is definitely having more success in terms of policy interference in countries where they at least view themselves as being somewhat financially relying on tobacco. Maybe, I'd also just add in terms of, you know, how do we measure kind of an interference like that? There is the Global Tobacco Industry Interference Index.

00:30:49:23 - 00:31:13:05

Allen

And that's essentially a report, which ranks around 90 countries based on how well we adhere to article 5.3. So how good a job of doing of protecting their public health policy making processes from the industry. And again, when you look at that, you find the countries who are not doing such a good job, tend to have high levels of industry interference, provide incentives to the industry, endorse industry activities.

00:31:13:11 - 00:31:18:16

Allen

Many of these countries are also, you know, the same countries where we're seeing, you know, tobacco is still being grown and manufactured.

00:31:18:16 - 00:31:28:18

Louis

That makes, you have got that agricultural pressure. Leslie also mentioned those countries which are just overstretched, you know, in that capacity. Presumably those countries also become more vulnerable to interference?

00:31:28:19 - 00:31:54:05

Allen

Exactly. And in the context of MOP specifically, there's really a lot of, I mentioned Track and Trace, that's really a very technical, complex topic. And it requires resources, it requires training for people to have a good understanding of that. And you do then have situations where countries perhaps are not as well resourced. The industry comes along, offers up its own solution, does it deceptively, even though it's not in line with the protocol,

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:31:54:05 - 00:32:10:08

Allen

the industry will present as independent and then suddenly you have countries who are trying to do everything right, falling into a trap essentially that the industry set out for them on the basis of them just not having the technical expertise that they need to really pick up on the fact that they're falling into a trap.

00:32:10:08 - 00:32:11:06

Allen

So, yes, it's a real problem.

00:32:11:09 - 00:32:19:14

Louis

That must be incredibly challenging for these countries. Is there ways that either civil society or kind of global tobacco control can support?

00:32:19:16 - 00:32:38:14

Allen

Absolutely and I think that ties into Leslie's kind of prior point about why civil society is so kind of integral to the whole process, because, again, that's where we can offer that technical assistance. And certainly there are instances where governments will be looking for support and civil society can help provide that. And again, organisations such as GATC to do a great job of that.

00:32:38:16 - 00:32:53:00

Louis

Leslie, if we if we sort of zoom out, you know, from the specific COPs and look more broadly at the function of COP and these international treaties, what are some of the really big wins that have come from the Framework Convention?

00:32:53:02 - 00:33:12:24

Leslie

You know, I think have to try and I guess think all the way back because I'm still kind of new-ish to the movement, only being in tobacco control for the last 7 or 8 years, but I think when you look about it in the first ten years since its entry into force, 24 million fewer young people are smoking, and 2 million more people are quitting.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:33:13:02 - 00:33:46:05

Leslie

Also the prevalence of tobacco use has been steadily falling since the FCTC entered into force. So in 2005, prevalence is estimated about 29.3%, with a projected global prevalence of 18.1% by 2030. So over one quarter of the world's population is now covered by smokefree policies, which is also an incredible win. And the WHO FTCC has really provided important support that has served as an invaluable reference and tool for governments in their legal defences to challenges to tobacco control

00:33:46:05 - 00:34:09:15

Leslie

brought by the industry, we've seen 35 major global tobacco control litigation victories. We've also seen more and more countries really increasing taxes on tobacco products and reaching that threshold that they should be meeting, and then taking those revenues and putting it back into funds for tobacco control and health financing. We're seeing a lot of countries do great things there as well.

00:34:09:17 - 00:34:28:24

Leslie

So I think there have been a lot of really big wins. But in my humble opinion, not enough wins yet. I think we can still do a lot more to get us to a much lower prevalence by 2030 and have, you know, 95 million fewer smokers in the world and not just 24 million.

00:34:29:01 - 00:34:37:02

Louis

If you could choose something that you would like to see implemented, even if it's a bit of a fantasy, what would something really impactful be?

00:34:37:04 - 00:34:58:04

Leslie

My thing would always be taxes. I would love to see every country increasing their taxes steadily, taking inflation into consideration. You know, with taxes, you are essentially, you know, some people say it's a double win, a triple win. I would even say it's a win times five thinking about, you know, you increase taxes so you naturally are decreasing consumption,

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:34:58:06 - 00:35:22:18

Leslie

you're bringing in more government revenue, which could hopefully or potentially in turn go into health care spending or tobacco control programs. You're also eventually bringing down the costs of health care over time because you are treating less people suffering from tobacco related injuries, and then you're boosting economic productivity and job productivity. So, you know, tobacco taxes to me is a no brainer.

00:35:22:20 - 00:35:42:05

Leslie

And I don't understand sometimes why more governments aren't putting this into place. It doesn't require a massive amount of technical assistance or understanding to get those in place because we already have tax systems in place. So I would love to see every country having a very robust tax scheme or system put into place for tobacco products.

00:35:42:07 - 00:35:48:24

Louis

And Allen, what are some of the big challenges facing this kind of progression, whether it's tax schemes or other improvements in international regulation?

00:35:49:02 - 00:36:00:12

Allen

I mean, I think we touched on it a little bit already, but ensuring adequate funding, I think, is really crucial. Partly how that works is each party is required to make kind of mandatory financial contributions.

00:36:00:14 - 00:36:02:19

Louis

So adequate funding off of the treaty itself?

00:36:02:21 - 00:36:26:20

Allen

Exactly, Yep. And we found in the context of MOP there are quite a few parties have been behind with those payments. And that just makes it difficult to resource the whole conference in the first place. I also think there is something just generally, and we touched on this for the start of this

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

podcast, just the highly technical nature of some of the discussions and kind of a detailed understanding you have to have of the treaties related to be able to contribute.

00:36:26:22 - 00:36:43:15

Allen

And also, you know, we touched on already, but industry interference, again, is kind of a consistent and ongoing challenge. So I would say those are probably some of the kind of the main ones we face in terms of at least my experience kind of being involved in COPs and MOPs, it's just this challenge of achieving consensus,

00:36:43:15 - 00:37:08:10

Allen

as you touched on earlier, it's really difficult. It must be really difficult to manage, you know, these complicated topics. And you have 100, you know, 180 plus countries discussing that and trying to reach one, you know, document that they all approved, I think a real accomplishment that we've managed to do that and over the years start to build more and more comprehensive responses to tobacco harms as a result of collaboration like that.

00:37:08:12 - 00:37:18:09

Louis

Thanks. We will certainly be looking out for any future progressions from the next COP and MOP meeting. And Leslie, what do you hope to see on the agenda?

00:37:18:11 - 00:37:34:02

Leslie

I think it's more of a you know, what we know, as I talked about what would be on the agenda and anticipating on the agenda and, and I think my hopes and my visions for this COP11 but also beyond up to 2030, thinking about, you know, we're now at the 20th anniversary of the treaty.

00:37:34:04 - 00:37:55:08

Leslie

And while the treaty has been absolutely instrumental in establishing all of these different policies and guidelines that we talked about, I really think we need to start shifting towards really prioritising implementation now to meet all of the different targets and accelerate progress. So, you know, thinking about, well, we have these treaty obligations now. We have all of this stuff put into place in these guidelines.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:37:55:11 - 00:38:18:10

Leslie

So what we need to do now is make sure that the implementation is happening, that these different laws are being enforced, that we're adopting these guidelines and then actually translating them into national action. So that kind of would entail strengthening national capacities, which I talked about fostering greater international cooperation, providing targeted technical and financial support to all of these countries that are facing challenges.

00:38:18:10 - 00:38:37:20

Leslie

And so I would love to see the COP spending a lot of time, as well, talking about challenges that these countries are facing. How can we help address these challenges, thinking about successes and being able to replicate those. So looking at my peers from my region and saying, wow, they were able to achieve this, what can I learn and how can I go and do that?

00:38:37:22 - 00:38:58:05

Leslie

The discussions around the budget and the funding, having those tough discussions, thinking about, you know, the US just recently pulling out all of its funding to the WHO and this shift in global health, having big, tough discussions on how are we going to fund the treaty, how are we going to fund the parties that are stalling and their progress is lagging because they don't have the capacity?

00:38:58:10 - 00:39:14:07

Leslie

Those tough discussions that are going to help us get to implementation is what I'd love to see happening more now that we've done a lot of those technical kind of negotiations, is actually taking that and turning it into action and using the COP as a forum to have those good discussions.

00:39:14:09 - 00:39:15:24

Louis

And Allen hopes for MOP?

00:39:16:01 - 00:39:44:04

Allen

Yep. So, in terms of my own wish list, there are quite a number of topics related to the protocol that I don't think I've had too much attention yet at MOP. I would like to see more discussion around article

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

5.3 adherence within the context of illicit trade, specifically, because currently illicit trade is largely an issue that governments are more likely to actually engage with the industry on and enforcement bodies, customs officials, those different groups who are kind of responsible for addressing illicit trade

00:39:44:06 - 00:39:56:00

Allen

often don't have as solid an understanding of article 5.3 as say health ministry. So I think there is something really just really emphasising the importance of article 5.3 and thinking about that in the context of illicit trade specifically.

00:39:56:00 - 00:39:57:12

Louis

So that being non interaction with industry?

00:39:57:12 - 00:40:18:19

Allen

Exactly, yep. And you know COP has guidelines for article 5.3 but I think there are questions in terms of you can that be expanded and clarified on in the context of discussions around illicit trade specifically? Because when you're talking about industry engagement in that context there are some different things, you have to consider, for instance, a lot of enforcement bodies engage with the industry to try and identify if products are counterfeit or not.

00:40:18:24 - 00:40:43:08

Allen

So I think there are lots of blurred lines in terms of, you know, to what extent is it appropriate or not to have any type of engagement with the industry and I think it's important that we have those conversations in the context of, you know, adhering to article 5.3. I would also say it would be great to have some discussion just around the role that tobacco companies have played, and in some cases, may still continue to play in facilitating illicit trade.

00:40:43:08 - 00:41:01:13

Allen

And I think that's an area where hopefully some of my research can play a role in contributing to future discussions around that area. And lastly, I would say free trade zones, visa areas with kind of special economic incentives and that often makes them kind of hubs for illegal activity. And so that's a really crucial kind of area of importance.

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

00:41:01:13 - 00:41:10:05

Allen

But I just don't think the MOP agendas have really kind of caught up to in terms of spending a bit more time on that yet but I would say that's something we kind of can expect in the coming MOPs.

00:41:10:05 - 00:41:22:01

Louis

And I'd refer listeners back to season one, our episode with Allen where he talks a lot more about the potential role the industry plays in the illicit tobacco trade.

00:41:22:03 - 00:41:29:17

Allen

Yeah, I tried very, very hard to resist myself from doing another plug for my previous season, so thank you for doing it for me Louis.

00:41:29:19 - 00:41:31:22

Louis

Thanks both for joining me, Leslie and Allen today.

00:41:31:22 - 00:41:32:08

Allen

Perfect.

00:41:32:08 - 00:41:33:24

Leslie

Thanks a lot for having me. Thank you.

00:41:34:02 - 00:41:55:11

Louis

The sources for today's discussion, as always, can be found in the episode shownotes. We'll be back next episode to continue our discussion and explore how big tobacco influences science. Bye for now. From the Tobacco Control Research Group, you've been listening to season two of Deadly

Transcript – Deadly Industry: Challenging Big Tobacco – Ep. 6, S.2

Industry: Challenging Big Tobacco, hosted by Louis Laurence, produced by Kate White and edited by Sacha Goodwin.

00:41:55:15 - 00:42:07:08

Louis

The production manager is Jacqueline Oliver. You can email us at tobacco-admin@bath.ac.uk or find us on LinkedIn, Bluesky and X. This is a University of Bath production.