

Through tobacco industry eyes: civil society and the FCTC process from Philip Morris and British American Tobacco's perspectives

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ABSTRACT

Objective To analyse the models Philip Morris (PM) and British American Tobacco (BAT) used internally to understand tobacco control non-governmental organizations (NGOs) and their relationship to the global tobacco control policy-making process that resulted in the Framework Convention for Tobacco Control (FCTC).

Methods Analysis of internal tobacco industry documents in the Legacy Tobacco Document Library.

Results PM contracted with Mongoven, Biscoe, and Duchin, Inc. (MBD, a consulting firm specialising in NGO surveillance) as advisors. MBD argued that because NGOs are increasingly linked to epistemic communities, NGOs could insert themselves into the global policy-making process and influence the discourse surrounding the treaty-making process. MBD advised PM to insert itself into the policy-making process, mimicking NGO behaviour. BAT's Consumer and Regulatory Affairs (CORA) department argued that global regulation emerged from the perception (by NGOs and governments) that the industry could not regulate itself, leading to BAT advocating social alignment and self-regulation to minimise the impact of the FCTC. Most efforts to block or redirect the FCTC failed.

Conclusions PM and BAT articulated a global policy-making environment in which NGOs are key, non-state stakeholders, and as a result, internationalised some of their previous national-level strategies. After both companies failed to prevent the FCTC, their strategies began to align. Multinational corporations have continued to successfully employ some of the strategies outlined in this paper at the local and national level while being formally excluded from ongoing FCTC negotiations at the global level.

In 1996, the World Health Assembly (WHA) instructed the WHO Director General to initiate a treaty on tobacco control,¹ followed by negotiations beginning in 1999² that, in 2003 produced the WHO Framework Convention on Tobacco Control (FCTC).³

As part of their response to proposed global regulation, tobacco companies developed theoretical frameworks to understand the threat of the global tobacco control movement and the emerging FCTC that was eventually encapsulated in the Framework Convention Alliance⁴ (FCA). Philip Morris (PM) and British American Tobacco (BAT) used models of global policy-making processes in which civil society played an increasing role. The multinational companies differed, however, in their characterisation of tobacco control non-governmental organizations (NGOs), which led to their differing strategies to subvert the FCTC. The

resulting strategies represented the internationalisation of existing national level strategies. The companies' problem and solution models demonstrate use of long-range strategies to manipulate governments, the marketplace and civil society in attempts to maintain a favourable regulatory environment. This paper examines the models that PM and BAT used that characterise the global regulatory process and NGO participation in the process and the resulting strategies.

METHODS

We searched the Legacy Tobacco Documents Library (<http://www.legacy.library.ucsf.edu>) between August 2009 and October 2010 beginning with the search terms 'FCTC and NGO' and 'NGO and FCTC', followed by snowball searches using standard techniques,⁵ including searching adjacent Bates numbers, box number, key authors and participants in meetings, and projects identified in previous searches. We screened over 2000 documents, of which 506 were used to prepare this paper.

RESULTS

PM and Mongoven, Biscoe and Duchin (MBD): the co-opting epistemic communities model

In September 1997, David Bushong (PM's Vice President, European Affairs) emailed Philip Morris International (PMI) executives in response to their question regarding the emerging WHO treaty's impact on the proposed 'global settlement agreement'. (The 'global settlement agreement' was proposed US tobacco control legislation to end litigation against the industry in the US in exchange for a monetary settlement and agreement to accept weak regulation by the Food and Drug Administration and some marketing restrictions⁶). He said, '[w]e accord its [the WHO's] anti-tobacco initiatives due respect, but have not assigned them a high priority. We have had more immediate issues to occupy us'.⁷ Bushong went on to state '[w]e are reviewing our attitude towards the WHO in light of the emergence of a potentially enforceable (at national level) WHO convention; the migration of anti-tobacco activists to the UN; and the proposed [global settlement agreement]'.⁷

In early 1997, PM commissioned several white papers from MBD, American consultants,^{8, 9} specialising in surveillance of activists, and undermining and fracturing social movements for corporate clients.¹⁰⁻¹² MBD founders' ties to the tobacco industry date to the early 1980s; during the 1990s MBD advised PM and RJ Reynolds on a wide variety of regulatory issues.¹⁰⁻¹²

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In December 1997, MBD delivered two white papers, *An Analysis of the International Framework Convention Process*,¹³ and *An Analysis of NGOs from a UN Perspective*,¹⁴ to PM's Worldwide Regulatory Affairs division.^{15 16} These white papers outlined framework convention treaty processes and NGOs' role in these processes. Matt Winokur (Director, Worldwide Regulatory Affairs) circulated them to PM management.^{17–19}

Science and power in the regulatory process

MBD's white papers concluded that NGOs' provide crucial scientific expertise to intergovernmental organisations (including WHO), allowing them to gain credibility and influence policy-making decisions at all points of development. MBD argued that activist NGOs parlayed their status with international agencies into policy-making roles by co-opting the agenda of, or becoming, epistemic communities.^{13 14} (Epistemic communities are 'knowledge-based groups of experts and specialists who share common beliefs about cause-and-effect relationships in the world and political beliefs about the ends to which policies should be addressed'.¹³) Activist NGOs' seek to co-opt epistemic communities because '[i]gnorant of the scientific minutia surrounding issues, policymakers tend to trust epistemic communities that either reflect their political ideology and/or those that appear to have the highest respect among scientists and the media'.¹⁵ MBD noted '[a]ctivists try to blur the line between activist groups and the science-based epistemic community' because doing so 'enhances the credibility of their ideologically driven science' (figure 1).¹³

According to MBD, activist groups generally identify the issues that will become 'the subjects of international treaties', and then campaign to bring attention to them.¹³ MBD argued that this leads intergovernmental organisations to initiate the regulatory process.¹³ NGOs often sponsor conferences where the parties to the treaty first meet informally and define the issue. In some cases, the administrative office that supports the treaty development process (MBD and some others called this body the 'treaty secretariat') invites epistemic community members to write the first draft, or specific parts, of the convention.¹³ MBD argued that NGOs co-opted the expert epistemic community members viewed as technical experts, and so these drafts reflected NGO agendas. MBD further argued that co-opting epistemic communities allows NGOs to influence the treaty negotiation process via 'technical working groups and in behind-the-scenes negotiations, where most of the ideas that guide the meetings' leadership are established'.¹³ By linking to epistemic communities, NGOs control the interpretation of science in the policy debate and 'debunk the science'¹³ of states who oppose the treaty or specific provisions.¹³ MBD characterised the WHO's alignment with tobacco control NGOs through the International Non-governmental Coalition against Tobacco

(INGCAT, a coalition founded in 1994 to internationalise the fight against tobacco²⁰) as '[t]he most significant development in WHO's strategy' because INGCAT was the 'WHO's principal tool for mobilising support and coordinating the international campaign for a tobacco control framework convention'.¹³

Solutions to international regulation

MBD's white paper on framework conventions concluded that '[d]erailing the framework convention process is an unrealistic objective, but there are ways for industry to influence the final texts'.¹³ MBD advised PM to give priority to participating in the treaty process, accrediting pro-industry NGOs to the negotiations,¹³ and cultivating alliances with non-tobacco control NGOs (such as NGOs devoted to free trade or development)¹⁴ to gain access to treaty negotiations. MBD also advised PM to attempt to influence FCTC drafting through coalitions with governments with tobacco interests, and by developing alliances with other international agencies.^{11 13 21 22} Many of MBD's suggestions were already standard tobacco company tactics; they have a long history of using third parties to interfere in local and national legislation.^{23–35}

MBD also noted that the protocols to implement the treaty would be 'more important to the company in the long term than the framework convention itself' because protocols are an important implementation mechanism for framework treaties and so could increase or reduce the treaty's actual impact.¹³

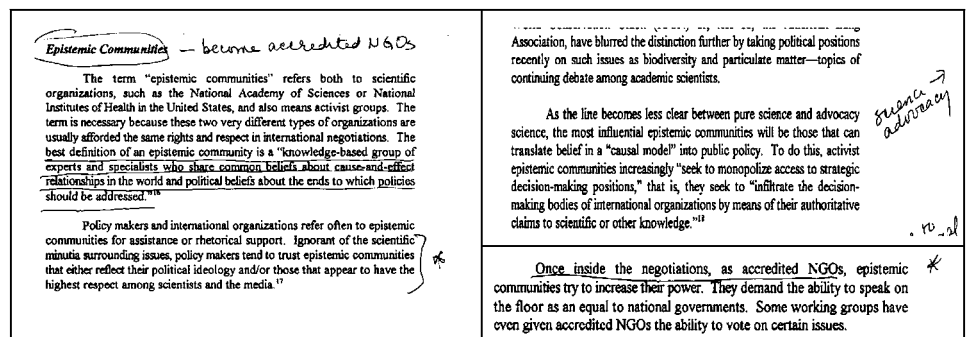
Real-world consequences of internal frames

MBD helped PM prepare to lobby third parties to weaken the FCTC by preparing a report on nations predisposed to vote against framework conventions^{36 37} and a pro-industry briefing paper for third parties.^{38 39} PM, and other major tobacco companies (including BAT) cultivated relationships with tobacco-friendly governments (including the US, Malawi, Japan, China and Germany) to attempt to weaken the FCTC.^{25 40 41}

PM also investigated MBD's suggestion of securing WHO accreditation for industry-aligned NGOs, such as the International Tobacco Growers Association (ITGA, created in 1984 to organise agricultural interests to lobby against tobacco control^{40 42}) to represent industry issues at the FCTC negotiations.⁴³ (ITGA was denied NGO observer status at International Negotiation Body (INB) negotiations and more recently at Conference of the Parties to the WHO Framework Convention on Tobacco Control (COP)-4^{4 44}).

MBD suggested that PM work to refocus the FCTC on youth smoking or smuggling. As a result, PM had MBD draft a youth smoking prevention protocol.^{11 45–48} Youth smoking prevention programmes were incorporated into Project Cerberus, a global voluntary code BAT spearheaded that PM joined.⁴⁹ PM continued to track youth smoking prevention debates at the

Figure 1 These quotes (including notes in margins) from the Mongoven, Biscoe, and Duchin, Inc. (MBD) report *An Analysis of the International Framework Convention Process* explain why epistemic communities are important to the policy-making process and how activists 'infiltrate' the policy making process by using science.¹³



FCTC INB negotiations, and some countries, such as Germany, accepted industry money and guidance for its youth smoking prevention programme.^{49–52} No evidence was found indicating that PM attempted to refocus the FCTC on smuggling during INB negotiations (though they attempted to influence FCTC negotiations on this issue in 2010 and 2011). Internal documents from 2000 to 2001 indicate that PM's stance on smuggling varied depending on the context and PM's intended audience. Some PM documents from this time period argue that FCTC smuggling and trade provisions could violate World Trade Organization rules⁵³ and in 2000 PM submitted comments to the US Departments of Commerce and Health and Human Services advocating that smuggling be addressed through agreements between PMI and national governments rather than the FCTC,⁵⁴ while other 2001 drafts of statements presented to the WHO supported FCTC provisions addressing smuggling.⁵⁵

Through at least 1999, PM continued to use MBD as a resource for background information on the FCTC and international tobacco control issues, including information on international agencies,^{11 56–63} the intersection between FCTC regulations and other international regulatory agencies' purviews,^{64–69} international NGO activities,^{11 70–78} and continued analysis of the framework convention process.^{45 79 80}

BAT: the perceived reputation model

In the mid 1990s, high-level BAT executives reorganised the company into a centralised structure to unify corporate strategies

and better compete with PM.^{81–84} As part of this reorganisation, BAT formed a global Consumer and Regulatory Affairs (CORA) department. CORA's functions included unifying company culture, developing a unified corporate position on smoking and health, and promoting national level tobacco regulation as an alternative to the FCTC.^{81 85}

Reputation as the impetus for regulation

In 1997, CORA argued that NGOs targeted tobacco companies because the NGOs perceived that neither governments nor the companies were 'able to manage change equitably and responsibly'.⁸⁶ A presentation by CORA member Andreas Vecchiet (an international political affairs manager), argues that, in the global environment, governments set 'legal and other rules within which society and commerce function' and markets that 'exist, develop, evolve and arise'.⁸⁷ Vecchiet argued that when 'markets fail—or (are) *perceived to fail*' (emphasis in original) there is a demand for government intervention and regulation. When the government and the market 'fail and are perceived to fail', NGOs 'move to fill the gap' and push for regulation,⁸⁷ particularly regarding environmental protection, social/human rights and economic development.⁸⁸ When all three areas (government, markets and pressure groups/NGOs) do not act 'quickly and competently enough' international bodies step in with global-level regulation (figure 2).⁸⁷ CORA also argued that engagement with NGOs was necessary because of the rise of anti-globalisation NGOs targeting tobacco companies.⁸⁸ CORA outlined

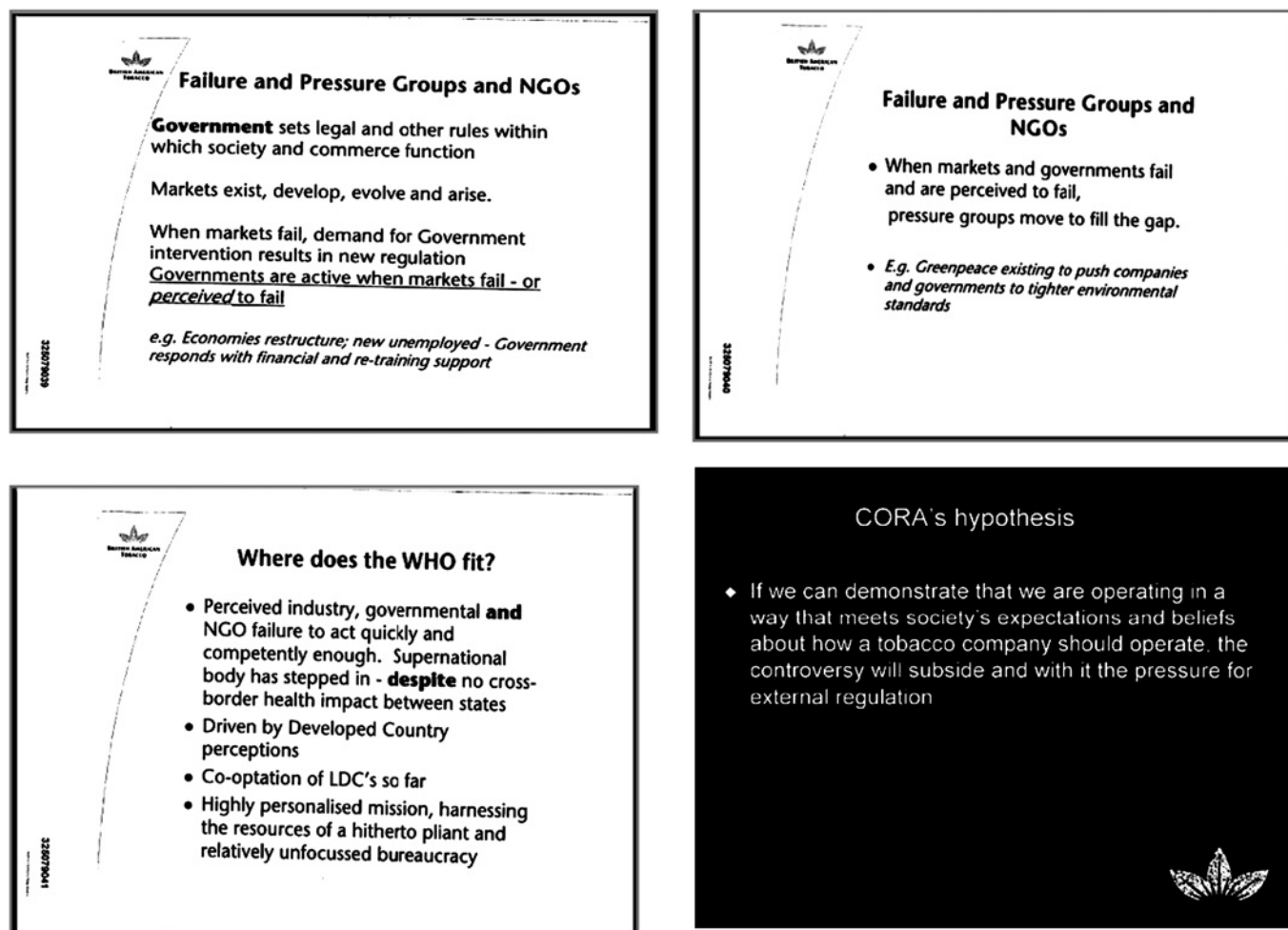


Figure 2 Presentation slides explaining British American Tobacco's Consumer and Regulatory Affairs (CORA) model of the global regulatory environment, the various areas of society, what factors leads to the push for global-level regulation, and how BAT can derail regulation.^{85 87}

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a platform of 'Business Integrity' and 'Partnership for Change' in which BAT would partner with governments and NGOs to address NGO concerns and their anti-globalisation message.⁸⁸

BAT's strategy documents reflected CORA's argument that the perceived inability of BAT to regulate itself drove NGO behaviour. The BAT 2001 confidential *Future Business Environment* handbook section titled 'The Global Political Environment' states 'NGOs are now more trusted by the public than companies and governments' and are 'already playing a disproportionate role in influencing the regulation of business especially through multilateral organisations such as the UN, Organisation for Economic Co-operation and Development (OECD) and the World Bank'.⁸⁹ The handbook argued that BAT needed to demonstrate to 'reasonable NGOs and other stakeholders' a commitment to corporate social responsibility (CSR) because 'NGOs activities can directly affect and impact upon the reputation of companies'.⁸⁹

The solution to international regulation

One of BAT's FCTC aims was to reposition itself 'as part of the solution to the debate on tobacco regulation rather than the problem'.⁹⁰ CORA saw BAT's problem as its negative public reputation and concluded that '[i]f we [BAT] can demonstrate that we are operating in a way that meets society's expectations and beliefs about how a tobacco company should operate, the controversy will subside and with it the pressure for external regulation',⁸⁵ a sentiment echoed in other CORA presentations.^{90 91}

Non-tobacco control NGO alliances became crucial to CORA's plan. By 2000 CORA was engaging in CSR efforts to repair BAT's public reputation by 'developing a robust framework for cooperation between the company and a number of NGOs working in the environmental and labour rights areas'.⁹²

Real-world consequences of internal frames

BAT's efforts to implement CORA's suggestions had mixed success. For example, in 2000 BAT attempted to build stronger partnerships with development and environmental NGOs Earthwatch and Worldaware (now defunct).⁹³⁻¹⁰⁵ In 2000, Worldaware withdrew from its partnership with BAT (citing BAT's negative reputation);⁹⁵ however, as of October 2010, Earthwatch Europe's webpage described its ongoing Biodiversity Partnership with BAT.^{105 106}

Beginning in 1999, BAT also led an industry effort (involving PM and Japan Tobacco International) to promote an industry-wide global standard for self-regulation called Project Cerberus as an alternative to the FCTC.⁴⁹ CORA targeted national governments with Project Cerberus because they issued the company's license to operate.^{90 92 102 107-109} Project Cerberus failed to stop the FCTC, but tobacco companies continued to promote self-regulation (or weak legislation) worldwide as an alternative to implementing the FCTC at the national level.^{49 110} Additionally, BAT (and other tobacco companies) continued to promote CSR to regain public credibility and influence NGOs¹¹¹⁻¹¹⁶ in a way that did not compromise their ability to promote tobacco.

DISCUSSION

PM and BAT developed internal theoretical models of globalisation to understand why and how the tobacco industry was the target of global-level regulation, using these models to develop responses. Both companies arrived at similar conclusions regarding the increasing role of civil society in international policy making, but understood the role that NGOs played in this

process and the impetus for the FCTC differently. These different understandings, in turn, led to different corporate responses. While their initial viewpoints regarding how to 'deal' with the FCTC differed, because both companies were excluded from the global regulatory process, their target areas aligned. This case study illustrates the ways in which multinational tobacco companies draw upon sophisticated strategies in attempts to manage the marketplace and prevent the denormalisation of the industry and their products. It also illustrates the ways in which the tobacco companies adapted earlier national strategies in their efforts to counter international tobacco control efforts.

Understanding and countering tobacco NGOs

PM's advisors drew on academic theories, such as the theory of epistemic communities, and BAT and PM articulated a theory of globalisation that is akin to world polity theory. World polity theory argues that after 1945 the nature of globalisation changed dramatically with the rapid expansion of global civil society and a world polity that conceives of itself as an unbounded system. This world polity emphasises a universal culture based in science and rational norms and values.¹¹⁷⁻¹¹⁹

This theory argues that NGOs function as important non-state actors as they diffuse world cultural norms and values by spreading visions of expanding rights (such as human and civil rights), individualism and universalism.^{117 120-123} NGOs are increasingly active in the international policy-making process and help regulate science, technical standards and development.^{119 124-129} NGOs have increasingly influenced human and civil rights policy arenas such as women's rights,^{130 131} the environment,¹³²⁻¹³⁵ sexuality,¹³⁶⁻¹³⁸ science,^{119 126 129 139} and war¹⁴⁰ at the national and international level. As a result, NGOs help hold states and other actors accountable for their actions regarding international rights regimes by marking when their actions are illegitimate or violate world cultural norms and values.^{117 120-123} World cultural norms and values are also diffused by professionals, such as members of epistemic communities (who also serve as scientific gatekeepers).¹¹⁷⁻¹¹⁹ In the case of the FCTC INB negotiations, the WHO actively promoted the incorporated NGOs into the FCTC INB negotiating process^{4 141 142} to strengthen the treaty-making process and treaty implementation. Furthermore article 4.7 of the FCTC specifically stated 'The participation of civil society is essential in achieving the objective of the Convention and its protocols'.¹⁴³

Like world polity theory, BAT and PM argued that NGOs were becoming important stakeholders in the global-level regulatory process due to their targeting areas of concern, such as international rights regimes. However, their depictions of the role of NGOs, and the strength of tobacco control NGOs, in particular, differ. In the PM model, tobacco control NGOs inserted themselves into all levels of the policy-making process through co-opting epistemic communities (and their scientific authority), which allowed NGOs to help to set the agenda regarding which issues would be addressed via global policy. BAT noted that NGOs were concerned with addressing policy failures in specific issue areas; however, they did not view the impetus for regulation as emerging from NGO agendas. Instead BAT viewed regulation as stemming from the perceived reputation of industry, and the belief among civil society members and governments that companies were behaving illegitimately and failing to regulate themselves. PM's advisor, MBD, depicted a global arena containing a strong tobacco control movement, which was allied with intergovernmental organisations around

regulatory aims and incorporated into the treaty-making process. BAT's CORA depicted a regulatory environment in which reputation provided the impetus for regulation. CORA implied that, by repairing their reputation with some areas of civil society (such as environmental or labour organisations), BAT could minimise the impact of tobacco control NGOs. These two viewpoints articulate different aspects of world polity theory such as legitimacy and alignment with world culture, and the integration of civil society members into the global policy making process.

Because their views regarding the origins of global regulation and the role of NGOs in the policy-making process differed, the solutions advocated by PM and BAT advisors differed. MBD (for PM) stressed that the FCTC was inevitable and that PM needed to influence the treaty text and protocols. MBD counselled PM to build alliances with third parties and friendly governments to gain access to treaty negotiations. CORA (for BAT) emphasised the importance of BAT aligning with other sectors (such as non-tobacco control NGOs) and regaining industry legitimacy. As a result, BAT spearheaded Project Cerberus, a global voluntary code that would be overseen by an independent body, in an (unsuccessful) attempt to stop the FCTC.⁴⁹ While CORA acknowledged the importance of civil society, it focused on derailing the FCTC by appealing to national governments. When these efforts were blocked, BAT also began focusing on attempts to influence the FCTC through third parties and friendly governments.

It is possible that PM and BAT's differing perspectives partially stem from different experiences with tobacco control NGOs. Since the late 1970s, PM had been targeted by a US tobacco control movement that worked to delegitimise the industry. European tobacco control NGOs had not been as active in industry delegitimation campaigns. BAT and PM internationalised the strategies they have been using at local and national levels to fight tobacco control efforts, including using third parties to oppose legislation^{144–150} and focus tobacco control efforts on youth.^{144–150} PM's US actions in the 1990s reflect a growing concern with the effectiveness of NGOs in the policy-making process. For example, in 1995, PM launched Project Sunrise to fracture the US tobacco control movement, re-legitimise the company and ensure that smoking remained socially acceptable.¹⁵¹ PM worked to align with 'moderate' tobacco control organisations to paint the NGOs working to delegitimise the industry as 'extreme'. (This strategy is very similar to a strategy MBD founders endorsed to fracture social movements in general.^{11 151}) PM also tried to discredit tobacco control NGOs with the media and government officials by questioning their motives and priorities.¹⁵¹

Differing goals for social alignment

Despite their differing goals and viewpoints, both companies pursued worldwide CSR campaigns employing similar strategies and models. PM's Project Sunrise and PM21 used CSR to fight tobacco denormalisation and turn non-tobacco control NGOs, such as public health and youth organisations, into allies through sponsorship and youth smoking prevention programmes.^{52 113 114 149 151–154} BAT invested in various international CSR programmes in an effort to repair their reputation and convince non-tobacco NGOs and national governments to align with the tobacco industry rather than with tobacco control.^{49 111 112 115 116} BAT's model implied that by doing so, BAT would obviate the need of NGOs to push for regulation. Like BAT, PM also viewed the FCTC as a social alignment opportunity.^{154 155} Despite their worldwide CSR

activities neither company has made substantial changes to its operating procedures, rather using CSR to support lobbying activities.^{52 111–115 152 154 156 157}

Reaction to the global policy-making process

While tobacco companies were able to influence FCTC negotiations through friendly governments (though when linkages are revealed this is viewed as illegitimate),^{25 158} industry NGOs were not allowed in the negotiations, the industry was unsuccessful at getting third parties, such as the International Chamber of Commerce, to intervene, and Project Cerberus did not supplant FCTC efforts. As a result, the target areas of the two companies converged. However, the Project Cerberus voluntary code was still being promoted in 2010, and both companies had success subverting the FCTC and tobacco control at the local and national levels.^{49 110 159–162} Tobacco multinational corporations had some success in shifting public perception to be less hostile to the industry. While tobacco-company-commissioned public opinion surveys did not show the public viewing tobacco companies as trustworthy, the companies are also viewed as behaving more responsibly than they have in previous eras.¹¹⁴

National and regional level strategies (which are a continuation of older strategies) used by the tobacco companies include the use of free-trade agreements^{163 164} and negotiated agreements with governmental bodies^{159 161} (such as the agreement negotiated between the EU and PM and BAT regarding illicit trade¹⁶⁰). As of 2011 BAT and PMI had some success subverting the FCTC at the national level and, in some cases, directly influencing the content of national level legislation. They also continued to attempt to influence ongoing FCTC negotiations despite being formally excluded from the process. BAT and PM continued not only to work through informational campaigns (such as the 2010 BAT media campaign arguing tobacco control measures encourage smuggling¹⁶⁵), but also continued to use their negotiated agreements with local and regional governmental bodies to influence FCTC negotiations.^{25 40 41} As a result, ongoing FCTC negotiations and implementation continued to face significant challenges due to the lack of a monitoring body, finances and ongoing interference in national level implementation.¹⁶⁶ MPOWER survey data from 2009 revealed that less than 10% of the world's population was covered by an FCTC demand reduction measure.¹⁶⁷

Limitations

Industry documents in the Legacy Library relating to the FCTC become scarcer after 2000, and we were unable to find relevant industry documents after 2003. Due to the threat that internal documents will be revealed, the industry engages in strategies such as the assertion of legal privilege, 'oral only' procedures, and 'read and destroy' to avoid disclosing documents.¹⁶⁸

CONCLUSIONS

PM and BAT efforts to subvert the FCTC were based on sophisticated models that used concepts of the global policy-making process to understand the political and regulatory environment they faced, and which mirror world polity theory depictions of globalisation. These models led to long-term strategies to keep their products legitimate in an increasingly regulated market. These strategies, which represent the continuation and evolution of older tobacco control strategies, remained in use at the local and national levels. The regulatory environment is effectively split: tobacco companies are more influential at the national level where they can directly influence, and in some cases even write, national legislative content,

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and at the local level where they can sponsor sports and other events. But they have been formally excluded from FCTC INB and ongoing COP negotiations and must have others articulate their viewpoint. This split suggests that the theories of global policy-making processes employed by the tobacco companies and their advisors, particularly those employed by MBD that argue NGOs have more authority at the global level than corporations themselves, may continue to influence tobacco multinational corporations' strategies. Article 5.3 of the FCTC, 'on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry'¹⁶⁹ is a response to the long history of tobacco industry interference in tobacco control efforts (including some of the efforts documented here).

Tobacco control NGOs need to be aware that groups, like MBD and PM, believe the NGOs draw their authority from their link with science and protect their reputation for scientific integrity, where even a hint of impropriety can create major damage. The tobacco control epistemic community has engaged in research and advocacy regarding tobacco industry efforts to block local and national level tobacco control policies, documented the actions of organisations and governments that cooperate with the industry, and actively worked on strategies to strengthen treaty governance that reinforces tobacco control NGO efforts. Members of the tobacco control epistemic community need to work with tobacco control NGOs to engage in advocacy surrounding the issues they identify; however, both groups have to worked to strengthen the link between them. Epistemic communities cannot affect policy without advocacy organisations holding governments and other entities accountable and bringing political pressure to bear on this issue, while tobacco control NGOs depend on these communities for their influence on their alignment with science. Events such as the September 2011 UN High Level Meeting on Non-communicable Diseases offer an opportunity for tobacco control NGOs and epistemic community leaders to push world leaders to prioritise the implementation of the FCTC and fund local, national and international tobacco control efforts.

Despite the fact that the tobacco industry was locked out of the FCTC negotiation process, tobacco-friendly governments were able to dilute the treaty's language.²⁵ While the FCTC is a strong framework of goals, the ongoing negotiation processes around implementing the FCTC through protocols (which must

be ratified) and guidelines (which are adopted by consensus) needs to be continuously monitored for language that weakens the protocol, such as language which makes measures optional, makes exceptions, or allows for limitations based on pre-existing national legislation. This vigilance is especially important because the first enforceable treaty protocol (to Prevent Illicit Trade in Tobacco Products) is due to be finalised at COP-5 (2012), and the tobacco industry is attempting to position themselves as part of the solution to illicit trade (particularly through agreements with the EU), and a weak protocol could undermine a strong treaty.

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What this paper adds

- ▶ Philip Morris (PM) and British American Tobacco (BAT) used different models to characterise global policy-making processes.
- ▶ PM viewed the tobacco control movement and the WHO as working together to control the Framework Convention on Tobacco Control (FCTC) process, while BAT viewed the FCTC as resulting from the 'incorrect' assumption that the tobacco industry could not regulate itself.
- ▶ PM investigated the possibilities of refocusing the FCTC (to subjects such as youth smoking) and gaining entry into the FCTC negotiations process, while BAT initially promoted a global self-regulation plan as an alternative to the FCTC.
- ▶ Both companies were unsuccessful and subsequently attempted to influence FCTC guidelines and to block local and national implementation of the FCTC.

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