

WHO FCTC throws out public at Moscow Meeting: “What do they have to hide?”, asks JTI

Geneva, October 13, 2014 – Today in Moscow the public was forced to leave the public gallery and prevented from observing the WHO FCTC’s Sixth session of the Conference of the Parties (COP6). JTI’s (Japan Tobacco International) reaction:

“Hidden agendas corrupt policy-making processes”, said Michiel Reerink, Global Regulatory Strategy Vice President at JTI. “Today’s decision to shut out legitimate businesses, expert groups and some media representatives from debates that affect their industry and areas of expertise demonstrates a blatant lack of transparency, accountability and integrity. The FCTC just broke its own rules under the cover of Article 5.3, which is now commonly used as an excuse to shut out the tobacco sector and anyone who is perceived to be linked to us. In the meantime, COP is again hijacked by tobacco control lobbyists who freely exercise undue influence. We urge the FCTC to take every remaining opportunity to fix this broken process and to respect rules of good governance, rather than institutionalizing a policy of closed doors”, he concluded.

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Note to the editors:

JTI recently published an Opinion from leading international law expert Sir Franklin Berman QC¹, about the WHO's lack of transparency in tobacco-related meetings. The report was commissioned after the public, including the media, was prevented from observing the fifth session of the Conference of the Parties (COP5). In his Opinion, Sir Franklin confirmed that by excluding the public, COP breaches its own Rules of Procedure, and that Article 5.3² cannot be used as a justification for exclusion at the Conference. He concluded that the procedures under which the decisions were taken were 'highly questionable' and fall far short of what constitutes sound administrative practice and the rule of law, as recognized in the 'Recommended Rules and Practices' of the International Law Association (ILA)³.

Read the full Opinion by Sir Franklin Berman on iti.com.

About JTI:

JTI, a member of the Japan Tobacco Group of Companies, is a leading international tobacco manufacturer. It markets world-renowned brands such as Camel, Winston and Mevius (Mild Seven). Other global brands include Benson & Hedges, Silk Cut, Sobranie, Glamour and LD. With headquarters in Geneva, Switzerland, and about 27,000 employees worldwide, JTI has operations in more than 120 countries. Its core revenue in the fiscal year ended December 31, 2013, was USD 12.3 billion. For more information, visit www.jti.com.

¹ Sir Franklin Berman QC is in independent practice as a barrister and international arbitrator. He has extensive experience of international diplomacy and the workings of international organizations deriving from his 35 years in the British diplomatic service, from which he retired as Legal Advisor to the Foreign & Commonwealth Office in 1999. He sits regularly as an independent arbitrator in State-to-State disputes and cases between investors and States, and has been a Judge ad hoc on the International Court of Justice. He was the Chairman of the International Law Association's Committee on the Accountability of International Organisations, which reported in 2004.

² Article 5.3 of the FCTC states: "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law."

³ The Recommended Rules and Practices for international organizations constitute the most comprehensive treatment of the general rules of international law that govern the operation of international organizations. Its starting point is that the conferment on an international organization of authority and power brings with it, as a matter of principle, the duty to account for its exercise, and that this duty ensures to the benefit of all entities, including private parties, whose interests may be affected by the organization's activity. The International Law Association (ILA) Report is accessible at: <http://www.ila-hq.org/en/committees/index.cfm/cid/9>