

## Petitioning UK government about tobacco industry lobbying in Pakistan

# To publicly apologise and promise that such a breach will not happen again



The UK's High Commissioner to Pakistan Philip Burton was part of a British American Tobacco (BAT) delegation which lobbied the Pakistan government not to implement larger graphic health warnings on cigarette packs, a measure which is in line with the WHO tobacco treaty the Framework Convention on Tobacco Control. For the High Commissioner to attend such a lobbying meeting is a breach of the UK guidelines which state that, "Posts must not: Engage with foreign governments on behalf of the tobacco industry, except in cases where local policies could be considered protectionist or discriminatory."

Please sign our petition to the Head of the UK's diplomatic service, Sir Simon Fraser urging him to apologise publicly for this breach of the guidelines and to promise that such a breach will not happen again.

**THIS IS WHAT WE'RE ASKING PEOPLE TO SIGN**

### **UK government about tobacco industry lobbying in Pakistan**

Dear Sir Simon Fraser

The UK is a world leader in implementing the World Health Organisation's tobacco treaty, most recently in its decision to put cigarettes in standardised 'plain' packaging.

So we are shocked that the UK High Commissioner to Pakistan was a member of a British American Tobacco (BAT) delegation which lobbied the Pakistan government not to go ahead with large graphic health warnings on cigarette packs. This contravened the UK's own guidelines to its diplomats.

Since this became public there has been a stony silence from the UK Government. As Head of the Diplomatic Service we urge you to apologise publicly for this breach of the UK's own rules and to promise that this will never happen again. We look forward to your response.

If you want more information see [link to the following article](#)

<http://tribune.com.pk/story/852926/lured-by-revenues-argument-dar-forms-committee/>

And there will be an article in the British newspaper The Observer on this issue on Sunday.

Do let me know if you have any questions.

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Rt Hon William Hague MP  
Foreign and Commonwealth Office  
King Charles Street  
London SW1A 2AH

12 March 2012

*Dear Foreign Secretary*

**Guidelines on engagement with the Tobacco Industry**

Since 1999 the FCO has had guidelines in force that, *"Posts should not inter alia be associated in any way with the promotion of the tobacco industry"*, stressing *"the Government's wish to encourage and support the efforts of other countries to strengthen their own tobacco control strategies."* Furthermore the Government also has clear legal obligations as a Party to the WHO Framework Convention on Tobacco Control (FCTC), when it comes to tobacco lobbying:

*"In setting and implementing their 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."* In the Tobacco Plan, published in March 2011, your Government committed to live up to these obligations.

I was shocked therefore to be informed that Michael John Holloway, British Ambassador to Panama, has been lobbying the Panamanian government on behalf of British American Tobacco against a tobacco tax increase in Panama, raising fears that this would lead to increased smuggling writing letters to various Panamanian government ministries to this effect. I urgently seek your reassurance that the Ambassador will be asked to confirm whether this is in fact the case and, if so, reminded of the guidelines, required to withdraw his letters and to apologise to the Panamanian government. I also seek your reassurance that all embassies will be reminded of the FCO guidelines prohibiting promotion of the tobacco industry and of the UK's obligations as a party to the WHO FCTC, and provided with the guidelines to Article 5.3 of the FCTC, available from the WHO FCTC website.

Tobacco kills 5 million people a year worldwide, half of whom are from low income countries. By 2020 this will have risen to 10 million, 70% of whom will be from low income countries. Tobacco use itself exacerbates poverty all round the world. For example, a study in Bangladesh found that the typical poor smoker could easily add over 500 calories to the diet of the family with his or her daily tobacco expenditure. An estimated 10.5 million malnourished people could have an adequate diet if money on tobacco were spent on food instead - the lives of 350 children could be saved each day. The tobacco industry is a global industry. Faced with increased regulation and greater awareness of the health risks of smoking in Europe and North America, the tobacco multinationals are stepping up their activities in developing countries in search of new markets.

Reducing affordability through taxation is widely recognised, notably by the World Bank as well as the WHO, as the most effective means of reducing smoking uptake and encouraging quitting and is recognised as such in Article 6 of the WHO FCTC. Indeed your Cabinet colleague, then Chancellor, the Rt Hon Kenneth Clarke introduced an annual tax escalator above inflation in the 1993 budget stating that *"the approach we are adopting in Britain is the most effective way to reduce smoking"*. The tobacco industry, in this country and all round the world consistently lobbies against tax increases arguing that they will lead to increased smuggling and reduced revenues. The evidence from the UK does not support tobacco industry arguments. Increasing tobacco taxes year on year has been UK government policy for many years and our tobacco taxes are now amongst the highest in the world accompanied by falling smoking rates and a reduction in smuggling. A tough anti-smuggling strategy has led to significant reductions in tobacco smuggling year on year since 2000, delivering net annual revenue benefits of £1.7 billion.

In line with FCO guidelines and our obligations under the FCTC the UK should be supporting other Parties and providing them with technical assistance to achieve what we've achieved, not urging them to keep tobacco taxes down.

I look forward to your response.

Yours sincerely  
D. Arnott

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cc Rt Hon Andrew Lansley MP CBE  
Rt Hon George Osborne MP



Department  
of Health



Foreign &  
Commonwealth  
Office

**United Kingdom's revised guidelines for overseas posts  
on support to the tobacco industry**

**December 2013**



## **United Kingdom's revised guidelines for overseas posts on support to the tobacco industry**

1. The Department of Health (DH) have decided to be more prescriptive in relation to the provision of support to the tobacco industry, to ensure any such support is consistent with the provisions of the WHO Framework Convention on Tobacco Control (FCTC). The Government takes very seriously its obligations as a Party to the (FCTC). This includes the treaty commitment at Article 5.3 to protect public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry.
2. Existing guidance on the support available to UK companies overseas involved in the production of Tobacco products was circulated to FCO posts in 1999 (Diptels No. 584, 585 and 586). A further update was provided in 2005, (Diptel No.129) following the Framework Convention on Tobacco Control (FCTC) coming into force. The updated guidelines below have been prepared jointly by the DH, UKTI and FCO.
3. For the purposes of the guidelines, taking into account Article 1 of the FCTC, the WHO provides the following definition: *"Tobacco industry" means tobacco manufacturers, wholesale distributors, and importers of tobacco products. In addition, the term "tobacco industry" includes tobacco growers, associations or other entities representing any of the above, as well as industry lobbyists.*

### **Guidelines:**

4. In line with our treaty obligations, Posts should encourage and support the fullest implementation of the provisions of the FCTC, including the implementation of comprehensive, evidence-based tobacco control strategies. Posts should offer access to expertise on public health, tobacco control and tackling the supply of illicit tobacco that exists within HMG.
5. Posts should limit interactions with the tobacco industry, including any person or organisation that is likely to be working to further the interests of the tobacco industry. In the event that interactions with the tobacco industry are necessary, these should be conducted with maximum transparency to demonstrate our compliance with the FCTC.
6. Posts must **not**:
  - Be involved in activities with the specific purpose of promoting the sale of tobacco or tobacco related products (including promotional goods);
  - Encourage investment in the tobacco industry, or provide any assistance in helping tobacco companies influence non-discriminatory local business policies to their advantage (e.g.: taxation, plain/standardised packaging, etc);
  - Accept any direct or indirect funding from the tobacco industry;
  - Accept advertisements for UK or local tobacco products in publications issued by Post, or sponsorship from tobacco companies for any activities, including Chevening Scholarships. Any government brand (including the FCO's) must not be used together with the branding of a tobacco company or any tobacco product;
  - Attend or otherwise support receptions or high profile events, especially those where a tobacco company is the sole or main sponsor and/or which are overtly to promote tobacco products or the tobacco industry (such as the official opening of a UK tobacco factory overseas);

- Offer any endorsement of, or recommendations for, any tobacco company and should be careful to avoid creating the impression that any such endorsement exists;
  - Endorse projects which are funded directly or indirectly by the tobacco industry and should avoid agreeing to any sponsorship of the activities or work of the tobacco industry;
  - Endorse, support, form partnerships with, or participate in activities of the tobacco industry that could be described as “socially responsible”, that relate, for example, to public education or that are aimed at improving public health;
  - Lobby against any local Administration’s policies that are aimed at improving public health; or
  - Engage with foreign governments on behalf of the tobacco industry, except in cases where local policies could be considered protectionist or discriminatory.
7. Given the general, non-discriminatory basis of UK government support for UK business posts can, if approached, provide limited support (whilst avoiding providing the impression that they are promoting tobacco use) by:
- Offering to provide the basic trade, investment and political information that is available to other British businesses;
  - Offering assistance to UK tobacco companies in resolving business problems e.g. customs or port clearance, smuggling, trademark violations etc, that are potentially discriminatory against British businesses; or
  - Providing information to assist tobacco companies to comply with foreign government laws or regulations.
8. The DH has policy responsibility for tobacco control and for the implementation of the FCTC. Posts should avoid engaging with the tobacco industry or their representatives on matters of policy. Tobacco companies should be invited to provide their views on policy-related matters directly to the DH Tobacco Programme in London. Where policy is discussed, posts should consider providing an overview to the DH Tobacco Programme for information.
9. Posts should also endeavour to verify whether an organisation, body, group or institution that makes any approach regarding tobacco control has any affiliation to or link with the tobacco industry. Posts may wish to make any disclosed links transparent.
10. Posts should bear in mind that public health oriented civil society groups around the world are well organised and connected and may seek to highlight any activity that appears to conflict with the FCTC or these guidelines. The FCTC states that the “participation of civil society is essential in achieving the objective of the Convention and its protocols”.

**From:** Deborah Arnott [mailto:Deborah.Arnott@ash.org.uk]  
**Sent:** 12 March 2012 18:45  
**To:** all@fctc.org  
**Subject:** Breaches of Article 5.3 by UK Embassies

Dear FCA colleagues

I have been made aware that the UK Ambassador in Panama has been inappropriately lobbying the government against tobacco tax increases on behalf of BAT. I have written to the UK Foreign Secretary to complain and urge that he be forced to apologise and to withdraw the letters he has sent (see attached letter). Please if anyone hears of any such lobbying elsewhere can you let me know so I can take it up with our Government.

Not only do we have Article 5.3 and its guidelines to draw on but since 1999 our Foreign Office has had guidelines in force that, *"Posts should not inter alia be associated in any way with the promotion of the tobacco industry"*, stressing *"the Government's wish to encourage and support the efforts of other countries to strengthen their own tobacco control strategies."*

All the best.  
Deborah.

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**Financial Times** March 15, 2012 8:13 pm

## **UK diplomat accused of tobacco lobbying**

By Kiran Stacey and Rose Jacobs

[www.ft.com/cms/s/0/9e142628-6de5-11e1-b98d-00144feab49a.html](http://www.ft.com/cms/s/0/9e142628-6de5-11e1-b98d-00144feab49a.html)

A senior British diplomat has been accused of breaking UK and international health guidelines by lobbying his host government on behalf of a tobacco company, in a sign of the ethical dilemmas thrown up by the foreign office drive to promote British industry abroad.



The Financial Times has obtained a letter written by Michael John Holloway, UK ambassador to Panama, in which he raises concern over the “alarming growth” of contraband cigarettes and the “critical situation” this has caused for British American Tobacco, which he describes as “one of the most important British companies”.

Although UK diplomats have been [encouraged to put trade at the heart of their relations with foreign governments](#), they are forbidden to lobby on behalf of the tobacco industry.

Guidelines produced in 1999 under a Labour government said diplomats “should not support activities designed specifically to encourage smoking” and Britain is signed up to a World Health Organisation convention which commits governments to putting public health concerns ahead of “commercial and other vested interests of the tobacco industry”.

In a letter to Ricardo Quijano, the Panamanian trade minister, last month, Mr Holloway complained that BAT was being harmed by tax increases on tobacco in the central American nation.

He wrote: “The objective of this letter is to pass on my concerns as British ambassador to the Republic of Panama for the alarming growth of the contraband of cigarettes into the country and the critical situation this has caused on the legal industry, specifically to one of the most important British companies, British American Tobacco.”

Anti-smoking campaigners have written to William Hague, foreign secretary, demanding he investigate how widely tobacco interests are being promoted by UK diplomats around the world.

#### Tobacco bans

British diplomats have faced restrictions on promoting tobacco interests abroad since 1999, when the Labour government introduced guidelines saying officials should avoid activities “designed specifically to encourage smoking”. In 2005, the UK went further by signing up to a World Health Organisation convention which said: “In setting and implementing their public health policies with respect to tobacco control, [countries] shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.” David Cameron’s coalition gave its approval to the WHO guidelines last year when it produced its own tobacco control plan.

Deborah Arnott, chief executive of the campaign group Ash, said: “The British ambassador was clearly lobbying the Panamanian government on behalf of BAT and he should be forced to apologise.”

The Foreign and Commonwealth Office denied the letter sought to promote tobacco use, insisting it was aimed at curbing illegal trade in cigarettes.

“Our ambassador was in no way seeking to promote tobacco use, is well aware of our obligations as a party to the [WHO] Framework Convention on Tobacco Control, and will continue to ensure that public health policies in Panama are not in any way put at risk,” the FCO said.

In his letter, Mr Holloway wrote: “We consider that the disproportionate increase of taxes to the consumption of tobacco products in the last few years has only benefited illegal trade since the consumption of this product has not reduced and the number of smokers remains almost the same.”

The incident highlights potential problems arising from the government’s emphasis on promoting trade as a guiding principle of its foreign policy. David Cameron, prime minister, [came under fire last year](#) when he visited Egypt to promote Arab democracy, but took several large arms companies with him, including [BAE Systems](#), [Qinetiq](#) and [Thales](#).

Panama is [particularly important for British trade](#). As well as being the fastest growing economy in the Americas, it is the only one for whom the British are the biggest foreign investors, having committed £8bn so far. Latin America is also a big market for BAT.

<http://www.ft.com/cms/s/0/9e142628-6de5-11e1-b98d-00144feab49a.html#axzz1pNU6oLtn>

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