

To:

- Dr. Kunio Mikuriya, Secretary-General of the World Customs Organization, World Customs Organization
- Ms. Rebeca Grynspan, Secretary-General, United Nations Conference on Trade and Development
- Dr. Ngozi Okonjo-Iweala, Director-General, World Trade Organization
- Ms. Pamela Coke-Hamilton, Executive Director, International Trade Centre
- Mr. Makhtar Diop, Managing Director, International Finance Corporation
- Mr. Antonio Pedro, Acting Executive Secretary, United Nations Economic Commission for Africa
- Minister Ebrahim Patel, Department of Trade & Industry, Republic of South Africa
- Mr. Edward Kieswetter, Commissioner, South African Revenue Service
- Mr Dale Magaya, Chief Executive Director and Event Director, Dadem Investments
- Dr Joe Phaahla, Minister of Health, Republic of South Africa
- Honourable David Mabuza, Deputy President, Republic of South Africa

### **REMOVE PHILIP MORRIS INTERNATIONAL FROM ALL ENGAGEMENTS RELATED TO THE AFRICA TRADE & CUSTOMS WEEK SUMMIT 2022**

We, the undersigned civil society organisations engaged in the protection of the health of the people of Africa through the establishment of a tobacco-free Africa, note with dismay the brandishing of Philip Morris International (PMI) as one of the sponsors of the **AFRICA TRADE & CUSTOMS WEEK SUMMIT** scheduled to take place from November 7 to November 9, 2022, in Sandton, Johannesburg, South Africa.

We are concerned by this sponsorship because it is a total violation of the World Health Organization's Framework Convention on Tobacco Control (FCTC) the first international treaty negotiated under the auspices of WHO in response to the globalization of the tobacco epidemic, and an evidence-based treaty that reaffirms the right of all people to the highest standard of health.<sup>1</sup> It is also a violation of South Africa's current legislation on tobacco control, the Tobacco Products Control Act 83 of 1993 (as amended).

Ratified by the Republic of South Africa on April 19, 2005, Article 5.3 of the Convention calls on Parties to protect public health policies from the commercial and other vested interests of the tobacco industry. The Guidelines for the implementation of this provision of the Convention demands Parties to implement measures in all branches of government that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control. Drawing on the best available scientific evidence and the experience of Parties in addressing tobacco industry interference<sup>2</sup>, these Guidelines notes that interests of the tobacco industry are in direct conflict with the goals of public health; as such, **Parties should not accept, support or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.**

South Africa's Tobacco Products Control Act 83 of 1993 (as amended) stipulates that ***"No person shall advertise or promote, or cause any other person to advertise or promote, a tobacco product through any direct or indirect means, including through sponsorship of any organisation, event, service, physical establishment, programme, project, bursary, scholarship or any other method."*** The legislation also stipulates that ***"No manufacturer, importer, distributor or retailer of tobacco products***

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<sup>1</sup> <https://fctc.who.int/who-fctc/overview>

<sup>2</sup> <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-5.3>

*shall organise or promote any organised activity that is to take place in whole or in part in the Republic, nor make any financial contribution to any organised activity that is to take place, or is taking place, or has taken place in whole or in part in the Republic”<sup>3</sup>.*

Being permitted to sponsor the **AFRICA TRADE & CUSTOMS WEEK SUMMIT** provides the tobacco industry an opportunity to portray itself as a trustworthy development partner even though its products kill more than 8 million people globally each year<sup>4</sup>. It also gives the industry the opportunity to defend its interest in the continent.

The **MODEL POLICY FOR AGENCIES OF THE UNITED NATIONS SYSTEM ON PREVENTING TOBACCO INDUSTRY INTERFERENCE**<sup>5</sup> requires the United Nations system, including the intergovernmental agencies that are observers to COP and members of the UN Inter Agency Task Force to “Reject partnerships, joint programs, non-binding or non-enforceable agreements and any other voluntary arrangements with the tobacco industry.” We therefore call on the following organisations that are covered by this policy and are expected to intervene during the summit withdraw their engagement to the summit if Philip Morris International remains connected in any way to it:

- World Customs Organization
- United Nations Conference on Trade and Development
- World Trade Organization
- International Trade Centre
- International Finance Corporation (World Bank Group)
- United Nations Economic Commission for Africa

The tobacco industry has historically fought to be part of discussions related to customs departments always offering to help customs departments with tracking and tracing of tobacco products across borders. A 2019 world bank report identifies *“an aggressive tobacco industry that leverages its power to influence political, economic, and enforcement activities”* as one of the factors that contribute to weak capacity to combat illicit tobacco trade within countries of the Southern Africa Customs Union.<sup>6</sup>

At a time when South Africa’s tobacco control bill is heading to parliament for vote into law, the move by Philip Morris International to sponsor such a major summit is clearly a strategy to gain access to the competent revenue services to influence government policy.

The WHO has come up with the Protocol to Eliminate Illicit Trade in Tobacco Products, which lays down steps to effectively track and trace the movement of tobacco products across borders. The tobacco industry has been effective in ensuring that South Africa does not progress with implementation of the Protocol which it signed in 2013<sup>7</sup> and sponsoring the **AFRICA TRADE & CUSTOMS WEEK SUMMIT** only gives the industry more leverage to influence policy.

Considering the points raised above, we totally denounce tobacco industry sponsorship of the **AFRICA TRADE & CUSTOMS WEEK SUMMIT** and call for the immediate removal of Philip Morris International from all engagements related to the summit.

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<sup>3</sup> <https://www.tobaccocontrollaws.org/files/live/South%20Africa/South%20Africa%20-%20Tobacco%20Products%20Control%20Act%20-%20national.pdf>

<sup>4</sup> <https://www.afro.who.int/health-topics/tobacco-control>

<sup>5</sup> <https://fctc.who.int/docs/librariesprovider12/default-document-library/fctc-model-policy---short-.pdf?>

<sup>6</sup> <https://documents1.worldbank.org/curated/en/677451548260528135/pdf/133959-REPL-PUBLIC-6-2-2019-19-59-24-WBGTobaccoIllicitTradeFINALvweb.pdf> (page 508)

<sup>7</sup> [https://exposetobacco.org/wp-content/uploads/TrackandTrace\\_SouthAfrica.pdf](https://exposetobacco.org/wp-content/uploads/TrackandTrace_SouthAfrica.pdf)