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The Tobacco Industry and the Illicit Trade in Tobacco Products





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I. Introduction

The illicit tobacco trade is a global problem that threatens the public health gains of tobacco control and the outcomes of the WHO Framework Convention on Tobacco Control (WHO FCTC). In addition to the damage caused to health, the illicit trade in tobacco is a form of tax evasion and thus also inflicts significant economic harm.

The global nature of illicit tobacco trade, and its widespread reach, demand a global and coordinated effort to eliminate the trade and to promote tobacco control and public health. Article 15 of the WHO FCTC provides a framework for Parties to take action against the illicit tobacco trade. However, the complexity of the issue, and the multiple government and inter-government organizations involved in combating the illicit trade, led Parties to the WHO FCTC to develop the Protocol to Eliminate Illicit Trade in Tobacco Products¹, hereafter referred to as the Protocol or ITP. This provides more specific guidance and solutions, as well as new obligations for Parties², to tackle the global illicit tobacco trade problem³.

Adopted on 12 November 2012 at the fifth session of the Conference of the Parties (COP5) of the WHO FCTC, the Protocol had 13 parties as of 10 December 2015. It takes effect once 40 Parties ratify, accept, accede or otherwise formally approve the instrument.

This document examines the different approaches the tobacco industry is using to portray itself as a key partner in combating the illicit trade and how in reality it is interfering with the entry into force and implementation of the Protocol, and as a consequence, of related provisions of the WHO FCTC. This report aims to inform policy and decision makers, especially those from non-health sectors, who may not yet be familiar with the WHO FCTC and the Protocol. It highlights increasing evidence that the tobacco industry is re-using well established strategies to oppose the WHO FCTC, to counteract the Protocol and to promote itself as a partner in its implementation. This could potentially hinder the Protocol's entry into force and thus confound governments seeking to independently control tobacco product distribution and control.

II. The Tobacco Industry and the Illicit Trade Protocol: Pattern of industry behaviour

The tobacco industry (defined in Article 1(e) of the WHO FCTC as “tobacco manufacturers, wholesale distributors and importers of tobacco products⁴”) has made multiple efforts to interfere with the development and approval of the Protocol. These have been well described.^{5,6,7,8} Essentially, the tobacco industry used, and still uses, the same arguments employed during the negotiations of the WHO FCTC^{9,10,11,12,13,14,15} in an attempt to oppose, weaken, or delay its approval - the industry first attempts to oppose and block the policy when it is proposed, and failing that, it seeks to weaken policy language in order to ensure minimal restrictions on its business. Thereafter, the tobacco industry employs an arsenal of tactics to delay implementation of the policy. Above all, the tobacco industry presents itself as a “partner” or stakeholder, without whom implementation of the Protocol would be impossible (BAT, for example, states on its website that: “We have always publicly supported the development of a World Health Organization (WHO) Protocol to eliminate illicit trade in tobacco products.¹⁶”).

During the Protocol negotiations, tobacco industry representatives developed joint and individual strategies to interfere with the implementation of Protocol policies. For example, manufacturers worked together to create and promote Codentify (the tobacco industry's track and tracing “solution”) and established a working relationship with Interpol^{17,18,19} at the same time, each of the main transnational

tobacco companies posted details on their websites illustrating their efforts to control distribution of their products.

By the time the Protocol was adopted by the Conference of the Parties²⁰, all major transnational tobacco companies, and several well-known allies had developed position statements, global or local website pages (for example, South Africa Stop Illegal Cigarettes at <http://www.stopillegalcigarettes.co.za>, Japan Tobacco International Ireland’s website <http://www.stopillicittobacco.com>, Philip Morris International’s <http://stopillegalcigarettes.com>) or separate websites addressing the tobacco industry’s response to the Protocol and its own approach to address the illicit trade.²¹ The tobacco industry is undertaking a series of initiatives to portray ratification of the Protocol as non-essential and is promoting the well-known tobacco industry strategy of voluntary/self-regulatory measures to obstruct or delay implementation of the Protocol’s legally binding measures. Table 1 provides a few examples of tobacco industry activities on illicit trade that were reported in the media in November 2014.

These activities are clearly designed to portray the industry as a “partner” of governments, or as the initiator of action to address the illicit trade, thereby undermining the Protocol. As discussed below, the Protocol explicitly states that governments should not engage in partnerships with the tobacco industry when implementing the ITP. Further, Article 5.3 of the WHO FCTC urges countries to protect public health policies against the tobacco industry. The industry, as illustrated by the examples given below, incorporated its activities related to combating illicit trade into its “corporate social responsibility” strategies. The WHO FCTC considers these strategies to be another form of marketing.

Table 1: Examples of media coverage of tobacco industry activities relevant to illicit trade subsequent to the approval of the Protocol	
Tobacco Industry activity	Date
Launched a campaign against black market sales in partnership with government agency in Hungary.	November 18, 2014
Supported a regional meeting in South Africa to discuss strategies to address illicit trade.	November 24, 2014
Published a commissioned report on the illicit trade in Australia	November 25, 2014
Issued a press release about the illicit trade market in Romania	November 26, 2014

Tobacco Industry and Illicit Trade:

In the past, tobacco companies were accused of direct and indirect involvement with cigarette smuggling,^{22_23_24_25} and claims made against the tobacco industry resulted, in some cases, in settlements between the tobacco companies and the plaintiffs, most notably the industry's settlements with the European Union.²⁶

It is important to note that the main focus of the tobacco industry's voluntary efforts on the illicit trade is aimed at counterfeited tobacco products, despite the fact that counterfeits are a small percentage (3% to 4%) of the total illicit trade market,²⁷ based on the number of seizures.²⁸

Additionally the tobacco industry systematically uses the threat of a rise in the illicit trade, and in crime, to oppose the tobacco control policies set forth by the FCTC. For example, the rising illicit trade argument has been used to oppose policies increasing tobacco product prices and taxes, on packaging and labeling policies, particularly those implementing pictorial warnings, or more recently, standardized (plain) packs and policies banning marketing (advertising, promotion and sponsorships).^{29_30_31}

There are many forms of tobacco industry interference documented in research by academia and civil society. WHO, for World No Tobacco Day 2012, grouped the numerous forms of tobacco industry interference under six broad themes³² and in order to assist understanding of the many ways through which the tobacco industry is interfering with the ITP, the activities will be similarly grouped.

1) Manoeuvring to hijack the political and legislative process

There have been anecdotal reports of direct and indirect tobacco industry lobbying with Parties not to become a Party of the ITP. Conversely, there is lobbying for Parties to incorporate legislation in support of tobacco industry solutions on track and tracing,³³ including the "Codentify" system. The Codentify method has numerous flaws^{34_35} and despite tobacco industry lobbying,³⁶ it was not incorporated into the final language of the Protocol. There are many examples of lobbying by the tobacco industry through groups that further the industry's interests, available, for example at <http://www.tobaccotactics.org>.

In Canada, for instance, the National Coalition Against Contraband Tobacco lobbied the government to "enhance border security" and "enhance resources" for law enforcement and to create a public education campaign about contraband tobacco. It did not lobby for ratification of the ITP, which would implement measures beyond those sought by the group.³⁷

At the same time, the tobacco industry has criticized government for not doing more to address the illicit trade, as was the case of the Mastermind tobacco company in Kenya in 2010.³⁸

Most significantly, the tobacco industry has increasingly reported the signing of Memoranda of Understanding (MoUs)³⁹ with governments to address the illicit tobacco trade in "partnership".⁴⁰ In addition to violating Article 5.3 of the FCTC⁴¹ and its guidelines,⁴² these MoUs, the terms of which are not publicly disclosed, are essentially voluntary agreements, historically shown to be ineffective in tobacco control policy and may serve as an additional barrier to the ratification, accession to and implementation of the Protocol.

While MoUs between the tobacco industry and governments to address illicit trade have been in existence for several years, there appears to have been an acceleration in these agreements in the past five years, during the negotiation of the Protocol and its adoption by COP5.

Japan Tobacco International claims to have MoUs with “over 30 countries” and states that it has “gone even further” in Canada and EU, where it entered into formal cooperation agreements with the Canadian government, the European Union and 10 EU Member States, respectively.⁴³ Incidentally, research demonstrated that the multinational tobacco company agreements with the EU have benefitted the tobacco companies but did not seem to have significantly contributed to a reduction of the illicit trade and concluded by recommending that such agreements should not be pursued.³⁹

Imperial Tobacco claimed in 2012 to have established 21 MoUs.⁴⁴ The text of the 2006 MoU between Imperial Tobacco and the United Kingdom states that “The purpose of this Memorandum of Understanding (“MoU”) is to set out a framework of co-operation between HM Revenue & Customs and Imperial Tobacco Ltd in order to seek to limit the smuggling of both contraband and counterfeit Imperial Tobacco Ltd product into the UK, while minimizing obstacles to legitimate trade...”⁴⁵

Philip Morris International claimed to have “20+” MoUs;⁴⁶ British American Tobacco has cooperation agreements with the EU but doesn’t disclose the total number of such agreements with governments, although individual company sites do mention them. The content of these agreements are not always in the public domain. These MoUs, however, seem to have been agreed around the world.

For example, in Mauritius, in 2012, BAT signed an MoU with the Mauritius Revenue Authority to agree the «sharing of information, expertise and best practices»⁴⁷ ; in 2012, Imperial signed an MoU formalizing anti-illicit trade co-operation with the French customs authority to “exchange information on any seized tobacco shipments” and for Imperial to train customs official to recognize counterfeits⁴⁸ (in 2012 MoUs were also signed with Luxembourg⁴⁹ and Moldova⁵⁰); in 2010 in the Islamic Republic of Iran, the then Iranian Tobacco Company entered a cooperation agreement with Ministry of Economic Affairs and Finance to «inspect all stores, shops, and supermarkets to find smuggled cigarettes.»⁵¹

There is an urgent need to implement measures for increased transparency, as recommended by the Guidelines of Article 5.3, in order to improve monitoring of tobacco industry lobbying activities. Transparency measures related to lobbying activities and expenditure will ensure that lobbying activities related to countering the illicit trade are publicly known, that tobacco industry access to policy makers does not take place at secret meetings,⁵² and that industry-promoted solutions⁵³ could be countered by tobacco control advocates and policymakers when in breach of the WHO FCTC or the Protocol, or both.

2) Exaggerating the economic importance of the tobacco industry

In every discussion related to illicit trade, the tobacco industry insists on reminding the public, the media and decision makers of its economic contributions to a Party’s public finances. The tobacco industry never mentions the economic drain caused by tobacco-related diseases, suffering and death. While claiming to be in “favour” of regulations and measures to combat the illicit trade, it continues to argue that raising taxes and prices will trigger an increase in contraband. It uses its supposed economic importance to establish partnerships and links with agencies to address the illicit trade, especially those responsible for or who have a connection with the trade and financial aspects of tobacco. For example, in Nigeria, the Economic and Financial Crimes Commission chairman was quoted, at the occasion of a meeting with BAT, as saying, «If we have an idea of how some of these cigarettes are being smuggled into the country

we can work with you (BATC) and even bring in Customs because they are the ones at the entry points and border posts,» and that it was in the country's best interests to help BAT fight contraband since the company "helped create jobs and boost government revenue earnings."⁵³ BAT Nigeria says it has a partnership with Nigeria Customs, and the company states that it has contributed to a reduction in the illicit trade from 80% of the market in 2001 to 20% in 2009.⁵⁴

In general, the tobacco industry tends to control information about the proportion of the market related to the illicit trade, and often exaggerates it^{55_56} (current estimates of the proportion of the market attributable to illicit trade is 6%-10%).^{57_58_59_60} For example, in South Africa, the tobacco industry stated several times that there had been a significant increase in the illicit trade market share from 2008 to 2011, with the Tobacco Institute of South African claiming that it had reached 30% in 2012 and 35% at the beginning of 2013, but academic research has not substantiated these claims, instead finding that there was a peak in 2010, with a 10% increase in the share of market attributed to the illicit trade, but no large increases in subsequent years⁶¹. A similar discrepancy was found in Australia.⁷⁸

While in the past estimates of the market by the four largest transnational tobacco companies tended to vary, the companies now work in tandem to use the same reporting source. As described by Imperial Tobacco:

"...This illegal activity [in the EU] not only comes at a financial cost, but it fosters criminality in local communities... For the first time since its inception in 2006, KPMG's study was commissioned by all four major tobacco manufacturers operating in the EU – BAT, Imperial, JTI and PMI. This allowed KPMG access to a wider set of data sources, which further refined and improved the completeness of the analysis. Prior to 2013, the study was commissioned by PMI as part of the company's commitments under its Cooperation Agreement with the European Commission. ..."⁶²

So tobacco industry equates the illicit trade with lost tax revenues, while at the same time opposing tax rises to increase revenues with the argument that higher taxes lead to increased illicit trade⁶⁶. Researchers recently provided arguments to "debunk" the tobacco industry myth that taxation and the illicit trade are intrinsically linked.⁶³ While ratification and implementation of the Protocol would not harm countries' economies, much less tax revenues, as demonstrated by examples from the United Kingdom, Italy and Spain,^{64_65_66} the tobacco industry's rhetoric serves to create doubt and needs to be countered.

3) Manipulating public opinion to gain the appearance of respectability

Increasingly, Corporate Social Responsibility activities (considered a form of tobacco sponsorship under the WHO FCTC Article 13 Guidelines⁶⁷) focus on tobacco industry activities to combat the illicit trade. While these activities have been taking place, as with the MoUs, for at least a decade, there seems to have been an increased effort in the past five years, and in some cases this has led to joint company programmes, as described at Table 2, below. These activities are found in every WHO region.

Table 2: Examples of tobacco industry Corporate Social Responsibility activities related to illicit trade.			
Country	Company	Activity	Year
Mali	Imperial/ BAT	Stop Fraud campaign with participation of the National Directorate of Trade & Competition (TV, newspapers, posters at points of sale, billboards) after the implementation of new health warnings.	2014
Ireland	Imperial	Launch of retailer campaign "Retailers Against Smuggling"	2014
Hungary	Hungarian Association of Tobacco Industry Investors	Campaign with Hungary's National Tax and Customs Authority (NAV): posters, radio ads and newspaper	2014
Czech Republic, Germany, Austria, Slovakia, Poland and Slovenia	Imperial	Recognizing sniffer dogs and customs officials' competition, "as trained sniffer dogs are a key asset in making a successful seizure."	2013
Belarus	JTI	Donation of \$170,000 to State Customs to improve "technical conditions" and purchase special equipment; donation of vehicles (MoU in 2008) -	2010 - 2012
Caribbean	BAT	Training of Customs Officers	2010
Latvia, Estonia, Lithuania and the Czech Republic	PMI	Support for NGOs involved in combating human trafficking	2014

The tobacco industry has organized seminars and workshops for government officials, especially customs, in a variety of countries. For example, JTI organized a seminar for staff of the Azerbaijani State Customs Committee in 2014⁶⁸; in November 2014 the Tobacco Institute of Southern Africa hosted a meeting of government officials (including Kenya, Uganda, Nigeria, Zambia, Zimbabwe, and South Africa) and international law enforcement organizations from the Southern African Development Community (including COMESA) and Europe (including Europol, and Interpol);^{69_70_71} in 2009 BAT organized a regional conference on illicit trade for government officials from Jordan, Lebanon, Syria and Yemen.

In September 2013, Philip Morris international donated 55,000 euros to fund scholarships at the International Anti-Corruption Academy.⁷² The Academy was initiated by the United Nations Office on Drugs and Crime (UNODC), the European Anti-Fraud Office (OLAF), and other stakeholders, and it is an observer to the UN and ECOSOC.⁷³

As previously described, as part of the tobacco industry efforts in illicit trade, it has created partnerships and joint projects (including joint events) with Interpol and the World Customs Organizations (WCO), particularly as part of efforts to promote law enforcement and its track and trace system, Codentify.⁷⁴ Interpol, incidentally, suggests that the cooperation agreement between the four transnational companies and the EU represented a “blueprint” for the development of ITP.⁷⁵ At COP6 in October 2014, Parties denied observer status to Interpol.⁷⁶

4) Fabricating support through front groups

The use of front groups, a long-established tobacco industry tactic, remains commonplace, with the tobacco industry’s role and participation often undisclosed. Below are some of the groups that have been representing the tobacco industry’s position on the illicit trade. In addition, groups that have represented the tobacco industry on other tobacco control policies, such as retailers and manufacturers associations, remain active. Some of these front groups and consultants were visible during discussions about plain packaging in the United Kingdom⁷⁷ and Australia (the tobacco industry claimed that plain packs would increase illicit trade). Although the tobacco industry’s predictions did not prove to be accurate in Australia (where there was no increase in illicit trade⁷⁸), the industry offered similar arguments in the United Kingdom⁷⁹. However, legislation to implement plain packs in the United Kingdom was approved and takes effect in May 2016.⁸⁰

Table 3: Examples of illicit trade interest groups with tobacco industry funding	
Name	Tobacco Companies involved
Business Action to Stop Counterfeiting and Piracy (BASCAP) – part of International Chamber of Commerce (ICC) http://www.iccwbo.org/advocacy-codes-and-rules/bascap/welcome-to-bascap/	British American Tobacco (BAT), Japan Tobacco International (JTI), Philip Morris International (PMI)
International Tax and Investment Centre (ITIC) http://www.iticnet.org/	British American Tobacco, Imperial Tobacco Group, Japan Tobacco International and Philip Morris International
Digital Coding and Tracking Association (DCTA) http://www.dcta-global.com/	British American Tobacco, Imperial Tobacco Group, Japan Tobacco International and Philip Morris International.

Note: the tobacco industry is also a member of larger anti-counterfeit groups such as the International Trademark Association and the International Anti-Counterfeiting Coalition (IACC). The ACG (Anti-Counterfeiting Group), now representing dozens of companies, had BAT as a founder.⁸¹

There are also trade groups, such as Canada’s National Coalition Against Contraband Tobacco and the United Kingdom’s Retailers Against Smuggling (funded by the Tobacco Manufacturers’ Association) that represent the tobacco industry.

5) Discrediting proven science

The tobacco industry’s “solutions” to the illicit trade of tobacco, which don’t include ratification and implementation of the ITP, are based on evidence produced by the tobacco industry’s consultants and grantees. This is a familiar tactic; there is a substantial body of evidence demonstrating that the tobacco industry has used consultants and grants to produce “evidence” to oppose tobacco control policies, such as clean indoor air policies, marketing restrictions, etc.⁸²⁻⁸³ For example, most of the information on the scale of the illicit trade in tobacco industry-sponsored reports is difficult to substantiate.

Additionally, instead of a comprehensive review of the problem and the evidence, the tobacco industry maintains, with no evidence to support it, that the increase in illicit trade is a direct by-product of the increase in taxation and prices, and other tobacco control policies. Academic and independent evidence in several countries does not confirm this,⁸⁴ as exemplified by the previously described⁸⁵ case of South Africa. Similarly, in the United Kingdom, tobacco industry claims that the illicit trade was rising rapidly

were not substantiated by HM Revenue & Customs data, which demonstrates that in 2012/2013 the illicit trade market share was 9%, the same as in the 2010/2011 period, and slightly higher than the 7% figure from the 2011/2012 period.^{86_87}

The tobacco industry's stealthy involvement with the ITIC, and Oxford Economics (OE), continues to promote meetings and findings that are presented as scientific evidence. A 2015 peer-reviewed article demonstrated that a PMI-funded report conducted by ITIC significantly overestimated illicit cigarette consumption in Hong Kong (the tobacco industry estimate was 35.9%, the independent analysis using verifiable data sources estimated the percentage to be 8.2% to 15.4%).⁸⁸

There is emerging evidence of the tobacco industry using consultants and academics to write reports and research. For example, PMI has provided funds to Transcrime (a research centre in Italy linked to the Università Cattolica del Sacro Cuore in Milan and the University of Trento) to fund doctoral projects, reports (including an analysis on the draft of the Protocol produced in March 2012⁸⁹), and attended meetings supported or sponsored by the tobacco industry.⁹⁰

By attempting to control information and surround itself with allegedly "independent" expertise (and exploiting the fact that many Parties are still building capacity to address Protocol implementation and trying to create a cadre of experts on health economics, trade and tobacco), the tobacco industry is attempting to dominate the agenda and distract from the steps required for ratification or accession and implementation of the Protocol.

The WHO identified a sixth area of tobacco industry interference with tobacco control,⁹¹ "intimidating governments with litigation or the threat of litigation» and there are reports of the industry using the threat of an increase in the illicit trade as part of their legal efforts to block implementation of tobacco control measures,⁹¹ by employing it as a basis to file court cases.

It is an ongoing threat and one often used, although to date seldom implemented (with the exception for two prominent cases in Uruguay and Australia). Arguments about trade barriers are also used to oppose policies and to promote self-regulation in the area of illicit trade.

III. Conclusion and Recommendations

Parties need to be aware that the tobacco industry's efforts to address the illicit trade, and to establish partnerships with governments in implementing the Protocol, are in breach of both the WHO FCTC and with the Protocol. The resources listed in Appendix 1 provide examples of materials that can be used to raise awareness of this, as well as suggestions on how Parties can counter the tobacco industry's misleading arguments, along with myths related to the illicit trade. It is noteworthy that the texts of these two international instruments (the WHO FCTC and the Protocol) acknowledge that the interests of the tobacco industry and the interests of tobacco control are irreconcilable and that partnerships between government and tobacco industry should be avoided. In fact, to ensure that tobacco industry interference was contained and public health interests prevailed, the Parties approved the Guidelines to Implement Article 5.3, on protecting tobacco control policies from interference by the tobacco industry.⁴²

Furthermore, the text of the Protocol addresses tobacco-industry interference and makes cross-references to Article 5.3 in several paragraphs, as highlighted below.

In the Preamble:

“Mindful of Article 5.3 of the WHO Framework Convention on Tobacco Control in which Parties agree that 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”

and

“Emphasizing the need to be alert to any efforts by the tobacco industry to undermine or subvert strategies to combat illicit trade in tobacco products and the need to be informed of activities of the tobacco industry that have a negative impact on strategies to combat illicit trade in tobacco products”

in Article 4 §2:

“In implementing their obligations under this Protocol, Parties shall ensure the maximum possible transparency with respect to any interactions they may have with the tobacco industry.”

Further, Article 8 states:

“§12 “Obligations assigned to a Party shall not be performed by or delegated to the tobacco industry.

§13 “Each Party shall ensure that its competent authorities, in participating in the tracking and tracing regime, interact with the tobacco industry and those representing the interests of the tobacco industry only to the extent strictly necessary in the implementation of this Article.

§14 “Each Party may require the tobacco industry to bear any costs associated with that Party’s obligations under this Article. “

Thus, ratification of the Protocol, and its implementation,^{92_93} together with implementation of the WHO FCTC Article 5.3 Guidelines, offer Parties the tools to stop tobacco industry interference with the Protocol, as well as with the WHO FCTC and tobacco control.

Appendix 1: Resources

The table below presents a list of resources to assist Parties in countering tobacco industry claims related to the illicit trade and in support of the implementation of the ITP.

Table 4: Examples of resources to counter tobacco industry claims related to illicit trade	
Resources	Comments
<p>Tobacco Free Initiative/World Health Organization: World No Tobacco Day 2015 http://www.who.int/campaigns/no-tobacco-day/2015/brochure/en/</p>	<p>A series of materials (print and video) highlighting the key public health and tobacco control issues related to illicit trade of tobacco. Additional materials and languages through the WHO Regional Offices.</p>
<p>Institute for Global Tobacco Control: Fighting Misconceptions of Illicit Trade http://globaltobaccocontrol.org/wntd2015?mc_cid=8421ba03f8&mc_eid=81065c4dd9</p>	<p>A series of fact sheets with basic descriptions and illustrations of key issues on illicit trade, including terminology.</p>
<p>Campaign for Tobacco Free Kids: Illicit Trade/Smuggling http://global.tobaccofreekids.org/en/solutions/international_issues/illicit_trade_smuggling/</p>	<p>A series of links and resources on facts on the illicit trade for public health and tobacco control professionals, including a presentation on “Debunking the myths” of illicit trade on tobacco propagated by the tobacco industry.</p>
<p>Framework Convention Alliance: World No Tobacco Day 2015 http://www.fctc.org/fca-news/world-no-tobacco-day/world-no-tobacco-day-2015</p>	<p>A series of fact sheets and other materials with direct responses to tobacco industry arguments related to illicit trade</p>

- ¹ http://apps.who.int/iris/bitstream/10665/80873/1/9789241505246_eng.pdf?ua=1
- ² For additional details, see <http://www.who.int/fctc/protocol/about/en/>
- ³ http://www.who.int/fctc/protocol/Protocol_summary_en.pdf?ua=1
- ⁴ <http://whqlibdoc.who.int/publications/2003/9241591013.pdf>
- ⁵ Corporate Accountability International. Parties Prevail In Adopting Landmark Illicit Trade Protocol Despite Industry Interference --- Who: Big Tobacco Single Greatest Threat To Tobacco Treaty, November 12, 2012. Press Release. <https://www.stopcorporateabuse.org/press-release/parties-prevail-adopting-landmark-illicit-trade-protocol-despite-industry-interference>
- ⁶ Corporate Accountability International. Smokescreen for Smuggling. Tobacco industry attempts to derail the illicit Trade Protocol. April 10, 2010. https://www.stopcorporateabuse.org/sites/default/files/resources/smokescreen-for-smuggling_0.pdf
- ⁷ Framework Convention Alliance. Response To The British American Tobacco Position Paper On A Protocol On Illicit Trade In Tobacco Products To The Who Framework Convention On Tobacco Control. Second Session of the Conference of the Parties to the WHO FCTC Bangkok, Thailand; 30 June-6 July 2007. http://www.fctc.org/publications/bulletins/doc_view/107-response-to-the-british-american-tobacco-position-paper-on-a-protocol-on-illicit-trade
- ⁸ Mulvey, K. A life-saving precedent: protecting public health policy against Big Tobacco. *Tob Control* 2010;19:95-97 doi:10.1136/tc.2009.032755 <http://tobaccocontrol.bmj.com/content/19/2/95.extract>
- ⁹ Carter SM. Mongoven, Biscoe & Duchin: destroying tobacco control activism from the inside. *Tob Control*. 2002 Jun;11(2):112-8.
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- ¹⁷ Joossens, L & Gilmore, AB. The transnational tobacco companies' strategy to promote Codentify, their inadequate tracking and tracing standard. *Tob Control* doi:10.1136/tobaccocontrol-2012-050796
- ¹⁸ Framework Convention Alliance. Industry-INTERPOL deal signals challenges to illicit trade protocol. March 18, 2013. <http://www.fctc.org/fca-news/illicit-trade/976-industry-interpol-deal-signals-challenges-to-illicit-trade-protocol>
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- ²⁰ <http://www.who.int/fctc/protocol/about/inb/en/>
- ²¹ See transnational tobacco companies' websites for examples.
- ²² Collin J, Legresley E, MacKenzie R, Lawrence S, Lee K. Complicity in contraband: British American Tobacco and cigarette smuggling in Asia. *Tob Control*. 2004 Dec;13 Suppl 2:ii104-11. Skafida V, Silver KE, Rechel BP, Gilmore AB. Change in tobacco excise policy in Bulgaria: the role of tobacco industry lobbying and smuggling. *Tob Control*. 2014 May;23(e1):e75-84. doi: 10.1136/tobaccocontrol-2012-050600. Epub 2012 Nov 10.
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- ²⁵ Joossens L, Raw M. Progress in combating cigarette smuggling: controlling the supply chain. *Tob Control*. 2008 Dec;17(6):399-404. doi: 10.1136/tc.2008.026567. Epub 2008 Sep 10.
- ²⁶ Madeleine Heyward LL.M. Legal analysis of the agreements between the European Union, Member States, and multinational tobacco companies. www.fctc.org/.../451-legal-analysis-of-eu-agreements-with-multinational...
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