

(P3)

[REDACTED]

**Sent:** 31 March 2015 14:13  
**To:** [REDACTED] ASH  
**Cc:** [REDACTED]  
**Subject:** UK HIGH COMMISSIONER'S PARTICIPATION IN BAT DELEGATION TO LOBBY THE GOVERNMENT OF PAKISTAN ON TOBACCO POLICY  
**Attachments:** Office.tif

Dear [REDACTED]

Please find attached a letter from Owen Jenkins, Director South Asia & Afghanistan, Foreign & Commonwealth Office.

Yours sincerely

[REDACTED]  
PA to Director | South Asia & Afghanistan / Special Representative on Afghanistan and Pakistan  
[REDACTED] Foreign & Commonwealth Office | London SW1A 2PA  
[REDACTED]



Foreign &  
Commonwealth  
Office

31 March 2015

[REDACTED]  
Action on Smoking and Health  
Suites 59-63, 6<sup>th</sup> Floor  
New House  
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(4)  
Special Representative for Afghanistan and Pakistan  
Director  
South Asia and Afghanistan  
Foreign and Commonwealth Office  
Old Admiralty Building  
Room 2/119  
London  
SW1A 2PA

Tel: 020 7008 2561/2920

Dear [REDACTED] [REDACTED]

Thank you for your letter of 27 March to Sir Simon Fraser about reports that the British High Commissioner had lobbied on behalf of the tobacco industry in Pakistan. The Permanent Under-Secretary has read your letter and asked me to respond as the Director responsible for our relations with Pakistan.

I would like to assure you that High Commissioner Philip Barton has not lobbied the Pakistan Government on tobacco packaging. The High Commissioner attended a meeting at the invitation of the Pakistan Finance Minister. He understood the meeting would cover only issues related to the business environment in Pakistan and was therefore within the bounds of HMG guidance. At the meeting it transpired that the Health Minister had been invited and that health warnings would be discussed. Given the situation the High Commissioner made clear that he was not there to discuss such issues and disassociated himself from any tobacco industry position.

The High Commissioner acted in good faith and within the guidelines on engagement as currently in force. It is regrettable that on this occasion his attendance inadvertently created a false impression that he was lobbying against Pakistan's health warnings, when in fact he did no such thing.

To ensure that the Government of Pakistan is clear on the UK position the High Commissioner subsequently explained the UK's support of implementation of FCTC to the Finance Minister. He also wrote to the Finance Minister, Health Minister, and Prime Minister's Office setting out the UK's strong support for measures recommended in FCTC guidelines to promote public health and made offer of UK technical assistance.

You suggest a number of changes to guidance and procedures. The Department of Health and FCO would need to jointly consider this issue and advise Ministers after the election. In the meantime, overseas missions will be reminded of the need to act in accordance with the guidance, to reinforce the importance of engaging appropriately.

*Yours sincerely,  
Owen Jenkins*

Owen Jenkins



**Foreign &  
Commonwealth  
Office**

(34)

**From Stephen Lillie  
Director Asia Pacific  
Room 3/80  
Old Admiralty Building  
London  
SW1A 2AH**

**Tel: 020 7008 1570**

[REDACTED]  
**Chief Executive ASH  
Suites 59-63, 6<sup>th</sup> Floor New House  
Hatton Garden  
London EC1N 8JY**

*Dear* [REDACTED]

Thank you for your letter of 31 March to Sir Fraser about a 2013 Government press release regarding British business in Laos. The Permanent Under-Secretary has read your letter and asked me, as the Director responsible for our relations with Laos to respond.

I understand that you wrote previously regarding a blog post about imperial Tobacco's activities in Laos, which appeared on the FCO blog page. This blog was published before the revised guidelines on support to the tobacco industry issued. We accepted that the blog was not consistent with the revised FCO guidelines and removed it from the FCO blog page.

An oversight has meant that this blog continued to be referenced in a government press release, although the blog post itself had been removed. This was not a misunderstanding of guidance, but an oversight which should not have happened. I have ensured that the references to Imperial Tobacco have not been removed from the press release.

I understand that you are in correspondence with Owen Jenkins in regards to issues not involving Laos.

*Stephen Lillie*  
**Director Asia Pacific**

Owen Jenkins  
Director South Asia & Afghanistan  
Foreign & Commonwealth Office  
Old Admiralty Building  
London SW1A 2PA

01 April 2015

Dear Mr Jenkins

I appreciate your response. However, it does not completely answer my letter and indeed raises further questions, which I set out below.

First you say that the High Commissioner agreed to attend the meeting because he was told that it related only to "the business environment in Pakistan and therefore within the bounds of HM Guidance". This is far too vague as many issues related to the "business environment" in Pakistan or anywhere else for that matter are not at all appropriate matters for posts to engage in, under the guidelines and our obligations as a party to the WHO FCTC. Indeed the very issue in dispute, packaging and labelling of tobacco products could easily be defined as related to the "business environment" in Pakistan. Was a more detailed agenda made available to the High Commissioner? If not then it does not seem reasonable to me that a judgment could have been made ahead of the meeting as to whether it would be appropriate for a representative of the British Government to be present.

While I accept that the High Commissioner may have attended the meeting in good faith, I reiterate the point that it is clear that posts are not sufficiently cognisant of the risks of engaging in any way with the tobacco industry. Indeed the subsequent issue that has arisen with respect to Lao only serves to underline our concerns that this is not just a one off but a systemic problem.

Changes to written guidance and procedures are likely to take considerable time. Following the scandal of the Ambassador to Panama writing on behalf of BAT to the government with respect to its tax policy it took a further 21 months, and considerable badgering from me, before the revised guidance to posts was published, an unconscionable amount of time in the circumstances. However, you have agreed to remind posts of their obligations under the guidance so, at the same time, you can easily require them to run any requests for assistance from tobacco companies past the DH tobacco team for their advice about how they should be handled. This does not, and should not, wait until the guidelines are revised.

Further it does not need to wait for the guidance to be revised before posts supply the guidance to host governments for information, so that all governments are aware of the position of the UK.

Lastly we requested an apology from the UK Government and a commitment to ensuring this would not happen again. Your letter does not fulfil either of these requirements.

I first contacted the DH and FCO on this issue on Saturday 14th March in the hope it would be dealt with quickly. Your letter to me arrived on Tuesday 31st March, fifteen days later, subsequent to us mounting a petition on the issue. I would therefore like to know when the letter was sent to the Pakistan government and request that the letter be made public so it is absolutely clear what the Commissioner has said to the government.

Yours sincerely,

[Redacted]

[Redacted]  
Action on Smoking and Health  
Chief Executive

[Redacted]  
cc [Redacted] Permanent Secretary, Department of Health; [Redacted] Acting Director,  
Health and Wellbeing; [Redacted] Acting Deputy Director, Health and Wellbeing.

[REDACTED]

**Sent:** 13 April 2015 14:18  
**Subject:** FW: UK High Commissioner's participation in BAT delegation to lobby the government of Pakistan on tobacco policy OFFICIAL\_SENSITIVE  
**Attachments:** letSFraser150409.pdf  
**Importance:** High

**From:** [REDACTED] *ASH*  
**Sent:** 09 April 2015 18:04  
**To:** [REDACTED] *FCO*  
**Cc:** [REDACTED]

**Subject:** UK High Commissioner's participation in BAT delegation to lobby the government of Pakistan on tobacco policy  
**Importance:** High

Dear Sir Simon

I am writing to you again directly as the responses I have received on your behalf from Owen Jenkins do not seem to correspond with the facts.

I have now been sent a copy of the minutes of the meeting between British American Tobacco and the Pakistan government attended by the High Commissioner (see attached). You will note that the subject matter of the meeting was clearly the concern of the BAT delegation about the increase in size of the graphic health warnings on packs. The news clip on Pakistan TV subsequent to the meeting also states that the purpose of the meeting was to discuss the issue of the enhanced size of health warnings (attached on email). Furthermore it has been confirmed to me that the High Commissioner introduced the BAT delegation to the Pakistan government and started the discussion, highlighting BAT's concern about large graphic health warnings. I would be pleased to hear how the surprising conclusion was reached that the High Commissioner *"disassociated himself on the spot from tobacco industry positions"*.

I would suggest that this issue needs to be taken more seriously by the FCO.

I look forward to your response.

Regards,

[REDACTED]

[REDACTED]

Chief Executive  
 Action on Smoking & Health  
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 67-68 Hatton Garden  
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[REDACTED]

W: <http://www.ash.org.uk>

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Sir Simon Fraser KCMG  
Head HM Diplomatic Service  
Foreign & Commonwealth Office  
Old Admiralty Building  
London SW1A 2PA

9 April 2015

Dear Sir Simon

**RE: UK High Commissioner's participation in BAT delegation to lobby Pakistan Government on tobacco**

I am writing to you again as the responses I have received on your behalf from Owen Jenkins on 31 March and 9 April do not seem to correspond with the facts.

Mr Jenkins stated categorically in his first letter that the High Commissioner agreed to attend the meeting because he was told that it related only to *"the business environment in Pakistan and therefore within the bounds of HM Guidance"*. He went on to say *"At the meeting it transpired that the Health Minister had been invited and that Health Warnings would be discussed. Given the situation the High Commissioner made clear that he was not there to discuss such issues and disassociated himself from any tobacco industry position."*

This position was reinforced in his subsequent letter in which he stated, *"The High Commissioner had understood that the meeting would be with the Finance Minister and would cover the fiscal implications of illegal production and smuggling. Both are issues that the published guidelines allow for."* I would dispute that this is an issue that the published guidelines allow for, and if they do then as I stated in my previous response the guidelines need revision.

However, more to the point I have now been sent a copy of the minutes of the meeting between British American Tobacco and the Pakistan government attended by the High Commissioner (see attached). You will note that the subject matter of the meeting was clearly the concern of the BAT delegation about the increase in size of the graphic health warnings on packs. The news clip on Pakistan TV subsequent to the meeting also states that the purpose of the meeting was to discuss the issue of the enhanced size of health warnings (attached on email). Furthermore it has been confirmed to me that the High Commissioner introduced the BAT delegation to the Pakistan government and started the discussion, highlighting BAT's concern about large graphic health warnings. I would be pleased to hear how the surprising conclusion was reached that the High Commissioner *"disassociated himself on the spot from tobacco industry positions"*.

It is indefensible that the High Commissioner participated in tobacco industry lobbying to prevent Pakistan putting in place measures that the UK has already implemented. This is in direct contravention of the WHO Framework Convention on Tobacco Control and its guidelines on Article 5.3 and with guidelines for diplomatic posts issued by the UK



Government a year ago. The FCO guidelines 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."* The UK Parliament has just passed legislation (on a free vote and by an overwhelming majority) to require cigarettes and tobacco products in the UK to be sold in standardised, unbranded packaging. This was done in large part to help reduce the appeal of cigarettes and reduce the number of young people starting to smoke. It is utterly inappropriate therefore for our diplomatic posts at the same time to be supporting tobacco manufacturers in promoting their products in lower income countries, and in resisting those countries' attempts to regulate tobacco and reduce the rising burden of death and disease that tobacco is bringing to their societies.

I have already made some suggestions as to how the FCO guidelines might be strengthened. Clearly changes to written guidance and procedures are likely to take time. However, given the gravity of the situation, the FCO could and should, require posts to run any requests for assistance from tobacco companies past the DH tobacco team for their advice about how they should be handled. I see no reason why this needs to wait for Ministerial approval since it is not a change to published policy, but purely a procedural change designed to ensure that current government policies are properly enforced.

Furthermore it does not need to wait for the guidance to be revised before posts supply the guidance to host governments for information, so that all governments are aware of the position of the UK.

I cannot see how the participation of the High Commissioner in the meeting, and your original response to me, meets the four principles set out in the civil service code of honesty, integrity, objectivity and impartiality. I am still waiting for an apology and a commitment to ensuring this would not happen again.

I look forward to hearing your response.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
Action on Smoking and Health  
Chief Executive

cc: [REDACTED] Permanent Secretary, Department of Health; [REDACTED], Director South Asia & Afghanistan, FCO; [REDACTED] Acting Director, Health and Wellbeing, DH; [REDACTED] Head, Multilateral Engagement, International Branch, DH.