

[REDACTED]

From: [REDACTED]
Sent: 27 January 2014 10:20
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Guidelines to overseas posts on the tobacco industry

From: [REDACTED] ASH
Sent: 06 January 2014 09:04
To: [REDACTED] FCO
Cc: [REDACTED]
Subject: RE: Guidelines to overseas posts on the tobacco industry

Dear [REDACTED]

I am very pleased to see the final version of the guidelines as distributed at the WHO Article 5.3 meeting, and to hear from diplomatic contacts that they have been distributed to posts.

The WHO were very impressed by the progress made by the UK on Article 5.3 and the guidelines issued to posts play an important role in this. We've shared the guidelines informally with interested colleagues overseas, and we've had a great deal of interest in them from colleagues around the world who are impressed by the guidelines which they would like to share with their own governments.

We would like to be able to link to them from our website as we did the original guidelines and wonder how best they could be made available? I'm sure one of our APPG parliamentary members, such as [REDACTED] who spoke at the WHO meeting on Article 5.3, would be happy to ask a PQ if that would be the simplest way of proceeding.

Happy New Year.

[REDACTED]

[REDACTED]

Chief Executive
 Action on Smoking & Health
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 67-68 Hatton Garden
 London EC1N 8JY

[REDACTED]

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

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From: [REDACTED]
Sent: 15 November 2013 16:07
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Guidelines to overseas posts on the tobacco industry

[REDACTED]

I certainly hope we'll have the green light from Ministers by then.

(11)

[Redacted]

Sent: 09 October 2014 14:17
Subject: FW: FCO/Imperial blog
Attachments: letFS141009.pdf; letHammond141009.doc

From: [Redacted] ASH
Sent: 09 October 2014 14:08
To: [Redacted] FCO
Cc: [Redacted]
Subject: FCO/Imperial blog

Dear [Redacted]

The revised FCO guidance on support to the tobacco industry which was developed by the Foreign Office in the light of the WHO FCTC Article 5.3 guidelines and published by DH on its website in March this year sets a high standard for others to follow. We have shared it with our civil society colleagues and we believe it will be very helpful to Parties to the WHO FCTC as they consider further action on implementation of Article 5.3 of the Treaty at the Conference of the Parties next week in Moscow.

However, rather embarrassingly we have discovered that, in contravention to the guidance, Mr Alistair Brown, an employee of Imperial Tobacco, has contributed a guest blog to the British Ambassador to Lao's FCO blog page which is essentially a puff for Imperial Tobacco.

This is of particular concern as in the Observer at the weekend Imperial Tobacco was accused of depriving taxpayers in Laos, one of Asia's poorest countries, of tens of millions of pounds, having struck a special tax deal with its government lasting a quarter of a century.

We have written to the Foreign Secretary about this (see attached letter) and would suggest that it would be helpful if you could ensure that this blog post is taken down before the WHO FCTC Conference of the Parties starts its proceedings on Monday 13th October, as otherwise it may well cause embarrassment to HMG.

All the best.

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[Redacted]

[Redacted]

Rt Hon Philip Hammond MP
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

9th October 2014

Dear Foreign Secretary

Guidance for overseas posts on engagement with the Tobacco Industry

I am writing on behalf of Action on Smoking and Health to say how pleased we are with the revised FCO guidance on support to the tobacco industry. This was developed by the Foreign Office in the light of the WHO FCTC Article 5.3 guidelines and published by DH on its website in March this year.¹ The FCO guidance sets a high standard and will be very useful for Parties to the WHO FCTC as they consider further action on Article 5.3 of the Treaty at the Conference of the Parties next week in Moscow. Article 5.3 as you may be aware states that, "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."

However, rather embarrassingly we have discovered that prior to the revision of the guidelines in December 2013, Mr Alistair Brown, an employee of Imperial Tobacco, had been invited by to contribute a guest blog² to Philip Malone's FCO blog page (as you may be aware Philip Malone is the British Ambassador for Lao PDR). This posting reads as a promotional tool for Mr Brown's employer, Imperial Tobacco. In the blog he said that he had "taken up a position in Laos" in October 2009, "on behalf of my very British, Bristol-based employer, Imperial Tobacco Group Ltd". Mr Brown actually arrived in Laos in February 2010, "to discover that Lao Tobacco Ltd was the ... largest British investment company in the whole of Laos"... "LTL grows 100% of the tobacco used in our domestic and export cigarettes".

This is in direct contravention to the FCO guidance which says explicitly that Posts must not "Offer any endorsement of, or recommendations for, any tobacco company and should be careful to avoid creating the impression that any such endorsement exists" (our emphasis). It is our strongly held view and we believe it will be the view of other members of civil society and Parties to the FCTC, that this blog post does create the impression of endorsement of Imperial Tobacco by FCO.

¹ DH. Guidance for overseas posts on support to the tobacco industry. March 2014

² Foreign and Commonwealth Office. Laos through my eyes - Alastair Brown. 13th December 2013.

This is of particular concern as in the Observer at the weekend Imperial Tobacco was accused of depriving taxpayers in Laos, one of Asia's poorest countries, of tens of millions of pounds, having struck a special tax deal with its government lasting a quarter of a century.³

We urge you to ensure that this blog post is taken down before the WHO FCTC Conference of the Parties starts its proceedings on Monday 13th October, as otherwise this could cause considerable embarrassment to HMG and in particular to the Foreign Office and Department of Health. We would remind you that the FCO guidance also states that, *'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'*.

I look forward to your response.

Yours sincerely,



Chief Executive, ASH


cc Jane Ellison MP, Parliamentary Under Secretary of State for Public Health

³ [Doward J. UK cigarette firm criticised over Laos tobacco tax deal. Observer 5th October 2014.](#)



Department
of Health

Email: [REDACTED]
Tel: [REDACTED]

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From: [REDACTED] ASH
Sent: 14 March 2015 15:55
To: [REDACTED]@fco.gov.uk; [REDACTED] FCO
Subject: RE: Urgent: UK High Commissioner in Pakistan acting in contravention of UK guidelines to posts

For information here is the quote I have given. Let's hope it's a case of mistaken identity but it doesn't look like it.

Deborah Arnott, chief executive of health charity Action on Smoking and Health (UK) said, "It beggars belief that the UK High Commissioner to Pakistan would be lobbying the government on behalf of BAT. The UK published very comprehensive guidelines only a year ago which state very explicitly that its diplomats must not engage foreign governments on behalf of the tobacco industry. To the contrary the guidelines urge diplomats to encourage and support the fullest implementation of tobacco control strategies such as large pictorial health warnings, which indeed is a measure the UK government has already put in place."

From: [REDACTED] ASH
Sent: 14 March 2015 15:47
To: [REDACTED]@fco.gov.uk; [REDACTED] FCO
Subject: RE: Urgent: UK High Commissioner in Pakistan acting in contravention of UK guidelines to posts

The point I didn't make clearly enough is that although there appears to be no news comment so far about the presence of the High Commissioner it is only a matter of time. I'm being asked to give a quote.

Deborah.

From: [REDACTED] ASH
Sent: 14 March 2015 15:43
To: [REDACTED]@fco.gov.uk; [REDACTED] FCO
Subject: Urgent: UK High Commissioner in Pakistan acting in contravention of UK guidelines to posts
Importance: High

Dear [REDACTED]

I have just been sent a newspaper report published today about BAT lobbying the Pakistan government not to introduce larger pictorial health warnings on tobacco packs. Although it is not mentioned in the article the photograph of the lobbying meeting appears to be have been attended by the UK High Commissioner together with BAT and that's certainly the understanding of the advocates on tobacco in Pakistan who sent me the article.

See below for the link to the newspaper article with the photo and an image of the High Commissioner to Pakistan Philip Burton, and of the BAT Donato Del Vecchio Corporate & Regulatory Affairs - Global Head of International Trade and Fiscal Affairs at British American Tobacco – who both appear in the photo in the newspaper. For the High Commissioner to attend such a lobbying meeting is completely against the UK guidelines which state that, "Posts

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From: PUS Action (Sensitive)
Sent: 27 March 2015 13:08
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: UK High Commissioner's participation in BAT delegation to lobby the government of Pakistan on tobacco policy
Attachments: letHeadHMDiplomaticService150327.pdf
Importance: High

From: [REDACTED] ASH
Sent: 27 March 2015 12:28
To: PUS Action (Sensitive)
Cc: [REDACTED] FCO
Subject: UK High Commissioner's participation in BAT delegation to lobby the government of Pakistan on tobacco policy

Dear Sir Simon

As chief executive of Action on Smoking and Health I was contacted by health advocates from Pakistan on Saturday 14th March and informed that the UK's High Commissioner had been part of a BAT delegation to the Pakistan government lobbying against the introduction of important health measures, in contravention of the guidelines to posts.

This was extremely embarrassing, not least because it was days before the UK Department of Health was to receive a prestigious international award for its exemplary leadership in tobacco control at an international conference which would be attended by thousands of health advocates from around the world. I immediately contacted the Tobacco Lead at the Department of Health and the FCO. I had no response from the FCO but I was assured by DH that this would be dealt with. On that basis I used my best efforts to prevent widespread criticism and publicity of the indefensible behaviour of the High Commissioner at the conference.

However, it is now nearly two weeks since I first contacted the FCO about this issue and I have still heard nothing back from you, and while the DH has let me know that the High Commissioner has written to the Pakistan government to make clear that the UK does not support BAT in lobbying on measures to implement the FCTC, I have no proof of this as any such letter has not been made public. I am therefore writing formally to you (see attached) to ask for a public apology for this breach of HM Government's own rules and a commitment that this will never be allowed to happen again. I expect you will be hearing from others along the same lines.

I look forward to your response.

Regards.

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[REDACTED]
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[REDACTED]

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

Sir Simon Fraser KCMG
Head of HM Diplomatic Service
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

27th March 2015

Dear Sir Simon

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

As a Party to the WHO Framework Convention on Tobacco Control (FCTC), the UK has taken a strong lead on its implementation, most recently with the passing of the regulations to put in place standardised 'plain' packaging of cigarettes by May 2016. It has also committed to help other Parties with their own implementation programmes. Indeed the UK Department of Health has been recognised internationally for its work through the recent award of the prestigious American Cancer Society's Luther Terry medal for exemplary leadership in tobacco control by a Government ministry.

We were appalled therefore to discover that the UK High Commissioner to Pakistan, Philip Barton, participated in a delegation led by British American Tobacco to lobby the Pakistan government to retract its decision to introduce large graphic health warnings on tobacco packs from the end of this month, a measure which is squarely in line with the WHO FCTC and its guidelines.

We think it indefensible that he should have 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 guidelines for diplomatic posts issued by the UK Government a year ago, 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."*

As yet there has been no public response from the Foreign and Commonwealth Office or the Department of Health, to distance itself from this behaviour. To quote the article which revealed the High Commissioner's participation, *"While the British government is moving one step ahead by introducing plain packaging for cigarette packs in its own country, it has different health policies for other nations, exposing their belief that they do not deserve the same kind of protection that British citizens do."*

I am sure you will agree that this is unacceptable. We therefore urge the UK Government to apologise publicly for the behaviour of its High Commissioner and to commit to ensuring that this never happens again. The guidelines are clearly not yet sufficiently strong and need improvement. The reference to illicit trade, for example, as the sort of *'business problem'* which posts are allowed to help the tobacco industry with should be removed. Illicit trade is not a business problem which is *'potentially discriminatory against British businesses'*, rather it is a classic issue used by the tobacco industry to argue against almost every tobacco control measure, from higher tobacco taxes to graphic warnings.

It would appear from this case that the UK's diplomats do not yet understand the reputational risks they run from engagement with the tobacco industry. We would therefore suggest that the guidelines should be revised to state that if any tobacco company approaches posts for help they are required to seek advice from the Department of Health tobacco team about how that request should be handled.

We also urge the UK to require all Ambassadors and High Commissioners to write to their host government stating the UK's position as a strong supporter of the WHO FCTC, providing the guidance to posts for information, and making the offer of technical assistance from the UK, if it is considered that would be helpful to the host country.

I look forward to hearing from you.

Yours sincerely

[Redacted signature]

[Redacted name]

Chief Executive

Action on Smoking and Health

[Redacted name]

cc Una O'Brien, Permanent Secretary, Department of Health; [Redacted name] Acting Director, Health and Wellbeing; [Redacted name] Acting Deputy Director, Health and Wellbeing.