

One Industry, Shared Playbooks, Uneven Defenses: Common Patterns and Divergent Realities in Article 5.3 Implementation

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SUMMARY

This synthesis draws on six interviews with tobacco control advocates across regions. A consistent conclusion emerges: tobacco industry interference follows a similar strategic logic across contexts, but its impact depends on governance structures and institutional strength. The key variation lies in how governments respond and where safeguards are weakest.

Across contexts, familiar tactics persist, including cross-sector lobbying, economic narratives, and the promotion of new and emerging tobacco and nicotine products. These tactics are often adapted to local political and economic conditions, but remain consistent in their underlying approach.

A central finding is that Article 5.3 is weakest when confined to the health sector rather than applied across government. Where it is embedded in law or binding rules, implementation is more consistent; where it relies on voluntary guidance, it is more easily bypassed.

Conflicts of interest further shape outcomes, particularly where states are economically linked to tobacco. Parliament also remains a key entry point for industry influence, and without explicit safeguards, implementation remains incomplete.

Civil society plays a vital role, but protection varies widely. Where civil society bears primary responsibility for enforcement, implementation is inherently fragile.

Overall, Article 5.3 is widely recognized but unevenly operationalized, and the challenge is one of governance, not awareness. Strengthening implementation requires binding whole-of-government measures, parliamentary accountability, and protection of advocates. Without these, Article 5.3 risks remaining a shared aspiration rather than a shared standard.



Drawing together insights from six previously published interviews with Article 5.3 advocates from Southeast Asia, Latin America, Europe, Africa, the Eastern Mediterranean, and the Western Pacific, this synthesis confirms a familiar truth and pushes it further. Tobacco industry interference follows a remarkably consistent strategic logic across contexts. What differs, and matters most, is where public governance defenses repeatedly fail.

While Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) is universally recognized as essential, its translation from norm to practice varies sharply. This article therefore shifts the focus from what the industry does, which is well known, to where and why Article 5.3 protections succeed, stall, or collapse.

1. A Shared Playbook, Adapted to Context

The tobacco industry relies on familiar tactics, consistently adapted to different contexts. Across all six interviews, advocates describe the same core tactics, including sustained lobbying, cultivation of allies in non-health sectors, economic and employment narratives, misinformation on illicit trade and harm reduction, and the repositioning of new and emerging tobacco and nicotine products as public health solutions.

This shared playbook appears consistently in Thailand, Peru, Iran, Nigeria, the Netherlands, and across the Western Pacific. The key difference is not the tactic, but the institutional entry point where it gains traction. In stronger regulatory environments, interference tends to surface through procedural means such as litigation, parliamentary debate, or claims of legitimate consultation. In more constrained settings, the same tactics are amplified by fiscal dependence, regulatory gaps, or intimidation.

For policymakers, the relevant question is therefore not whether these tactics exist, but which parts of government remain structurally exposed to them.





2. Article 5.3 as a Governance Test, Not a Health Policy

A consistent pattern emerges across interviews. Article 5.3 is weakest when confined to ministries of health. In several contexts, including Thailand, Iran, and parts of the Western Pacific, awareness of Article 5.3 is relatively strong within health institutions but diminishes once authority shifts to ministries of finance, trade, or state-owned enterprises.

Peru illustrates a contrasting pathway. There, progress accelerated only after Article 5.3 was embedded in legislation and reframed as a whole-of-government obligation aligned with constitutional principles and regional precedents. The Netherlands presents a different variation. Article 5.3 is widely institutionalized across the executive branch and supported by formal protocols and transparency requirements, yet remains contested within Parliament.

Together, these experiences show that executive compliance alone is insufficient. Article 5.3 must be treated as a governance rule, not a sectoral guideline.





3. Structural Conflicts of Interest Shape Outcomes



Conflicts of interest are a universal barrier, but their nature is not uniform. In Thailand and Iran, state involvement in tobacco production or reliance on tobacco-related economic narratives creates structural constraints that cannot be addressed through transparency alone. In such contexts, Article 5.3 confronts embedded state interests rather than isolated instances of inappropriate engagement.

By contrast, in Peru and the Netherlands, where the state is not economically entangled in tobacco production, conflicts tend to be political and procedural. Nigeria illustrates another extreme, where weak institutional protection combines with political influence and intimidation, shifting the burden of enforcement onto individuals and civil society.

These contrasts underline a critical insight. Where conflicts of interest are structural, Article 5.3 cannot advance without broader governance reform.

4. Parliament as the Industry's Most Persistent Access Point

In several interviews, parliament emerges as the most persistent and least regulated entry point for tobacco industry influence. Even where executive agencies adopt strict non-engagement policies, legislators are frequently excluded from Article 5.3 safeguards.

This manifests differently across contexts, including competing draft bills and procedural delay in Peru, loopholes in Thailand, contested interpretations in the Netherlands, and minimal parliamentary rules in several low- and middle-income countries. Outcomes vary, but the pattern is consistent.

Without explicit parliamentary safeguards, Article 5.3 implementation remains structurally incomplete, regardless of executive-branch progress.





5. Civil Society: Central Everywhere, Protected Unequally



Civil society plays a decisive role in many contexts,, including monitoring industry interference, countering misinformation, and sustaining political attention. What differs dramatically is the level of institutional recognition and personal protection.

In Peru, civil society functions as a recognized policy partner. In the Netherlands, it operates as an external accountability mechanism reinforcing transparency. In Thailand and Iran, it compensates for passive or constrained institutions. Nigeria represents the most severe divergence, where advocacy occurs under conditions of intimidation, legal harassment, and credible threats to personal safety.

Where civil society bears primary responsibility for enforcement, Article 5.3 implementation is inherently fragile.

6. Evidence, Narrative Authority, and Political Will

Across the interviews, evidence is consistently described as necessary but rarely decisive. Where political leadership is weak, conflicts of interest persist, or institutional safeguards are absent, evidence alone fails to prevent tobacco industry interference.

Peru illustrates how trusted medical voices and regional precedents can shift legislative debate, while in the Netherlands and the Western Pacific, long-standing surveillance systems reinforce accountability. In other contexts, evidence struggles to overcome entrenched economic interests or political inertia.

Article 5.3 is therefore not primarily a technical challenge, but a political and ethical one.



Conclusion: One Norm, Multiple Realities

Taken together, these six interviews show that Article 5.3 is universally endorsed and widely understood, yet unevenly operationalized. The industry's tactics are familiar. What varies, and demands attention, are the institutional weak points that repeatedly allow interference to persist.

For FCTC Parties and those responsible for safeguarding tobacco control governance, three priorities emerge consistently. These are binding whole-of-government rules, explicit parliamentary safeguards, and protection for civil society actors tasked with enforcement. Without these measures, Article 5.3 risks remaining a shared aspiration rather than a shared standard.

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