

Monday, March 15, 2010

Right Honourable Stephen Harper
Prime Minister of Canada
House of Commons
Ottawa, Ontario
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Dear Prime Minister:

We are writing today to draw your attention to the depth of concern and embarrassment caused by the appointment of a tobacco industry official to chair a government agency with responsibilities for international health and to urge you to take action to ensure that this situation is not repeated.

Since March 2004, the Hon. Barbara McDougall has been on the Board of Directors of Imperial Tobacco Canada, the largest tobacco company in Canada and a wholly-owned subsidiary of one of the world's largest multinational tobacco companies, British American Tobacco (BAT).

Since January 2007, despite her obligations to protect tobacco industry interests, Ms. McDougall has been a member of the Board of the International Development Research Centre, and since December 2007 she has served 'at pleasure' as Chairperson of the Board (OIC 2007-1803).

It may once have been publically acceptable for former politicians to sit as directors of tobacco companies (Louis St. Laurent and Paul Martin are two other examples of Privy Council Officers who accepted directorship responsibilities for tobacco companies), and we accept that all Canadians have the legal right to do so.

The Canadian government, however, no longer has the right to appoint such individuals to positions which influence the setting or implementation of public health policy.

By ratifying the *Framework Convention on Tobacco Control (FCTC)* in 2004, Canada agreed to follow international law to protect public health from tobacco industry interference:

“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.” (FCTC, Article 5.3)

Furthermore, in November 2008 Canada agreed to detailed guidelines to interpret that obligation:

“not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy,”

“not allow any official or employee of government or of any semi/quasi-governmental body to accept payments, gifts or services, monetary or in kind, from the tobacco industry.”

“mandate a policy on the disclosure and management of conflicts of interest that applies to all persons involved in setting and implementing public health policies with respect to tobacco control, including government officials, employees, consultants and contractors.”

“formulate, adopt and implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry.”
(Guidelines for implementation, Article 5.3, FCTC)

In short, since at least November 2008, the appointment of Barbara McDougall to the Board of IDRC has been inconsistent with Canada’s obligations under the *FCTC*. And in intervening 16 months, your government has failed to take the necessary steps to develop the policies and codes of conduct required by the treaty.

Nor have any of the administrative actions that could have been taken by your government or its representatives to resolve or avoid this breach of the treaty been taken:

- Barbara McDougall has not voluntarily stepped down from either the IDRC or ITC;
- The government of Canada has not removed Ms. McDougall from her position at IDRC;

- The IDRC has not recused itself from work in public health or in international tobacco control.

This issue was brought to our attention by our colleagues in Africa, where IDRC is actively involved in tobacco control projects (funded by the Gates Foundation). We have heard expressions of concern from Ethiopia, Mauritius, Burkina-Faso, Russia and many other countries about the refusal of IDRC, Health Canada or other government departments to intervene to resolve the conflict once it was brought to light.

It is considered a very poor sign that Canada--with all its resources and with a reputation of global leadership in tobacco control and of transparency and good government to protect--is unable to implement the relatively simple task of protecting government departments and agencies from tobacco industry influence.

Prime Minister, we believe that your attention to this issue is warranted. We would be most grateful for your assurance that this situation will be corrected to prevent future conflicts of interest and violations of the *FCTC*.

The drafters of the global health treaty on tobacco control and the 169 Parties, including Canada, that have ratified this treaty understand the tragic toll of disease and death caused by tobacco industry products and the need to protect the citizens of the world from tobacco industry interference in the setting of public health policy.

The Government of Canada must act expeditiously to correct the egregious situation whereby a member of a tobacco company board of directors was appointed to chair the board of a prominent Canadian international health agency and must put in place measures to ensure that such a breach of Article 5.3 of the *FCTC* can never happen again.

Sincerely yours,

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