 **COLUMBIA**  
MAILMAN SCHOOL  
OF PUBLIC HEALTH  
GLOBAL CONSORTIUM  
ON CLIMATE AND  
HEALTH EDUCATION



**THE GLOBAL CONSORTIUM ON CLIMATE AND HEALTH EDUCATION,  
EARTHMEDIC & EARTHNUSE AND THE HEALTHY CARIBBEAN COALITION PRESENTS**

# **CARIBBEAN CLIMATE AND HEALTH NCDS WORKSHOP SERIES**

## **COMMERCIAL DETERMINANTS OF CLIMATE CHANGE & NCDS**

# DEFINING ‘COMMERCIAL DETERMINANTS OF HEALTH’

“The social, political, and economic **structures, norms, rules, and practices** by which business activities designed to generate profits and increase market share influence patterns of health, disease, injury, disability, and death within and across populations.”

Freudenberg et al (2021)

# DEFINING 'COMMERCIAL DETERMINANTS OF HEALTH'

- Former WHO Director-General Margaret Chan (2013):
  - “...efforts to prevent non-communicable diseases go against the business interests of powerful economic operators”*
  - “It is not just Big Tobacco anymore. Public health must also contend with Big Food, Big Soda, and Big Alcohol. All of these industries fear regulation, and protect themselves by using the same tactics.”*
  - “This is formidable opposition. Market power readily translates into political power. Few Governments prioritize health over big business. As we learned from experience with the tobacco industry, a powerful corporation can sell the public just about anything”*

# DIFFERENT INDUSTRIES, SAME 'PLAYBOOK'



# THE COMMERCIAL DETERMINANTS OF HEALTH: A CARIBBEAN PERSPECTIVE



- The tobacco industry playbook
- Guided by the global food and beverage industry
- Lobbying
- Political relationships on boards
- Corporate Social Responsibility
- Creating financial dependence
- Fund junk science
- Pressure the media
- Deflect with self-regulation
- Create false front groups
- Marketing

# LAW AND THE COMMERCIAL DETERMINANTS OF HEALTH

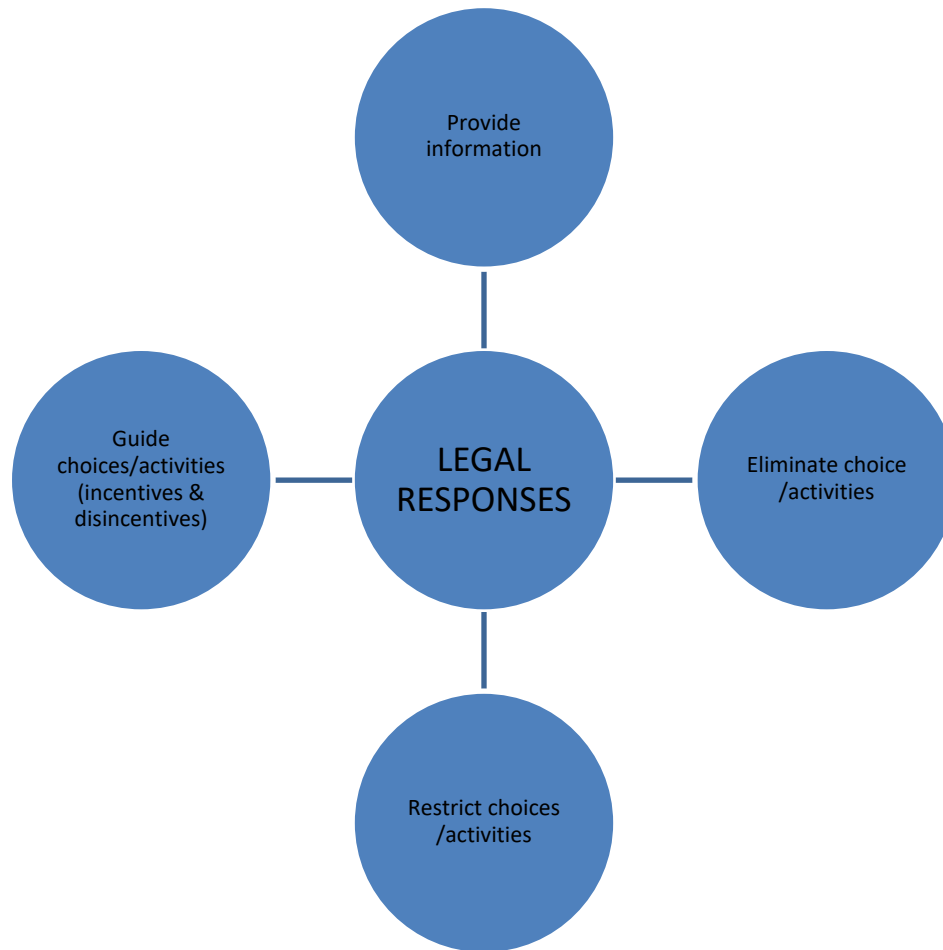
What role can *law* play in addressing the commercial determinants of health for both NCDs and climate change? ...

# LAW AND THE COMMERCIAL DETERMINANTS OF HEALTH

“Law has a particularly powerful role to play ... because of its ability to regulate the environments in which we live ....”  
(physical, social & economic)

Jonathan Liberman, ‘The role of law in reducing global cancer inequalities in Reducing social inequalities in cancer: evidence and priorities for research’ (2019)

# LAW AND THE COMMERCIAL DETERMINANTS OF HEALTH





# LAW AND THE COMMERCIAL DETERMINANTS OF HEALTH: INTERNATIONAL RESPONSES

Business & Human Rights

Article 5.3 of the Framework Convention on Tobacco Control

WHO Framework of Engagement with Non-State Actors

WHO Draft Approach for the Prevention and Management of Conflicts of Interest in the Policy Development and Implementation of Nutrition Programmes at Country Level

# LAW AND THE COMMERCIAL DETERMINANTS OF HEALTH: DOMESTIC RESPONSES

- **Surinamese Constitution Article 42(1)**

The law shall guarantee that the mode of exercise of trade and industry is no contrary to the national goals, the public interest and notably the public policy, health, morality and state security

- **Staff Orders / Codes of Conduct**

- e.g Staff Orders for the Public Service of St Lucia

- **Freedom of Information Acts**

- The Access to Information Act 2002 (Jamaica) / Freedom of Information Act 1999 (Trinidad )

# LESSONS FROM THE CLIMATE CHANGE SPACE

- One of the important lessons relates to the potential of **human rights law** as a tool to advance work in this area through **strategic litigation**.
- Significant litigation across the globe on climate change raising issues of not just the right to health specifically, but also children's right to right to life etc.
- Also the potential raised by the recent recognition of the right to a healthy environment.
- It is worth exploring some of that potential within the NCD space and see how it can be leveraged to accelerate work/progress in both areas.
- Opportunity for greater collaboration across the two sectors as well facilitating sharing of knowledge and tools.