

**NIGERIA**

2021

**TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX**

## Acknowledgement

The Nigeria Tobacco Interference Index 2021 will form part of the Global Tobacco Industry Interference Index – a global survey of how public health policies are protected from the tobacco industry’s subversive efforts and activities, and what governments must do to push back the industry influence. The Tobacco Industry Interference Index was initiated by the South East Asia Tobacco Control Alliance (SEATCA) as a regional report. Now with support from Bloomberg Philanthropies’ Stopping Tobacco Organisations and Products (STOP), it is part of a global publication of the Global Center for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University.

This report was written by Akinbode Oluwafemi and Philip Jakpor, both seasoned tobacco control advocates in Nigeria working with Corporate Accountability and Public Participation Africa (CAPPA). The technical advice and support of Mary Assunta and Yodhim Dela Rosa are acknowledged in the preparation of this report.

### For more queries contact:

#### **Corporate Accountability and Public Participation Africa (CAPPA)**

Plot 397b George Crescent, Agbalajobi Estate,  
Off Wempco Road, Ogba  
Lagos, Nigeria  
Email: [info@cappaafrica.org](mailto:info@cappaafrica.org)  
Tel: +234 808 294 5214  
Website: <https://cappaafrica.org/>

#### **Abuja Office**

Suite C13/C14, H & A Plaza,  
Olusegun Obasanjo Way, Wuye,  
Abuja, Nigeria  
Email: [info@cappaafrica.org](mailto:info@cappaafrica.org)  
Tel: +234 808 294 5214



Corporate  
Accountability &  
Public  
Participation  
Africa

## Foreword

---

The Nigeria Tobacco Industry Interference Index Report 2021 documents the web of unnecessary interactions between the tobacco Industry and public officials that clearly violate Article 5.3 of the World Health Organisation - Framework Convention on Tobacco Control (WHO-FCTC). Like the preceding report, the 2021 edition exposes collaborations, endorsements, and partnerships that British American Tobacco Nigeria Foundation (BATNF), Philip Morris and other tobacco entities use to project the image of social responsibility to win public acceptance while their true objective is to thwart the regulation of their business or influence same for selfish interest.

The report is replete with industry initiatives in various spheres, especially in the agricultural sector, that seem innocuous but are snares. The noticeable presence of top government officials in most of the engagements continue to give them some semblance of legitimacy and has spurred the industry to explore new areas where collaborations could work. For instance, this report documents how BATNF escalated its agricultural interventions beyond peasant farmers, to partnering with a federal government scheme, compelling fresh graduates from tertiary institutions to compete for grants to scale up projects in the agricultural sector.

Most worrisome however, is the fact that the tobacco entities operating in Nigeria continue to exploit the delayed enforcement of the National Tobacco Control (NTC) Act 2015 and the NTC Regulations 2019 to initiate interactions aimed at shaping public perception about the tobacco industry arguing that tobacco products are not as harmful as they are being presented.

It is anticipated that this document will add to the trove of tobacco control resources available to galvanize public officials, civil society, the media, and the public to redouble efforts at demanding the enforcement of the NTC Act 2015 and the NTC Regulations 2019.

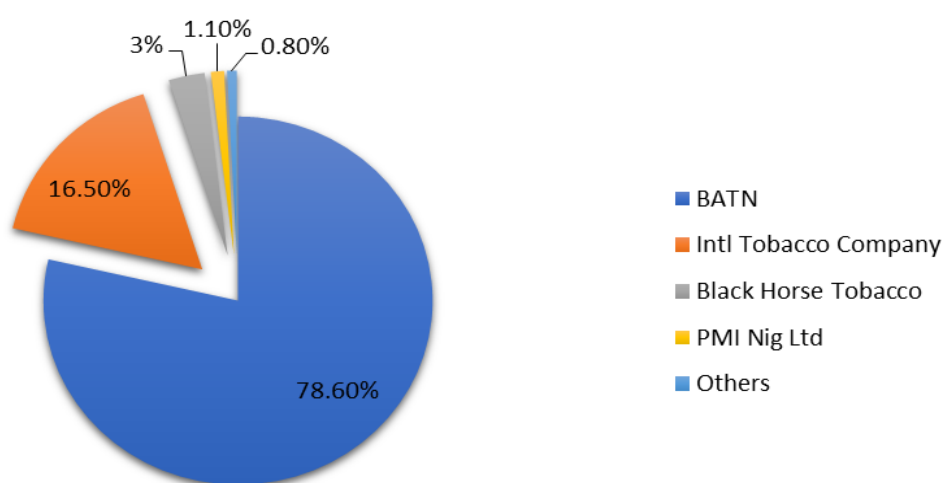
**Mr. Akinbode Oluwafemi**

Executive Director, Corporate Accountability & Public Participation Africa

## Background and Introduction

Nigeria has emerged as Africa's largest economy, with a GDP estimated at US\$ 508 billion in 2017. Nigeria is one of the five main tobacco production hubs in Africa, with British American Tobacco Nigeria (BATN) serving both local and international markets. 2016 Company shares of cigarette volumes reveals that British American Tobacco Nigeria Limited control 78.6% market share, International Tobacco Company Limited has 16.5% market share, Black Horse Tobacco Company Limited has 3%, Philip Morris International Nigeria Limited has 1.1% while others constitute about 0.8% of the Market share in Nigeria (Source: Euromonitor International Cigarettes in Nigeria Report, August 2017).

### Tobacco Company Market shares of Cigarette 2016



Domestic market share accounts for about 66%, imported market share accounts for 24% while illicit market share accounts for about 10% of tobacco market supply in Nigeria. Nigeria ratified the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) on 20 October 2005, and it entered into force on 18 January 2006. Nigeria enacted the National Tobacco Control Act on 10 June 2015. The Act covered several areas of tobacco control including regulation of smoking, the prohibition of tobacco advertising, promotion and sponsorship, regulation of tobacco products, contents and product packaging, licensing, and protection from tobacco industry interference, among others. Much could not be done on implementing the Act because the law empowered the Federal Ministry of Health to draft regulations for implementation and send the draft to the legislature for approval; this did not only delay implementation but also subjected the regulation to thorough debates at both chambers of the country's bi-cameral legislature. After about 4 years of campaign and efforts by advocates and the Federal Ministry of Health, the National Tobacco Control Regulations was approved in 2019 to give more clarity to stakeholders' obligations for effective tobacco control.

The country had its share of industry interference in years past despite having ratified the WHO-FCTC which requested Parties to protect their tobacco control policies from commercial and other vested interests of the tobacco industry (Article 5.3). A lot needs to

be done to ensure the effective implementation of laws and policies if tobacco control in the country will ever be in its rightful place.

This is the second report from Nigeria, and it takes a cursory look at tobacco industry participation in policy development in the country, their misleading CSR activities, benefits to the tobacco industry, unnecessary interactions between the industry and Government officials, transparency in dealings with the industry, conflict of interest and preventive measures, among others. The report covers the 2019 and 2021 period.

Methodology of this report is based on the Tobacco Industry Interference Index initiated by the South-East Asia Tobacco Control Alliance (SEATCA) and the 20 questions are based on Article 5.3 recommendations. A scoring system (0 – 5) is used where the higher score indicates the stronger tobacco industry interference.

## Summary Findings

---

### 1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry still participates in policy development in Nigeria. The tobacco industry was invited and participated in the meetings organised by the federal government, including a Public Hearing towards the passage of the National Tobacco Control Regulation 2019. The tobacco industry enjoys consistent invitations from the Standards Organization of Nigeria (SON) to their meetings where supposed classified resolutions on standards are discussed, and agreements are reached.

### 2. INDUSTRY CSR ACTIVITIES

The industry still engages in so-called CSR activities in various sectors in Nigeria. Many of such engagements are in the public domain and are even celebrated in the media and on social media, especially on facebook and twitter. BATNF is particularly very visible and loud in its sponsorship of agricultural initiatives that have the endorsement of state governments across the country. In 2021, BATNF partnered with the National Youth Service Corps (NYSC) – a federal government youth scheme to supposedly empower young agriculture entrepreneurs financially. To qualify for the scheme, applicants must be young Nigerians with viable agri-business model, and they must demonstrate strong passion for agriculture.

### 3. BENEFITS TO THE INDUSTRY

It could not be ascertained if there are new benefits to the industry within the period under review. However, it is public knowledge that British American Tobacco Nigeria (BATN) benefitted from the Export Expansion Grant (EEG) Scheme initiated by the Nigeria Export Promotion Council (NEPC) until it was rested in 2013.

International travellers entering Lagos can bring in duty free 200 cigarettes or 50 medium sized cigars or 200 grammes of tobacco.

### 4. UNNECESSARY INTERACTION

There is evidence of unnecessary interaction between the tobacco industry and government, most especially in the agriculture sector. The industry is also part of some committees set up by government which makes interactions with public officials plausible.

### 5. TRANSPARENCY

The National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 provide for transparency and accountability in government dealings with the tobacco industry. **Section 25** of the National Tobacco Control Act stipulates that all meetings involving government and the industry should be conducted in transparent manners and the details made readily available to the public. However, the implementation and enforcement of the provisions of the Act and Regulations violates this as state and federal

government officials hold some meetings and interactions with the tobacco industry without publicly divulging the details.

## 6. CONFLICT OF INTEREST

There are existing policies and laws in Nigeria that explicitly provide for the prevention and management of conflict of interest in dealings with the tobacco industry. The National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 clearly deals with how to handle such conflict of interest.

## 7. PREVENTIVE MEASURES

Preventive measures are provided for in the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019

## Recommendations

The Nigerian government must do the following:

- Fully implement the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019.
  - Provide information of its dealings, interactions, economic incentives, and benefits that the Tobacco industry receives from it.
  - Synergy between the federal and states government in putting in place processes for full disclosure of minutes and proceedings of meetings and interactions with the tobacco industry should be institutionalized.
  - Ministries, departments, and agencies of government should consistently update their websites and other information platforms for easy information dissemination and transparency.
  - Government officials in relevant ministries, departments and agencies must be made to sign conflict-of-interest forms periodically to remind them of commitments or obligations that may compromise their office and operations.
-

## 2021 Tobacco Industry Interference Index Results and Findings

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
1. The government <sup>1</sup> accepts, supports, or endorses any offer for assistance by or in collaboration with the tobacco industry in setting or implementing public health policies in relation to tobacco control (Rec 3.1)				3		
The tobacco industry was invited by Nigeria’s National Assembly for inputs and memorandum during the Public Hearings on the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 held in April 2019. This is in line with the government practice of consulting with all stakeholders in the processes leading to passage of any Act in the National Assembly.						
2. The government accepts, supports, or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)				3		
Government agencies such as the Standards Organisation of Nigeria (SON) usually involve the tobacco industry in consultations and drafting of policies on tobacco control. In 2020 the Federal Ministry of Industry, Trade and Investment also received a tobacco industry proposal on the need for a Policy on Conventional Tobacco and Non-Combusted Alternatives to Cigarette Smoking <sup>2</sup> . The contents and language of the proposal were like Philip Morris arguments on combustible cigarettes and its HTP brand, IQOS. However, pressure from tobacco control groups forced the Ministry to jettison its adoption.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)					4	
The tobacco industry is on various technical committees set up by the SON. On the website of the agency, specific mention is made about a technical committee on draft standard on other combustible tobacco products and Heated Tobacco Products (HTPs) and a two-day meeting <sup>3</sup> which had representatives of the tobacco industry in attendance in October 2019. Some of the tobacco industry representatives in attendance were Scandinavian Tobacco Group, BATN, Japan Tobacco International, International Tobacco Ltd, Ilorin, Philip Morris Ltd, Louis Vera Global Services Ltd, International Marketing Promotional Services Ltd, Black Horse Tobacco Co. Ltd, FMCG Distributions Limited, House of Steward Ltd. At the end of deliberations, the Technical Committee						

<sup>1</sup> The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

<sup>2</sup> Premium Times. Reject tobacco industry-sponsored draft policy on cigarettes alternatives, Groups urge Minister of Industry. July 29, 2020. <https://www.premiumtimesng.com/news/more-news/405753-reject-tobacco-industry-sponsored-draft-policy-on-cigarettes-alternatives-groups-urge-minister-of-industry.html>

<sup>3</sup> Standards Organisation of Nigeria website: <https://son.gov.ng/son-boosts-healthcare-with-consideration-of-new-standards-for-tobacco-products>



achieved consensus on three of the draft standards while that for Pipe Tobacco was stepped down on the request of regulators to give room for further inputs and future consideration.



Group photograph of representatives of the tobacco industry at the two-day meeting on the draft standard on other combustible tobacco products and Heated Tobacco Products (HTPs) organised by the Standards Organisation of Nigeria in October 2019

<p>4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 &amp; 5, INB 4 5, WG) (Rec 4.9 &amp; 8.3)</p>		1				
--	--	---	--	--	--	--

Prior to the Eighth Session of the Conference of Parties (COP8) to the WHO-FCTC which held in Geneva in 2018, Nigerian delegations to the negotiations comprised of government officials and delegations with affiliation to the tobacco industry. But at the COP8, Dr. Osagie Ehanire (substantive minister of health) who was then minister of state for health, compelled all delegates to the negotiations to sign a mandatory declaration of interest form<sup>4</sup>. Ehanire also announced that this would be the practice henceforth. It is anticipated that this initiative will stamp out the industry’s infiltration of Nigeria’s delegations attending the negotiations and other subsidiary bodies.

**INDICATOR 2: Industry CSR activities**

<p>5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives contributions (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)</p>					4	
--	--	--	--	--	---	--

<sup>4</sup> Environews. Nigeria got it right at tobacco treaty talks says ERA/FoEN October 15, 2018 <https://www.environewsnigeria.com/nigeria-got-it-right-at-tobacco-treaty-talks-says-era-foen/>

	0	1	2	3	4	5
<p>Government at federal and state levels partner and receive contributions and donations from the tobacco industry. The partnerships cut across the agriculture and education sectors and philanthropic engagements.</p> <p>On BATNF website, state governments listed are actively involved and collaborating with the foundation in agriculture and food security projects include: Benue State FADAMA Coordinating Office, Ebonyi State FADAMA Coordinating Office, Kaduna State Agricultural Development Program, Kogi State Agricultural Development Program, Kwara State Agricultural Development Program, Niger State FADAMA Coordinating Office, Ogun State Agricultural Development Program, and Osun State FADAMA Coordinating Office, among others.</p> <p>The Lagos State Agricultural Development Authority (LSADA) has a long history of partnership with the BATNF. In March 2020, the LSADA members received 250kg coal smoking-kilns from the foundation. At that event, the Lagos State Commissioner for Agriculture, Mr Gbolahan Lawal, commended BATNF for its “continuous support to agriculture in Lagos State”.</p> <p>In July 2020, the Foundation equally partnered the Abia State FADAMA to distribute certified rice seedlings to smallholder farmers<sup>5</sup>.</p> <p>BATNF and other tobacco companies also engage government at different levels in philanthropic engagements. In March 2020, the Kwara State government announced receipt and appreciation of the donation of 10,000 hand sanitizers and 7,400 face masks from the International Tobacco Company – the local producer of Philip Morris International brands in Nigeria to tackle the spread of the virus<sup>6</sup>.</p> <p>BATNF is also currently partnering the National Youth Service Corps (NYSC) under its Skills Acquisition and Entrepreneurship Development (SAED) Programme<sup>7</sup> which began in 2019. Under the scheme, tagged #farmersforthefuture, youth corps members and young people with viable agri-business ideas are supported with equity-free capital and other associated support they may require scaling their businesses. In the 2021 edition, BATNF made a financial commitment of N16 million in cash and business support for grantees<sup>8</sup>.</p>						

<sup>5</sup> <https://twitter.com/BATNFoundation/status/1281535725280919552>

<sup>6</sup> The Nation Newspaper. Kwara Shuts Borders to Fumigate Markets  
 March 31, 2020 <https://thenationonlineng.net/covid-19-kwara-shuts-borders-to-fumigate-markets/>

<sup>7</sup> BusinessDay. BATNF commences season 2 of Farmers for the Future Project March 11, 2021  
<https://businessday.ng/news/article/batnfs-commences-season-2-of-farmers-for-the-future-project/>

<sup>8</sup> The Nation Newspaper. Targeting Youths for Farming  
 March 17, 2021 <https://thenationonlineng.net/targeting-youths-for-farming/>

BATN Foundation Retweeted



**BATN Foundation**  
@BATNFoundation

#BATNF in partnership with Abia state Fadama distributed certified rice seeds to smallholder farmers in the state.  
#WealthIsHere  
#supportsmallholderfarmers  
#MakingADifferenceHere



11:28 AM · Jul 10, 2020 · Twitter Web App

Members of the Abia State FADAMA receiving the certified rice seeds distributed by BATNF<sup>9</sup>

## Farmers for the Future

SEMI FINALIST

**Joseph Paul**  
BUSINESS NAME: FARMERS FRIEND  
AGRIC SECTOR: LIVESTOCK/ANIMAL HUSBANDRY

**SERVICE RENDERED:**  
FARMERS FRIEND is into cuniculture and aims to address the scarcity of its end product in the society because Rabbit meat is healthy.  
It contains less calories than other meats and is heart friendly.

Relevant people

Meet the #farmersforthefuture cohort 2.0 Semi-finalist

#BATNF  
#farmersforthefuture  
#WealthIsHere  
#supportsmallholderfarmer  
#NYSC

11:30 AM · May 7, 2021 · Hootsuite Inc.

2 Likes

One of the semi-finalists in the NYSC-BATNF #farmersforfuture initiative

<sup>9</sup> <https://twitter.com/BATNFoundation/status/1281535725280919552>

<sup>10</sup> <https://twitter.com/BATNFoundation/status/1390614909411594240/photo/1>

	0	1	2	3	4	5
<b>INDICATOR 3: Benefits to the Tobacco Industry</b>						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)					4	
<p>The Nigerian government fixed June 23, 2021, as take-off date for the policy on PHWs on tobacco products packs in Nigeria. Disturbingly after the June 23 take-off date, there has been no sanction for defaulting tobacco companies and no official communication from the government that an extension has been granted to the tobacco companies.</p>						
7. The government gives privileges, incentives, exemptions, or benefits to the tobacco industry (Rec 7.3)			2			
<p>Tobacco companies initially enjoyed the Export Expansion Grant (EEG) Scheme which started in 1999. Under the scheme, Nigerian exporters can get between 5% to 15% of their annual export value, depending on exporters' product category. It was targeted at improving the competitiveness of Nigerian products and commodities and expand the country's volume and value of non-oil exports. The tobacco companies were also exempted from the ECOWAS tax directives which prescribed a minimum of 50 per cent duty plus a specific excise tax of at least 0.02 dollars per stick of cigarette.</p> <p>Due to the secrecy surrounding the Nigerian government and tobacco industry dealings, it is difficult to ascertain if the tobacco industry still enjoys the incentive. The Nigerian government is reluctant to give a list of organizations that have benefitted from the grants in any given year and to what extent.</p> <p>International travellers entering Nigeria can bring in duty free 200 cigarettes or 50 medium sized cigars or 200 grammes of tobacco.<sup>11</sup></p>						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
8. Top level government officials (such as President/ Prime Minister or Minister) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)					4	

<sup>11</sup> Nigeria Customs Currency Airport Tax Regulations. <https://www.iatatravelcentre.com/ng-nigeria-customs-currency-airport-tax-regulations-details.htm>



There is substantial evidence that top level government officials engage in unnecessary interactions with tobacco companies and attend their functions. In November 2020, the Lagos Commissioner for Agriculture, Ms. Bisola Olusanya commended BATNF for its continuous support to the development of agriculture in Lagos at an event organised by the Lagos State Agricultural Development Authority (LSADA) in collaboration with the BATN Foundation to train catfish farmers<sup>12</sup> in the state.



Facebook screen grab of officials of the Lagos Ministry of Agriculture and members of LSADA at the BATNF training<sup>13</sup>

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to		2	
---	--	---	--

<sup>12</sup> Lagos State Government Blog. LSADA partners BATN Foundation to train 200 catfish farmers on best practices November 26, 2020 <https://lagosstate.gov.ng/blog/2020/11/26/lsada-partners-batn-foundation-to-train-200-catfish-farmers-on-best-practices/>

<sup>13</sup> Facebook: <https://www.facebook.com/492378324116772/posts/lsada-partners-batn-foundation-to-train-200-catfish-farmers-on-best-practicesthe/3697461946941711/>

	0	1	2	3	4	5
minors. (Including monetary contribution for these activities) (Rec 4.3)						
<p>Though there is no reference to partnerships between the BATN or any tobacco entity and the Nigerian Customs Service (NCS) on the agency’s website, the NCS and BATN have had a long robust relationship on the supposed fight against illicit tobacco trade since 2001. The current Comptroller of the NCS, Col. Hameed Ali even paid a working visit to BATN Ibadan Plant in 2016 and made mention of the agency’s partnership with the company to ensure “smooth operations and drive more revenue to improve the economy.”</p> <p>In the World Intellectual Property Organisation (WIPO) Magazine published in September 2018<sup>14</sup>, the NCS-BATN collaboration was also mentioned as helping to significantly reduce the smuggling of cigarettes into Nigeria and, boosting BATN’s commercial performance. The magazine also mentioned a capacity building training for frontline officers of the NCS involving Japan Tobacco International.</p> <p>The NCS was mentioned in a tax waiver scandal involving Orion Agro Industries Nigeria Limited<sup>15</sup> – a firm that is alleged to have been getting waivers to import cigarettes into Nigeria since 2003.</p>						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.					4	
<p>In August 2019, the National Youth Service Corps (NYSC) – a federal government scheme, accepted an offer of partnership for training for corps members by BATNF. During a courtesy visit by BATNF General Manager, Lolade Johnson to the NYSC Abuja office, Director-General of the NYSC, Brigadier General Shuaibu Ibrahim expressed gratitude to the Foundation and willingness of the scheme to partner with BAT towards corps members empowerment and job creation<sup>16</sup>. The Nigeria Meteorological Agency (NiMET) is also in partnership and has signed an MOU with BATNF to provide weather information to its farmers<sup>17</sup>.</p>						
<b>INDICATOR 5: Transparency</b>						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)					4	
<p><b>Section 25</b> of the National Tobacco Control Act 2015 stipulates transparency, openness and publicly available records of meetings and all interactions with the tobacco industry. Unfortunately, most government ministries, unwilling to disclose information, introduce bureaucratic processes and sometimes, refer to the Official Secrets Act which prohibits what any branch of government classifies as unauthorised information to justify withholding information.</p>						

<sup>14</sup> WIPO Magazine special issue 10/2018 [https://www.wipo.int/wipo\\_magazine/en/2018/si/article\\_0002.html](https://www.wipo.int/wipo_magazine/en/2018/si/article_0002.html)

<sup>15</sup> Vanguard. Probe financial activities of Ilorin based Tobacco firm- Group tells EFCC  
May 9, 2019 <https://www.vanguardngr.com/2019/05/probe-financial-activities-of-ilorin-based-tobacco-firm-group-tells-efcc/>

<sup>16</sup> SUN Newspaper. NYSC partners NAFDAC on drug abuse  
August 1, 2019 <https://www.sunnewsonline.com/nysc-partners-nafdac-on-drug-abuse/>

<sup>17</sup> Guardian. How PPP in weather information boosts food production  
March 18, 2019. <https://guardian.ng/features/how-ppp-in-weather-information-boosts-food-production/>

	0	1	2	3	4	5
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)			2			
The National Tobacco Control Regulations 2019 Section 7(g) provides for full annual report and disclosure of tobacco industry subsidiaries, entities, affiliated organizations, joint ventures, partners, suppliers, licensees, agents, and individuals acting on their behalf including lobbyists. The implementation of the law has not begun.						
<b>INDICATOR 6: Conflict of Interest</b>						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)					4	
<b>Section 27</b> of the National Tobacco Control Act 2015 is explicit in disallowing the funding of political parties by the tobacco industry but there is no way of ascertaining if there is a breach of this law as funding of political parties in Nigeria is shrouded in secrecy.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)					4	
<ul style="list-style-type: none"> <li>Former President of the Nigerian Senate (2015-2019), Dr. Bukola Saraki<sup>18</sup> is alleged to have links with Orion Agro Industries Nigeria Limited, manufacturing cigarettes in Ilorin Kwara state.</li> <li>Chief Kola Jamodu the current Chairman of BATNF was formerly a Minister of Trade. BATNF is known for appointing former top Government officials as chairmen.</li> <li>Mr. Aminu Bashir Wali, Minister for Foreign Affairs 2014-2015, Chairman International Tobacco Company.</li> </ul>						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
There is no information suggesting that current government officials are holding any position in the tobacco business in Nigeria.						
<b>INDICATOR 7: Preventive Measures</b>						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)			2			
The National Tobacco Control Act 2015 has a provision addressing this issue. The Federal Ministry of Health is currently developing a memo to that effect.						

<sup>18</sup> Vanguard Newspaper. Probe financial activities of Ilorin-based tobacco firm – Group tells EFCC, May 9, 2019  
<https://www.vanguardngr.com/2019/05/probe-financial-activities-of-ilorin-based-tobacco-firm-group-tells-efcc/>

	0	1	2	3	4	5
17. The government has formulated, adopted, or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)		1				
<p><b>Section 27</b> of the National Tobacco Control Act 2015 prohibits the tobacco industry from offering any donation to any Government entity. Section 27a of the same Act forbids any public official from accepting or soliciting contributions from the tobacco industry.</p> <p><b>Section 28</b> of the Act provides for prevention and management of conflict of interest in dealings between public officials and the tobacco industry. That section also recommends full disclosure of existing or prior affiliation with the tobacco industry.</p>						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues, and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)		1				
<p><b>Section 18</b> of the National Tobacco Control Regulations 2019 requires the tobacco industry to submit reports on tobacco and tobacco products.</p>						
19. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)				3		
<p>The National Tobacco Control Strategic Plan currently being developed addresses this issue.</p>						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials, and their relatives. (3.4)		1				
<p><b>Sections 27 and 28</b> of the National Tobacco Control Act 2015 are explicit in disallowing contributions and gifts from the tobacco industry to government, its agencies, officials, and their relatives.</p>						
<b>TOTAL</b>				<b>53</b>		



## ANNEX A: SOURCES OF INFORMATION

### TOBACCO INDUSTRY ACTIVITY

#### LOCAL TOBACCO COMPANIES

Top 5 Tobacco Companies/distributors	Market Share and Brands	Source
International Tobacco Company	16.5%	Internet, Euromonitor in Nigeria 2017 report
Leaf Tobacco and Commodities Nigeria Limited	Not Available	Internet
Black Horse Tobacco Company	3.0%	Internet, Euromonitor in Nigeria 2017 report
Greg Jane International Limited	Not Available	Internet
Orion Agro Industries Limited	Not Available	Internet

#### TOBACCO INDUSTRY FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	URL
Manufacturers Association of Nigeria	A business platform established in Nigeria to protect and promote the collective interest of manufacturers	<a href="https://www.manufacturersnigeria.org/">https://www.manufacturersnigeria.org/</a>
Initiative for Public Policy Analysis	A think tank founded in 2002 to provide market-oriented analysis of current and emerging policy issues, with a view to influencing the public debate and the political decision-making	<a href="https://www.ippanigeria.org/">https://www.ippanigeria.org/</a>
Business Renaissance Group	Nongovernmental organisation	<a href="https://www.vanguardngr.com/2018/06/group-heads-court-fg-okays-new-excise-rates-tobacco-alcoholic-beverages/">https://www.vanguardngr.com/2018/06/group-heads-court-fg-okays-new-excise-rates-tobacco-alcoholic-beverages/</a>

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	URL
Sustained Development Collective	Nongovernmental organisation	<a href="https://www.vanguardngr.com/2018/06/fg-approves-new-excise-duty-rates-alcoholic-beverages-tobacco/">https://www.vanguardngr.com/2018/06/fg-approves-new-excise-duty-rates-alcoholic-beverages-tobacco/</a>
Nigeria Independent Tobacco Farmers Association	Nongovernmental organisation	<a href="https://www.business-humanrights.org/en/nigeria-farmers-allege-british-america-tobacco-putting-them-in-modern-slavery-claim-child-labour-used-to-reduce-costs-as-a-result">https://www.business-humanrights.org/en/nigeria-farmers-allege-british-america-tobacco-putting-them-in-modern-slavery-claim-child-labour-used-to-reduce-costs-as-a-result</a>

## NEWS SOURCES

Top 5 Newspaper/Dailies	Type (Print/Online)	URL
BusinessDay	Print/Online	<a href="https://businessday.ng/">https://businessday.ng/</a>
ThisDay	Print/Online	<a href="https://www.thisdaylive.com/">https://www.thisdaylive.com/</a>
Premium Times	Online	<a href="https://www.premiumtimesng.com/">https://www.premiumtimesng.com/</a>
Guardian	Print/Online	<a href="http://guardian.ng/">http://guardian.ng/</a>
Vanguard	Print/Online	<a href="https://www.vanguardngr.com/">https://www.vanguardngr.com/</a>



**Corporate  
Accountability &  
Public  
Participation  
Africa**

**Lagos Office: 397b George Crescent, Agbalajobi Estate,  
Off Wempco Road, Ogba, Lagos, Nigeria  
Abuja Office: Suite 131, H& A Plaza, Olusegun Obasanjo Way, Wuye, Abuja  
+234-8082945214**

**e-mail: [collaboration@cappafrica.org](mailto:collaboration@cappafrica.org) Website: [www.cappafrica.org](http://www.cappafrica.org)**