

ZAMBIA

2020

TOBACCO
INDUSTRY
INTERFERENCE
INDEX



ZAMBIA TOBACCO INDUSTRY INTERFERENCE INDEX 2020

**THE ZAMBIA REPORT ON THE
IMPLEMENTATION OF ARTICLE 5.3 OF
THE WHO FRAMEWORK CONVENTION ON
TOBACCO CONTROL
MARCH 2020**

Acknowledgement

The Tobacco Free Association of Zambia (TOFAZA) would like to thank tobacco control stakeholders and partners for contributing content and information for the production of this report.

The information from this report will form part of the Global Tobacco Industry Interference Index, a global survey on how public health policies are protected from the industry's subversive efforts, and how governments have pushed back against this influence.

The tobacco Industry Interference Index was initiated by the South-East Asia Tobacco Control Alliance (SEATCA) as a regional report with support from the Bill and Melinda Gates Foundation. The Global Tobacco Industry Interference Index is part of a global publication of the Global Centre for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University and the Stopping Tobacco Products and Organisations (STOP) project with support from Bloomberg Philanthropies. The survey covers the period between January, 2018 to December, 2019.

Background and Introduction

Zambia became a Party to the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC), on 23 May, 2008 by means of Accession, following the depositing of treaty instruments at the UN Headquarters in New York. The treaty came into force 90 days following the signing of the treaty, on 21 August, 2008. By ratifying the WHO FCTC, Zambia is obliged to reduce tobacco use through demand reduction and supply reduction measures.

According to WHO estimates, Zambia is among the top five tobacco leaf growing in Africa and accounted for 9.7% of tobacco leaf production in Africa in 2012. Consecutive Zambian National Development Plan have emphasized the importance of tobacco production to the Zambian economy. The Agricultural land devoted to the harvesting of tobacco in Zambia increased to 1.90% between 1996 and 2016 and the export quantity increased by nearly 800% in the same period¹.

Zambia has also moved to a greater capacity for the processing of tobacco leaf and manufacturing of tobacco products. In 2018, British American Tobacco Zambia and Roland Imperial Tobacco opened cigarette manufacturing facilities in the Multi – Facility Economic Zone with the production of 20 million cigarettes daily aimed at both the export and domestic market².

In view of the above highlighted macroeconomic and development trends in the tobacco sector and especially that Zambia is now both a tobacco growing and manufacturing country, there is urgent need to ascertain why Zambia is moving in the opposite direction of the WHO FCTC implementation. The role of tobacco industry interference in public health tobacco control policies has to be reviewed.

Tobacco Use Prevalence and Consumptions Patterns

The tobacco use prevalence and consumption patterns cited in this section is derived from the findings of the Investment Case for Tobacco Control in Zambia, done in 2019. The report highlights the following:

According to the STEPS Survey³, 15.8 percent of adults currently use some form of tobacco; 12.3 percent of adults are current smokers and 4.5 percent use smokeless tobacco. Most smokers (67.9%) consume manufactured cigarettes, and about half of smokers consume roll your own (RYO) cigarettes. The vast majority (88%) of RYO users cite the lower cost as the main reason for smoking RYO cigarettes; factory-produced cigarettes are around four times more expensive than RYO cigarettes⁴. The purchase of single stick cigarettes is also common in Zambia; 49 percent of smokers report their last purchase of cigarettes being single sticks⁵.

Tobacco use prevalence is higher among men than women (24% of men use tobacco, compared to 7.8% of women)⁶. For both men and women, the prevalence of current tobacco use tends to

¹ Zambia Country Profile (2020), Tobacco Tactics, www.tobaccotactics.org/index.php

² Zambia Country Profile (2020), Tobacco Tactics, www.tobaccotactics.org/index.php

³ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

⁴ ITC Zambia National Report, Findings from Wave 1 and 2 Surveys (2012-2014). December, 2015, University of Waterloo: Waterloo, Ontario, Canada.

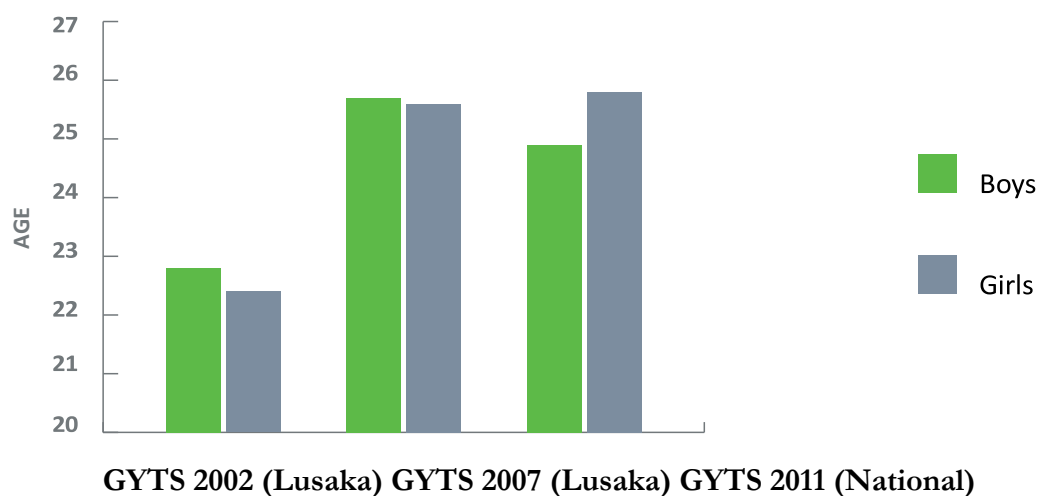
⁵ ITC Zambia National Report. Findings from the Wave 1 and 2 (2012-2014) Surveys. Executive Summary. 2015, University of Waterloo: Waterloo, Ontario, Canada.

⁶ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

increase with age. Tobacco use is also positively correlated with lower levels of income and education. The poorest 20 percent of the population is more likely to consume tobacco (18.8%) than the middle 20 percent of income earners (9.4%) and those with no education are substantially more likely to consume tobacco (17.7%) than those with secondary education or higher (~8%)⁷

Tobacco use prevalence has increased among youth (**Figure 1**). In 2002, the Global Youth Tobacco Survey (GYTS) in Lusaka found that among school-attending youth aged 13 to 15, 22.8 percent of boys and 22.4 percent of girls consumed tobacco [11]. In 2007 for the same study in Lusaka, this percentage had climbed to 28.7 percent of boys and 27.7 percent of girls [12]. The national-level GYTS study in 2011, showed that 24.9 percent of boys and 25.8 percent of girls used tobacco products⁸.

Fig. 1: Tobacco consumption from 2002–2011 among school-attending youth ages 13–15
Source: 2002, 2007, 2011 Global Youth Tobacco Survey



That girls use tobacco at similar or higher rates than boys indicate shifting perspectives of tobacco consumption among girls. This may be due, in part, to the tobacco industry’s increasing efforts to target females using gender-specific messaging, linking tobacco consumption with female empowerment and vitality.

Contributing to the tobacco epidemic particularly among youth, but also among adults, is the fact that purchase of single stick cigarettes is legal and common in Zambia. Although the per stick price is higher for single cigarettes versus buying a whole pack, single stick sales make purchasing cigarettes accessible for youth. Further, while sales to those under 16 years of age is prohibited, 23 percent of youth aged 13–15 years currently smoke and purchase cigarettes from stores⁹.

In addition, the tobacco industry remains free to market to youth by advertising at point of sale. Vending machines, internet sales and the sale of sweets, snacks, toys or any other objects made to look like tobacco products (these appeal to minors) are not prohibited. Menthol cigarettes encourage youth initiation of smoking by making cigarettes feel less harsh. All of these factors

⁷ Zambia Demographic and Health Survey 2013-14. 2015, Central Statistical Office (CSO) [Zambia], Ministry of Health (MOH) [Zambia], ICF International: Rockville, MD.

⁸ Global youth tobacco survey (GYTS) - Zambia, Z.M.o. Health and W.H. Organization, Editors. 2011.

⁹Global youth tobacco survey (GYTS) - Zambia, Z.M.o. Health and W.H. Organization, Editors. 2011.

contribute to the relatively high levels of youth smoking and create a new generation of tobacco consumers.

High accessibility and affordability are compounded by low levels of awareness about the harms of tobacco. According to findings from the 2014 ITC study¹⁰, 79 percent of male smokers in Zambia are aware that tobacco causes cancer—the lowest percentage among 12 countries where the study was carried out. Among youth, only 42.4 percent of those aged 13–15 thought that second-hand smoke is harmful to them¹¹. There is also the presence of a pro-tobacco culture, particularly in regions where tobacco is grown locally and traditional smokeless tobacco (Nsunko) is consumed more widely. In these regions, it is said that tobacco use is ‘passed-down’ through generations¹².

Low levels of awareness, increasing rates of tobacco use prevalence among youth (both boys and girls), and higher smoking rates among the poor and less educated all highlight the need to change social norms through mass media campaigns, school curricula, tobacco advertising restrictions, smoke-free places, and use of celebrities and opinion leaders as anti-tobacco ambassadors¹³. The Ministry of Health is working with the World Health Organization and Civil Society Organizations on radio programme to raise awareness. Several Non-Governmental Organizations (NGOs) are conducting work on tobacco control, and stronger coordination between these organizations would enhance the tobacco control response¹⁴.

Current Burden of Tobacco Consumption

7,142 Zambians die each year due to tobacco related illnesses, or roughly 6 percent of all deaths, costing Zambia nearly 140 lives every week.¹⁵ of which sixty (60%) of those deaths occur before the age of 70.¹⁶ Every year, tobacco costs Zambia 2.8 Billion Kwacha, an equivalent of 1.2% of the GDP¹⁷, to describe the tobacco business and the incomes from tobacco including the production of cigarettes.

The Centre for Trade Policy and Development, an non-governmental organization national economic think tank reported, during the period 2013 to 2018, that the Zambia Government collected 904 Million Kwacha (an equivalent of US\$ 76 million), from the importation of tobacco products¹⁸ In terms of production, there are two million cigarettes on the Zambian market annually, and 400 million are smuggled into the country, accounting for 30% illegal cigarettes¹⁹

Zambia’s cigarette consumption has increased steadily from 1, 159 million sticks in 1996 to 2,245 million sticks in 2012 with the number of smokers having increased from 566,400 in 2000 to 854,700 in the same period²⁰.

¹⁰ ITC Zambia National Report, Findings from Wave 1 and 2 Surveys (2012-2014). December, 2015, University of Waterloo: Waterloo, Ontario, Canada.

¹¹ Global youth tobacco survey (GYTS) - Lusaka, Z.M.O. Health and W.H. Organization, Editors. 2007.

¹² Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

¹³ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

¹⁴ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

¹⁵ 2016 population, 16.6 million; Total number of deaths (all causes), 117.3 thousand (IHME, GBD Results Tool)

¹⁶ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

¹⁷ Investment Case for Tobacco Control in Zambia (2019), Ministry of Health and Research Triangle International

¹⁸ Lungu, F (2020), Which way for Zambia on Tobacco Use?, Zambia Daily Mail, Lusaka

¹⁹ Lungu, F (2020), Which way for Zambia on Tobacco Use?, Zambia Daily Mail, Lusaka

²⁰ Ministry of Health (2019), Prepared Facts on Tobacco Control Argument

Despite the above alarming situation, Zambia is moving towards greater capacity for the processing of tobacco leaf and manufacturing of tobacco products. In 2018, [British American Tobacco](#) Zambia and Roland Imperial Tobacco opened cigarette-manufacturing facilities in the Lusaka Multi-Facility Economic Zone, with production capacity of over 20 million cigarettes daily aimed at both for export and domestic markets (Ref- company profile for Roland Imperial)

"The factory now has an installed capacity to produce 21,000 cigarettes per minute, with a running time of 15 hours per day. The state of the art of machinery, sourced from the manufacturers of the best and robust cigarette manufacturing equipment in the world, has a capacity of seven billion cigarettes per annum".

In parallel with the increased manufacturing capacity, factory-made cigarettes are becoming more affordable in Zambia with one stick of cigarettes costing 50 ngwee²¹. Estimates from the Economist Intelligence Unit showed the inflation-adjusted price of factory-made cigarettes had nearly halved between 2002 and 2016 enabling affordability of the tobacco products. This is a worrisome trend and Government has the mandate and regulatory authority and powers to regulate all industries detrimental to public health.

Tobacco control measures have not been adequate to address the tobacco problem. WHO FCTC Article 5.3 of the Convention which urges State Parties to take measures to protect public health policies from the vested interest of the tobacco industry. It has been proven that to ensure their profits, the tobacco industry is increasingly shifting its business to relatively untapped markets in parts of the world where the opportunity for growth is largely unrestricted – such as Zambia. As a Party to the FCTC, Zambia needs to take steps to prevent interference by the tobacco industry in public health policies relating to tobacco control.

This report was conducted from 1st March to 31st March, 2020. The objective of collecting this information was to measure the extent of tobacco industry interference in tobacco control policies in Zambia, in the context of article 5.3 of the WHO FCTC. ²²

²¹ Ministry of Health (2019), Prepared Facts on Tobacco Control Argument

²² World Health Organization (2005), WHO Framework Convention on Tobacco Control, Geneva, Switzerland.

Methodology

The information in this report was collected from publicly available sources, including official websites, newspaper tobacco control and advocacy reports, tobacco company newspaper reports and other verifiable reports. A draft report of the Zambia Tobacco Industry Interference Index was shared and verified with partners and other stakeholders. A standardised questionnaire developed by the Southeast Tobacco Control Alliance (SEATCA) was used.

Zambia participated in this survey, through Tobacco Free Association of Zambia by providing data that could be used to rank the countries in accordance with its compliance to Article 5.3 guidelines of the WHO FCTC. Although there is a historical perspective given on tobacco control trajectory in Zambia, the survey covers a period between 1st January, 2018 to 31st December, 2019.

The questionnaire had seven key categories (total 20 questions), that were used to score the performance of Zambia in comparison to other countries regarding compliance of Article 5.3, namely;

1. Level of industry participation
2. So called corporate social responsibility (CSR) activities
3. Benefits to the tobacco industry
4. Forms of unnecessary interaction
5. Transparency
6. Conflict of interest
7. Preventive measures

The scores ran from 0 to 5, the higher score indicating stronger tobacco industry interference due to lack of government intervention to protect tobacco control policies from tobacco industry interference. The scores were then added together to make a final total score.

Summary of Findings

Lower score indicates better implementation of Article 5.3 of the WHO FCTC, hence, limiting tobacco industry interference.

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Zambia acceded to the WHO FCTC in May 2008. Preceding the accession to the FCTC the Zambia Tobacco Control Regulation were and are still governed by Statutory Instrument No. 163 of 1992, which does not meet the requirements and obligations of the FCTC. The country is now involved in developing a comprehensive Tobacco and Nicotine Products Control legislation in line with the WHO FCTC and its Protocol to Eliminate Illicit Trade in Tobacco Products. A multisectoral Technical Committee, comprising of government line Ministries, Government Departments, Civil Society and Academia is in place to develop the legislation.

Suffice to mention that Development of the Bill started in 2009 up until it was presented to Cabinet in 2010. Despite following a multisectoral approach in developing the Tobacco Control legislation, Ministry of Commerce, Trade and Industry, Ministry of Agriculture and Ministry of Finance opposed the Bill.

The Bill was brought back to Ministry of Health for facilitation of further consultations on issues of trade in tobacco and public health tobacco control. Industry involvement was noticed by British American Tobacco presence.

Consultative meetings were reconvened in 2011 which led to the development of the Tobacco Products Control Bill of 2016. With funding from the WHO FCTC 2030 project, two consultative meetings with stakeholders were held in 2018 and one drafting workshop was held in the same year with Ministry of Justice.

The challenge is that since 2010 when the Bill was presented to Cabinet, there has been backward and forward movement of the Bill, indicating a 10-year lapse. This is a very clear indication of Tobacco Industry Interference, through scuttling, delaying and frustration of the consultative process.

In 2014, the Zambian Government passed legislation establishing the Business Regulatory Review Agency (BRRRA) through an act of Parliament²³. The purpose of BRRRA is to create a conducive business environment. BRRRA is a strategy to ensure regulators undertake Regulatory Impact Assessment (RIA) and stakeholder consultations in the formulation of regulations that impact on business activity.²⁴ In 2018, Regulatory Impact Assessment Handbook for Regulatory Agencies and Public Bodies in Zambia was published which was supported by Japan Tobacco International.²⁵ In line with this development the Ministry of Health was compelled and directed to hold a consultation meeting on the proposed Tobacco and Nicotine Products Control Bill (2018), with the tobacco industry representatives and associates. The meeting took place from 16-17 December, 2019. Four representatives of the main tobacco companies participated in the consultation. Annex I shows the attendance list.

²³ <http://www.brrra.org.zm>

²⁴ [ZambianPolitics.com. Lack of internet accessibility affecting small business growth. 16 March 2017](https://www.zambianpolitics.com/lack-of-internet-accessibility-affecting-small-business-growth/)

²⁵ Regulatory Impact Assessment Handbook for Regulatory agencies and Public Bodies. <https://bit.ly/3bNESXF>

2. INDUSTRY CSR ACTIVITIES

With Zambia having received funds for accelerating the implementation of the WHO FCTC through the 2030 project in 2017, there has been heightened activities aimed at speeding the development of the Tobacco Control legislation, Coordination Mechanism, the National Tobacco Control Strategic Plan, including the Communication Plan. Around these activities there has been increased media campaigns and engagement meetings with stakeholders and parliamentarians. In order to rebut this situation, the tobacco industry has amplified its Corporate Social Responsibility (CSR) to improve its image (Annex II: Newspaper reports promoting tobacco growing and trading).

Media reports have been given of the tobacco industry building clinics, schools, sinking of boreholes and building of maternity annexes (Annex III: Newspaper Report of Handover Event). The tobacco industry has also enhanced publication of feature articles glamorizing tobacco in national print media and privately-owned newspapers (Annex IV: Articles Promoting Tobacco).

3. BENEFITS TO THE INDUSTRY

The Government of the Republic of Zambia has opened a multifacility economic zone and two new cigarette manufacturing plants were opened in these facilities (Annex V). One is owned by the British American Tobacco (BAT) Zambia, whilst the other one is owned by Roland Imperial Tobacco. For setting up these plants, the Government has offered a 5-year tax incentive at 0%. The plants have a capacity of producing over 5 million cigarettes per day. 40% of the cigarettes produced in these factories is destined for the local market.

There are also policy pronouncements from the Ministry of Finance and Ministry of Commerce, Trade and Industry in support of the manufacturing of tobacco.

Following a meeting between Minister of Commerce, Trade and Industry, Minister of Finance, Minister of Agriculture and Minister of Commerce Trade and Industry with officials from Tobacco Association of Zambia (TAZ and Zambia National Farmers Union (ZNFU) to discuss the issue of exempting VAT on green leaf tobacco, the Ministers agreed that tobacco should be exempt from VAT in the 2018 national budget and that government would work out an interim arrangement to offset VAT during the 2017 marketing season²⁶ (Annex VI: Ministers Consult The Private Sector On VAT On Tobacco)

International travellers entering Lusaka are allowed to bring in 400 sticks of cigarettes or 0.5 grams of pipe tobacco or 0.5 kg. cigars.²⁷

4. UNNECESSARY INTERACTION

In November, 2019, the Finance Minister of Zambia, Dr. Bwalya N'gandu opened a cigarette manufacturing plant owned by BAT worth about \$25 million and further urged more investment in the sector (Annex VIII: Finance Minister opens a Cigarette Manufacturing Plant in Lusaka)

²⁶ Zambia National Farmers Union (2017), Ministers Consult The Private Sector On VAT On Tobacco, <https://www.znfu.org.zm/article/ministers-consult-private-sector-vat-tobacco-0>

²⁷ IATA. <https://bit.ly/2VOhWSc>

There is no publicly available information on the government accepting offers of assistance from the tobacco industry or enforcement such as contact raid on tobacco smuggling.

In February 2018, the government through the Zambia Development Agency entered into an investment promotion and protection agreement with RITCO ANNEX IIB.

5. **TRANSPARENCY**

The Zambian government has not put in place a procedure to disclose its meetings with the industry. However, this requirement is already proposed in the tobacco products and nicotine products control bill of 2018.

There is the Patents and Companies Registration Agency (PACRA), which is a Statutory Body under the Ministry of Commerce, Trade and Industry. PACRA was established under the Patents and Companies Registration Agency Act No. 15 of 2010 with the principal mandate of providing Business Registration and Intellectual Property protection services²⁸. In this regard, all tobacco companies are required to register their business entities in line with this Act.

In Zambia, there is no registry for tobacco industry affiliated organizations, and individuals acting on their behalf such as lobbyists.

6. **CONFLICT OF INTEREST**

The Zambian government does not prohibit contributions from the tobacco industry (Annex VI).

However, there is no evidence of retired government officials being part of the tobacco industry, or current government officials and their relatives holding positions in the tobacco industry. It should be noted that lack of such evidence does not warranty absence of such members. The absence of information and clandestineness of the tobacco industry could be the reason.

7. **PREVENTIVE MEASURES**

The government has not put in place a procedure for disclosing the records of the interaction with the tobacco industry and its representatives; neither has government 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. In addition, the government does not require 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. The government does not have a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines

It is critical to note that the Tobacco Industry Interference Index is a Civil Society report prepared by Tofaza. The total score for Zambia is 83. This score in itself indicates a very high level of tobacco industry interference in public health tobacco control policies, contrary to FCTC Article 5.3 Guidelines.

²⁸ <https://www.pacra.org.zm/#/html/About/2057>

Recommendations

Following these observations of huge tobacco industry interference in implementation of public health tobacco control policies and implementation in Zambia, the following are the recommendations:

1. The draft 2018 Tobacco Products and Nicotine Products Control Bill should be expedited. Article 5.3 provision in the draft Bill should be maintained, fully integrated and protected.
2. There is need for heightened advocacy and public awareness on what is considered tobacco industry interference in public health tobacco control policies
3. Tobacco related CSR activities should be banned.
4. The government should adopt a code of conduct for all public officials to guide them when dealing with the tobacco industry and limit the interactions to only when strictly necessary.
5. Build capacity in civil society organizations to champion and expose tobacco industry interference in tobacco control policies at all levels.
6. Create/data centre/hub to counter tobacco industry interference in Zambia.
7. Use findings of the tobacco industry interference index to push for accelerated legislation of the tobacco products and nicotine products control bill.

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ²⁹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ³⁰ in setting or implementing public health policies in relation to tobacco control ³¹ (Rec 3.1)					4	
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		
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)						5
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 & 5, INB 4 5, WG) ³² (Rec 4.9 & 8.3)		1				
INDICATOR 2: Industry CSR activities						
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) B. The government (its agencies and officials) receives contributions ³³ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						5
INDICATOR 3: Benefits to the Tobacco Industry						
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)						5
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
INDICATOR 4: Forms of Unnecessary Interaction						

²⁹ 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

³⁰ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³¹ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

³² Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

³³ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
8. Top level government officials (such as President/ Prime Minister or Minister ³⁴) 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)						5
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 minors. (including monetary contribution for these activities) (Rec 4.3)	0					
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>						5
INDICATOR 5: Transparency						
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)						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)					4	
INDICATOR 6: Conflict of Interest						
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)						5
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
INDICATOR 7: Preventive Measures						
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)						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)						5

³⁴ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
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)						5
19. The government has a program / system/ plan to consistently ³⁵ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
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)						5
TOTAL						78

³⁵ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

**ANNEX 1:
ATTENDANCE LIST TO THE MOH AND TOBACCO INDUSTRY
CONSULTATIVE MEETING**

16 - 17 DECEMBER, 2019.

N o	Name	Organisati on	Position	Phone. No	Email
1	Mwatitha Lubinga	Zambia Media Network Against Tobacco	Secretary/Journ alist	09786137 47	lubingamwatita03@gmil.com
2	Paxina Phiri	Zambia Media Network Against Tobacco	Chairperson	09776177 56	paxy20143@gmail.com
3	Chitalu Nanyang we	Centre for Trade Policy and Developm ent	Research Assistant	09747964 04	chitalua01@gmail.com
4	Muyunda Ililonga	Zambia Tobacco Control Consortiu m	Secretary	09778000 18	bomuyunda@gmail.com
5	Alfred Chitalu	Zambia Chamber of Commerce and Industry	Research Officer	09795180 54	alfredchitalu@gmail.com
6	Zoe Chiliboyi	Zambia Chamber of Commerce and Industry	Member - British American Tobacco	09605800 47	zoe_chisanga7@bat.com
7	Chipego Zulu	Zambia Chamber of Commerce and Industry	Member- British American Tobacco.	09657873 38	chipego_zulu@bet.com
8	Litiya Matakala	ZACCI	Member – Japan Tobacco International		litiya.matakala@jti.com
9	Aliport Ngoma	Roland Imperial	Member-Roland Imperial	09652474 92	aliport.ngoma@zamcigco.com

		Tobacco Company	Tobacco Company		
10	FASTON E Goma	Zambia Tobacco Control Consortium	Chairman	0977772310	gomafra@yahoo.co.uk
11	Zaliwe Banda	Ministry of Health	Principal Mental Health Officer	0977828111	zaliwekili@gmail.com
12	John Mayeya	Ministry of Health	Chief Mental Health Officer (National Tobacco Focal Point)	0974738933	johnmayeya@gmail.com
13	Christpine Sichone	Ministry of Health	Director of Health and Policy	0979485394	sichonechris@yahoo.co.uk
14	Bright Chizonde	Centre for Trade Policy and Development	Researcher	0976747893	chizondeb@gmail.com
15	Ernest Kakoma	Ministry of Health	CNCDO	0977620805	ernestkakoma@gmail.com
16	Phonto Mumbi	Tobacco Association of Zambia	Manager	0977779660	administration@taz.org.zm
17	Lewis Mwila	Ministry of Works and Supply	Ag Chief Planner	0977421300	lewis.mwila@mws.gov.zm
18	Nora Mweemba	World Health Organization	NPO	0977873976	mweemban@who.int
19	Ginasi Sakala	Zambia Chamber of Commerce and Industry	Ag Chief Executive Officer	0977880254	poliyandadrocacy@zacci.co.zm
20	Richard Zulu	University of Zambia School of Medicine	Researcher	0977946980	richardzulu5@gmail.com
21	Naomi Banda	Ministry of Health	Chief Policy Analyst	0977121112	longwanib@yahoo.com
22	Yvonne Mwale	Ministry of Health	PLANNER	0977385163	dominiqueyvo3@gmail.com

23	Peggy B. Chilema	Ministry of General Education	Principal Education Officer –SS	0978314233	cpeggybinashimbi@gmail.com
24	Douglas Phiri	Business Regulatory Review Agency	Regulation Affairs Facilitator	0962016343	d.phiri@braa.org.zm
25	Teddy Chirwa	Tobacco Board of Zambia	Researcher & Planning Manager	0977770814	teddy.chirwa@tbz.co.zm
26	Emelda Tombozi Njovu	Ministry of Health	Secretary	0976201778	mtombozi@yahoo.com
27	Nsama Sue Kwendeni – Mayowe	Ministry of Health	Principal State Advocate	0977538139	nsama_kwendeni@gmail.com
28	Langani Phiri	Ministry of Commerce Trade and Industry	Principle Economist	0977871546	langanimphiri@gmail.com
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ANNEX II:

(a) NEWSPAPER REPORTS PROMOTING TOBACCO GROWING AND TRADING



Source; Banda, M. (2018) 'Tobacco holds great economic future for Zambia', News Diggers, 8 June. P4

ANNEX II:

(b) NEWSPAPER REPORTS PROMOTING TOBACCO GROWING AND TRADING

DAILY NATION | Monday February 26, 2018

LOCAL TOBACCO FIRM INVESTS US\$80M

By PRINCE CHIBAWAH

A ZAMBIAN firm, Roland Imperial Tobacco Limited company (RITCO) has invested US\$80 million in its expansion programme.

Company chairman, Dr Ephraim Mwenda said RITCO was undergoing a rapid expansion programme which would see the creation of hundreds of jobs for the local people.

"In May 2013, RITCO established a cigarette manufacturing plant with an initial investment value of US\$8 million to produce the now popular brands, namely Life and Guards, both full flavour and menthol.

"We recently launched the Life Gold brand which is doing quite well on the market.

Two more brands are to be launched later this year."

Dr Mwenda said this at Southern Sun Hotel in Lusaka during the signing of the respective investment promotion and protection agreements between Zambia Development Agency (ZDA) and RITCO together with its subsidiary Zambian Cut Rag Processors Limited (ZCPL).

"Two months ago, the company held a ground breaking ceremony for the construction of a tobacco processing industrial park located in the Lusaka South-Multi facility economic zone (LS-MFEZ).

The expansion programme will see the relocation of the trading division from Lusaka show grounds and cigarette manufacturing factory in Makeni to (LS-MFEZ)."

He explained that the project would comprise of the USD30M cigarette manufacturing plant and the USD50M primary processing plant and Green Leaf threshing plant respectively.

"The primary processing plant will have a capacity to process 4.5 tonnes of tobacco per hour.

This capacity far exceeds current Zambian Cut Rag tobacco requirements with capacity to export as per design.

"This is the plant whose product is known as cut rag, a finely cut tobacco, a raw material for the cigarette manufacturing plant."



RITCO Chairman Dr Ephraim Mwenda shaking hands with ZDA chairperson Mary Ncube

He said the facility would be the first of its kind in Zambia.

"This facility was none existent in Zambia and cigarette manufacturing companies are forced to either import from Zimbabwe, South Africa or Botswana," said Dr Mwenda.

He also said the establishment of the cigarette manufacturing plant in Zambia had brought enormous benefits to the country.

"These include creation of jobs for tobacco farmers. Currently the industry employs more than 450, 000 people with over 2.3 million dependents,

which is nearly 20 percent of Zambia's population," he said.

Former first lady Dr Christine Kaseba and former Lusaka archbishop Telesphore Mpundu were among the notables at the event. ZDA board chairperson, Mary Ncube praised RITCO for investing massively in the tobacco industry.

"You are complementing the efforts being made by the government to create jobs for our people and at the same time increase and diversify Zambia's income sources to enhance sustainability of the economy," said Ms Ncube.

Source; Chibawah, P. (2018) 'local tobacco firm invest US80m', News Diggers, 26 Feb. P4

ANNEX II:

(c) NEWSPAPER REPORTS PROMOTING TOBACCO GROWING AND TRADING

Zambia to earn US\$50m from 2018/19 tobacco sales

By MOSES SINJWALA

ZAMBIA is expected to earn about US\$50 million from the sale of total over 28000Kg of tobacco from the 2018/2019 farming season, Minister of Agriculture Michael Katambo has disclosed.

Mr Katambo said that the annual yield from the tobacco industry was vital to the realisation of Government's aspirations of becoming a major export oriented agriculture sector.

He said the tobacco indus-

try also had the potential to contribute to the growth of the economy through job creation and wealth creation if fully harnessed.

Speaking yesterday during the Tobacco Association of Zambia (TAZ) 55th annual congress meeting in Lusaka, Mr Katambo said Government was in a hurry to turn around the agriculture sector into one of the country's major revenue earners.

"As government, we are resolved to transform the agriculture sector through increased production to levels where all players

that is, farmers, traders and agro-processors, make a decent profit," Mr Katambo said. Government was duty bound to ensure that it provided the tobacco industry with the right business environment that ensured there was unity among all stakeholders.

Meanwhile, Mr Katambo advised tobacco farmers and marketing companies to engage in good agricultural practices that ensure that the forest resources are preserved.

TAZ President, Mr Brighton Mwanguku said the tobacco industry had many challenges that needed to be addressed for the sector to grow such as quality production and crop preservation.

Mr Mwanguku complained that the association spent too much time on non-core tobacco issues to the detriment of the growth of the crop.



Tobacco farmers

Source; Sinjwala, M. (2018) 'Zambia to earn US50m from 2018/2019 season from tobacco sales', *News Diggers*, 26 May. P6

ANNEX III:

(a) JTI HANDS OVER REFURBISHED MATERNITY WING AT CCH



Japan Tobacco International has handed over a refurbished maternity wing at Chipata Central Hospital.

The tobacco company spent over K1 million to refurbish the maternity ward in its efforts to supplement the government's quest to provide good health services to the people.

JTI operations manager Ezekiel Mtonga said the handover of the refurbished maternity wing was a landmark event for the people of Chipata city.

He said JTI found it prudent to rehabilitate the maternity ward at Chipata Central Hospital due to numerous challenges the ward faced.

Mtonga said JTI hoped the facility would help in mitigating the problems that the hospital had been facing regarding maternal matters.

"JTI has been doing a lot of social corporate responsibility projects in the community where it is growing its tobacco...JTI constructed a full-fledged primary school called Mwalauka in chief Chinunda's area, including one teacher's house. JTI constructed hundred percent of the health facility at Dwankhonzi along Lundazi road and we also added a staff house there. We have so far drilled over 100 boreholes that are being used by community members, especially areas where we grow tobacco," Mtonga said.

Eastern Province minister Makebi Zulu said government was keen to refurbish and upgrade the hospital that was already upgraded to third level hospital.

He commended JTI for being an all-weather partner of government. Zulu said JTI has been assisting government in providing desks and computers in schools, among many others.

"We commend you JTI for the great works that you are doing in Eastern Province," Zulu said. He said JTI pledged that it would help government in many other areas. Zulu called on the private sector to help in the provision of services to the people.

<https://zambiareports.com/2019/10/07/jti-hands-refurbished-maternity-wing-cch/>

ANNEX III:

(b) JTI EMPOWERS MALAMBO WITH COMPUTERS



JAPAN Tobacco International has empowered Malambo constituency with 13 laptops worth K104,000 to be used in schools. JTI operations manager Dr. Ezekiel Mtonga said the donation is part of the company's corporate social responsibility. Dr. Mtonga handed over the laptops to Eastern Province minister Makebi Zulu who is also Malambo MP yesterday.
<https://zambiareports.com/2020/01/17/jti-empowers-malambo-computers>

ANNEX IV:

(a) ZAMBIA LOSES REVENUE IN RAW TOBACCO EXPORTS



ZAMBIA is losing revenue and thousands of jobs through exporting of unprocessed tobacco because the country lacks processing and manufacturing facilities, Tobacco Board of Zambia (TBZ) has said. TBZ chairperson, Rhidah Mung'omba said currently the tobacco sector had only produced 48, 000 direct jobs adding that the figures could have multiplied if the country had processing and manufacturing plants. TBZ chairperson, Rhidah Mung'omba said currently the tobacco sector had only produced 48, 000 direct jobs adding that the figures could have multiplied if the country had processing and manufacturing plants.

Mr. Mung'omba said this yesterday at the 2017/2018 national tobacco pre-marketing stakeholders meeting that was held at Hotel Intercontinental in Lusaka. "It is saddening that as a country, we are still exporting unprocessed tobacco. We therefore need to encourage processing and manufacturing to be done here in Zambia as this will boost local employment for our people.

" We therefore need to encourage processing and manufacturing to be done here in Zambia as this will boost local employment for our people." Mr. Mung'omba however announced that Roland Imperial Tobacco Company (RITCO) and British American Tobacco (BAT) had set up major processing and manufacturing plants in Zambia. "These value adding investments are appreciated as Zambians will be empowered from such investments," he said. Mr. Mung'omba further said the tobacco sub-sector was also struggling to grow in the country.

<https://www.pressreader.com/zambia/daily-nation-newspaper/20180227/281805694421620>

ANNEX IV:

(b) IT'S BEEN A WIN-WIN SITUATION HAVING JTI AS A TOBACCO COMPANY IN THE DISTRICT. MR. KALUNGA ZULU, GOVERNMENT OFFICIAL IN THE DISTRICT ADMINISTRATION OFFICE OF CHIPATA (EASTERN PROVINCE ZAMBIA) OFFICE OF THE PRESIDENT, CHIPATA DISTRICT COMMISSIONER, EASTERN PROVINCE
UNDERSTANDING THE WIDER IMPACT OF OUR WORK IN ZAMBIA

We spoke to Kalunga Zulu, a government official in the District Administration Office of Chipata (Eastern Province, Zambia), to understand the benefits we've brought to farmers and the wider region in Zambia. Chipata is a traditionally agricultural region, with roughly 80% of all income coming from farming. Of all the crops, Kalunga says that tobacco was the highest value crop in the Chipata district last year. As the Eastern Province has around nine districts, it's clear to see the wide-reaching benefits that tobacco farming can have on the region.

ANNEX V:

THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA HAS OPENED A MULTI-FACILITY ECONOMIC ZONE AND TWO NEW CIGARETTE MANUFACTURING PLANTS.



ANNEX VI:

MINISTERS CONSULT THE PRIVATE SECTOR ON VAT ON TOBACCO

Government ministers comprising Minister of Finance, Minister of Agriculture and Minister of Commerce Trade and Industry met officials from TAZ and ZNFU to discuss the issue of exempting VAT on green leaf tobacco. The private sector informed the three Ministers that the VAT component made the Zambian tobacco uncompetitive compared to regional competitors such as Malawi, Zimbabwe and Tanzania where the crop is exempt from VAT. After some discussion, the Ministers agreed that tobacco should be exempt from VAT in the 2018 national budget and that government would work out an interim arrangement to offset VAT during the 2017/18 marketing season.

<https://www.znfu.org.zm/article/ministers-consult-private-sector-vat-tobacco-0>

ANNEX VII



**Hon Dr. Bwalya K. E. Ng'andu, MP
Minister**

Finance Minister opens a Cigarette Manufacturing Plant in Lusaka

Finance Minister Bwalya Ng'andu has officially opened the \$25million British American Tobacco (BAT) Zambia Cigarette Manufacturing Plant in the Lusaka South Multi-Facility Economic Zone – MFEZ- with the call for more investment in the manufacturing sector.

Dr. Ng'andu says the plant represents the kind of development government is determined to have that enhances the inflow of Foreign Direct Investment.

The minister said currently the tobacco sector is estimated to support a livelihood of about 5 hundred thousand farmers with a ready market.

Dr. Ng'andu has urged the company to engage the domestic Agriculture sector like the Tobacco industry and create linkages to cut down on imports of Tobacco.

And BAT Zambia Plc general manager Kimesh Naidoo said the Zambian market holds potential in creating more upstream and downstream employment through the tobacco industry development.

<https://www.lusakatimes.com/2019/11/30/finance-minister-opens-a-cigarette-manufacturing-plant-in-lusaka/>