
Botswana

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

Date of Finalization/ Publication:

May 10 2023

Authors:

Bontle Mbongwe (PhD), Thabo Katlholo (MSc.), Roy Tapera (PhD), Baemedi Letsholo (MSc.)

Acknowledgements:

Ministry of Health
African Tobacco Control Alliance
Global Center for Good Governance in Tobacco Control

Background and Introduction

Botswana is among countries in the Southern African region with a high tobacco use prevalence. The prevalence of tobacco use in persons aged 15 years and above in Botswana is 18% with 27% of men and 9% of women currently using tobacco¹. Cigarette smoking and smokeless tobacco use is prevalent in 13% and 4% respectively. Botswana being an upper middle income country and already burdened by the high prevalence of HIV has to deal with a double burden of the rising Non-Communicable Diseases (NCDs) caused by unhealthy lifestyles such as tobacco use. There is also an added NCD risk introduced for those living with HIV infection². Cancer deaths in Botswana constitute 5% of all the total deaths among all ages and both sexes and 20% of all cancers have been associated with tobacco use³.

The period under review coincided with the COVID-19 pandemic era, which slowed down progress on many programmes including public health⁴. Despite the many challenges the Government of Botswana seized this opportunity to advance tobacco control to safeguard public health. A notable achievement was passing of a strong World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC) compliant Tobacco Control Act of 2021^{5,6}. The law was passed by the National Assembly on August 16, 2021 and published in the Government Official Gazette on October 29, 2021 after it was assented to by the President of the Republic of Botswana on October 18, 2021. The Act is however, not yet in force awaiting development of regulations established through section 67 of the same Act.

The Tobacco Control Act (2021) repeals the Control of Smoking Act of 1992⁷ and is fully compliant to Article 5.3 of the WHO FCTC in terms of the interaction of a public body with the Tobacco Industry (TI). It requires full transparency on any interactions with TI, which should take place only when deemed necessary for effective regulation. Further, Tobacco Control Act of 2021, prohibits any partnership, agreement or contributions,

¹ Republic of Botswana. Botswana STEPS survey report on non-communicable disease risk Factors-2007: Ministry of Health & World Health Organization; 2015. p. 1–242. Accessed 10 May, 2023 at:

https://www.moh.gov.bw/Publications/Reports/GATS_Botswana_Report_web.pdf

² Ministry of Health. Botswana National Multisectoral Strategy for the Prevention and Control of Non-Communicable Diseases 2017-2022. Ministry of Health, Republic of Botswana: 2017. Accessed May 10, 2023 at: <https://www.iccp-portal.org/system/files/plans/Botswana%20NCD%20Strategy%20Final.pdf>

³ Ministry of Health. Botswana National Multisectoral Strategy for the Prevention and Control of Non-Communicable Diseases 2017-2022. Ministry of Health, Republic of Botswana: 2017. Accessed May 10, 2023 at: <https://www.iccp-portal.org/system/files/plans/Botswana%20NCD%20Strategy%20Final.pdf>

⁴ Health, T.L.P., 2020. Will the COVID-19 pandemic threaten the SDGs?. *The Lancet. Public Health*, 5(9), p.e460. Accessed on June 15, 2023 at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7462553/pdf/main.pdf>

⁵ Thato Mosinyi. 2021. Stiffer Tobacco Regulations Looming. Botswana Daily August 4, 2021. Accessed on 16 June, 2023 at" <https://dailynews.gov.bw/news-detail/63516>

⁶ Botswana Government. 2021. Tobacco Control Act 2021 No. 19. Accessed on May 10, 2023 at:

<https://assets.tobaccocontrollaws.org/uploads/legislation/Botswana/Botswana-TC-Act-2021-national.pdf>

⁷ Botswana Government. 1992. Control of Smoking Act, Cap. 65:04. Accessed May 10, 2023 at: <https://atca-africa.org/wp-content/uploads/2021/01/Control-of-Smoking-Act-1992.pdf>

including voluntary contributions, among others, from the tobacco industry to any public body.

Other key provisions in the new law include a total ban on Tobacco Advertising, Promotion and Sponsorship (TAPS), the display of tobacco products, including at point of sale, and establishes that pictorial health warnings cover not less than 70% of each principal display area and be written in the official languages, and bans the inclusion in the packaging and labelling of deceptive terms such as “light”, “ultra light” and “slim”. This is an important component of the law because on estimate put 90% of cigarette sales is single sticks.

Section 67(2) Tobacco Control Act of 2021 establishes regulations⁸ where the Minister of Health may among others:

1. “Prescribing information and the manner of reporting that manufacturers and importers of tobacco shall provide to the Committee and the public about tobacco products and their emissions, including sales data and information on product composition”
2. “Prescribing additional requirements and prohibitions to protect tobacco control policies from the commercial and other vested interests of the tobacco industry “

The Government of Botswana is at the final stages of completing the development of the regulations to facilitate the implementation of the new Act⁹. This process is however met by a lot of resistance from tobacco the tobacco industry¹⁰ and its allies such as Business Botswana¹¹, which represents the voice of the tobacco industry^{12,13,14}. The downside of the new Act of 2021 is that it leaves out vapiing products,¹⁵ which along with other non-conventional tobacco products, such as hubbly bubbly and accessories including smoke stores, are on the rise on social media and other online platforms.

This report assesses tobacco industry interference (TII) incidents in Botswana between April 2021 to April 2023. It is the second time that Botswana is participating in this survey. The previous exercise documented all key incidents of tobacco industry interference from January 2013 to March 2021. Botswana score a total of 18 points in this Index compared to 50 points in the previous report in 2021. The huge improvement is in the enactment of

⁸ Botswana Government. 2021. Tobacco Control Act 2021 No. 19. Accessed on May 10, 2023 at:

<https://assets.tobaccocontrollaws.org/uploads/legislation/Botswana/Botswana-TC-Act-2021-national.pdf>

⁹ Xinhua. 2022. New tobacco law to take effect by early 2023 in Botswana. News Ghana. Accessed March 2023 at:

<https://newsghana.com.gh/new-tobacco-law-to-take-effect-by-early-2023-in-botswana/>

¹⁰ Botswana Guardian Reporter. 2023. Informal sector in the tobacco industry beams 'impending' regulations. *Botswana Guardian*, April 6, 2023. Accessed June 15, 2023 at; <https://guardiansun.co.bw/business/informal-sector-in-the-tobacco-industry-beams-impending-regulations/news>

¹¹ Prodafrica Business Directory. Business Botswana (BB) - Gaborone – Botswana. Accessed March, 3, 2023 at:

https://maps.prodafrica.com/places/botswana/south-east-district/gaborone/chamber_commerce/business-botswana-bb-gaborone-botswana/

¹² Ricardo Kanono. 2021. Govt criminalises tobacco sale’ -BB, *The Patriot on Sunday*, August 11, 2021. Accessed on April 2023 at: <https://thepatriot.co.bw/govt-criminalises-tobacco-sale-bb/>

¹³ Gazette Reporter. 2021. Increased illicit trade in tobacco looms – Business Botswana. *The Botswana Gazette* September 2, 2021. Accessed April 2023 at: <https://www.thegazette.news/news/increased-illicit-trade-in-tobacco-looms-business-botswana/>

¹⁴ Sunday Standard Reporter. 2021. Up in smoke: What does the future hold for Tobacco industry in Botswana?. *Sunday Standard*, 17, August 2021. Accessed on February, 2023 at: <https://www.sundaystandard.info/up-in-smoke-what-does-the-future-hold-for-tobacco-industry-in-botswana/>

¹⁵ Tobacco Intelligence. 2022. Botswana prepares to implement new ‘life-saving’ restrictions on tobacco, 13 December 2022. Accessed on May, 10, 2023 at: <https://tobacointelligence.com/botswana-prepares-to-implement-new-life-saving-restrictions-on-tobacco/>

the Tobacco Control Act which has a strong component of Article 5.3. The new law was passed despite intimidation and threats by British American Tobacco (BAT). BAT challenged the Minister of Health, Dr. Edwin Dikoloti in writing arguing that the regulation was “*excessive and ill thought-out*” and that the prohibition of display and branding of tobacco products were unconstitutional and infringes on the intellectual property or trademark laws of Botswana¹⁶.

The passing of the strong law on Article 5.3 succeeded despite a strong media lobby for the Bill to be withdrawn before it went to parliament in order to accommodate industry consultations¹⁷. Further, the Bill was passed into law despite strong opposition from some parliamentarians who argued that “*the envisaged law was too oppressive and would make Botswana a hostile tourist destination while others argued that cigarettes were a source of livelihood for many street vendors, especially single headed households*”^{18,19,20,21}. It is anticipated that the new Act will take effect in 2023 after the completion of the regulations, which are at an advanced stage²².

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA). There are 20 questions based on Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates the highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates the absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average. The report includes information on incidents from April 2021 to April 2023 but also includes incidents prior to 2021 that still have relevance today.

¹⁶Tsaone Segaletsho. 2021. British American Tobacco mulls exiting Botswana market. Ink Center for Investigative Journalism, December 1, 2021. Accessed on June 16, 2023 at: <https://inkjournalism.org/2487/british-american-tobacco-mulls-exiting-botswana-market/>

¹⁷Koobonye Ramokopelwa. 2021. Business Botswana Wants Tobacco Control Bill withdrawn. Botswana Guardian, 30 July 2021. Accessed on June 16, 2023 at: <https://www.pressreader.com/>

¹⁸Ricardo Kanono. 2021. Govt criminalises tobacco sale’ -BB, The Patriot on Sunday, August 11, 2021. Accessed on April 2023 at: <https://thepatriot.co.bw/govt-criminalises-tobacco-sale-bb/>

¹⁹Mmoniemang Motsamai. 2021. Tobacco Control Bill Passes Second Reading. Botswana Daily News, August 8, 2023. Accessed on June 16, 2023 at: <https://dailynews.gov.bw/news-detail/63563>

²⁰Botswana Television Live. 2021. Government Bill -Tobacco Control Bill 9, 2021. Botswana Television. Accessed on June 16, 2023 at: <https://www.facebook.com/BotswanaTelevision/videos/parliament-live/856206305280698/>

²¹Thato Mosinyi. 2021. Matsheka Calls For Tobacco Taxation Levy Review. Botswana Daily News, August 5, 2021. Accessed on June 16, 2023 at: <https://dailynews.gov.bw/news-detail/63531>

²²Xinhua. 2022. New tobacco law to take effect by early 2023 in Botswana. News Ghana. Accessed March 2023 at: <https://newsghana.com.gh/new-tobacco-law-to-take-effect-by-early-2023-in-botswana/>

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

There is evidence that the industry has not participated in policy development on tobacco control for the period assessed. Business Botswana, the voice of the tobacco industry in Botswana has accused the Government of Botswana during the debate on the adoption of the Tobacco Control Act 2021 for failing to consult the industry on the impact of the new law on the informal sector^{23,24,25}. The Tobacco Control Act of 2021 prohibits government partnerships, endorsements of the tobacco industry, etc. However Business Botswana currently indirectly sits some of the Government high level Committees such as the High Level Consultative Council and can provide input on key policy issues affecting the business environment in Botswana including the tobacco business.

2 INDUSTRY CSR ACTIVITIES

No government agencies or their officials endorsed, supported or formed partnerships or received CSR contributions from the tobacco industry or those working to further its interests during the pandemic in 2021 to date.

3 BENEFITS TO THE INDUSTRY

In the period under review, the National Assembly passed the Tobacco Control Act of 2021 on August 2021. Further, the Government is at advanced stage in the development of the Tobacco Control Regulations. The challenges indicated by the government in implementing the Act had to do with capacity, legal and regulatory issues. No evidence was found about the benefits towards Tobacco Industry.

4 UNNECESSARY INTERACTION

No documented evidence of unnecessary interaction between the government and the tobacco industry exists. If such an interaction occurred, it was not publicly disclosed or documented. The "Tobacco Control Act²⁶ 2021" passed in 2021, prohibits such interactions and makes it illegal.

5 TRANSPARENCY

According to Tobacco Control Act 2021²⁶, meetings between tobacco companies and government officials must be held in public. The minutes of these meetings must be recorded and made available to the public for transparency and to help prevent undue influence by the tobacco industry on tobacco control policies. For the period under

²³ Botswana Guardian Reporter. 2023. Informal sector in the tobacco industry beams 'impending' regulations. *Botswana Guardian*, April 6, 2023. Accessed June 15, 2023 at: <https://guardiansun.co.bw/business/informal-sector-in-the-tobacco-industry-beams-impending-regulations/news>

²⁴ Sunday Standard Reporter. 2021. Up in smoke: What does the future hold for Tobacco industry in Botswana?. *Sunday Standard*, 17, August 2021. Accessed on February, 2023 at: <https://www.sundaystandard.info/up-in-smoke-what-does-the-future-hold-for-tobacco-industry-in-botswana/>

²⁵ Ricardo Kanono. 2021. Govt criminalises tobacco sale' -BB, *The Patriot* on Sunday, August 11, 2021. Accessed on April 2023 at: <https://thepatriot.co.bw/govt-criminalises-tobacco-sale-bb/>

²⁶ Botswana Government Gazette. Tobacco Control Act, 2021. Supplement A, 29th October, 2021. Accessed June 26, 2023 at: <http://bitly.ws/JhXt>

review, there is no evidence to show that the government of Botswana has held any meetings or interacted with tobacco companies.

In addition, the Botswana Tobacco Control Act 2021²⁶ requires the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf, including lobbyists. These provisions are designed to increase transparency and accountability in the interactions between the tobacco industry and government officials and to help prevent undue influence by the tobacco industry on tobacco control policies.

6 CONFLICT OF INTEREST

The Botswana Government has adopted legislation (Tobacco Control Act 2021²⁶), which clearly stipulates and prohibits contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns. The Act requires political parties, candidates, or campaigns to disclose all contributions made to them by any person, including tobacco industry entities or their affiliates. Furthermore, there is no evidence of senior government officials forming part of the tobacco industry, nor current government officials or relatives holding positions in the tobacco business.

7 PREVENTIVE MEASURES

Through the Tobacco Control Act 2021, the government has put in place a procedure for disclosing the records of the interaction. In the Tobacco Control Act 2021²⁶, meetings between tobacco companies and government officials must be held in public, and the minutes of these meetings must be recorded and made available to the public. This includes meetings related to developing, implementing, or enforcing tobacco control policies. Additionally, Section 20(4) of the Act requires that minutes of these meetings be recorded and made available to the public. The minutes should include the date, time, location, and attendees of the meeting, as well as a summary of the discussions and any decisions made.

Although there is no provision in the Tobacco Control Act 2021²⁶ that specifically outlines a code of conduct for public officials with regard to their interactions with the tobacco industry, the Act does contain several provisions aimed at reducing the influence of the tobacco industry on public policy, including the regulation of tobacco industry activities, the prohibition of tobacco industry interference in the development of public health policies, and the establishment of a transparent process for interactions between government officials and the tobacco industry. The Act has a framework for transparent and accountable interactions between the government and the tobacco industry, which could indirectly serve to guide the conduct of public officials in this regard.

Botswana's Tobacco Control Act 2021²⁶ requires the tobacco industry to periodically submit information on various activities, including production, manufacture, market share, marketing expenditures, revenues, lobbying, philanthropy, political contributions, and all other tobacco-related activities. Therefore, the Act stipulates the government's authority to require the tobacco industry to submit information on

its activities, including lobbying, philanthropy, political contributions, and all other tobacco-related activities, and to use this information for tobacco control purposes.

The Act does not specifically mention whether the government has a program, system or plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. However, the Act includes several provisions aimed at reducing the influence of the tobacco industry on public policy, including the prohibition of tobacco industry interference in the development of public health policies and the establishment of a transparent process for interactions between government officials and the tobacco industry.

Section 23 (1) (a) of the Tobacco Control Act 2021²⁶ prohibits the government, its agencies, officials, and their relatives from accepting any contribution or gift from the tobacco industry, whether monetary or non-monetary. This includes offers of assistance, policy drafts, or study visit invitations given or offered to them by the tobacco industry. Additionally, Section 23 (2) of the Act requires that any such contributions or gifts that are received by the government, its agencies, officials, or their relatives must be returned or forfeited to the state within 30 days of receipt. Therefore, it can be concluded that the Botswana government has put in place a policy to disallow the acceptance of all forms of contributions/gifts from the tobacco industry, including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials, and their relatives.

BOTSWANA

Tobacco Industry Interference Index 2023

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ²⁷ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ²⁸ in setting or implementing public health policies in relation to tobacco control ²⁹ (Rec 3.4)	0					
<p>There is no evidence of the government accepting or endorsing any offer for assistance from the tobacco industry in setting public health policy.</p> <p>According to the new Botswana Tobacco Control Act 2021³⁰ Government cannot accept or endorse any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests³¹, etc.</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)			2			
<p>In the current review period there is evidence that the Government of Botswana deliberately refused to collaborate with the Tobacco Industry in developing its new Tobacco Control Act 2021³². This evidence is provided by the Newspaper articles that reflected an outcry by the Business Botswana which accused the Government for excluding the tobacco industry from formulation of the tobacco control Bill ^{33,34}. Additionally the new law has provisions that prohibit government partnerships, endorsements of tobacco industry as well as provisions that allow for development of regulations that will prescribe additional requirements and prohibitions to protect tobacco control policies from the commercial and other vested interests of the tobacco industry, however these regulations are not yet developed.</p>						
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) I Never 5 Yes						5

²⁷ 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

²⁸ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

²⁹ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

³⁰ Botswana Government. 2021. Tobacco Control Act 2021 No. 19. Accessed on May 10, 2023 at:

<https://assets.tobaccocontrollaws.org/uploads/legislation/Botswana/Botswana-TC-Act-2021-national.pdf>

³¹ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³² Ricardo Kanono. 2021. Govt criminalises tobacco sale’ -BB, The Patriot on Sunday, August 11, 2021. Accessed on April 2023 at: <https://thepatriot.co.bw/govt-criminalises-tobacco-sale-bb/>

³³ Sunday Standard Reporter. 2021. Up in smoke: What does the future hold for Tobacco industry in Botswana?. Sunday Standard, 17, August 2021. Accessed on February, 2023 at: <https://www.sundaystandard.info/up-in-smoke-what-does-the-future-hold-for-tobacco-industry-in-botswana/>

³⁴ Staff Writer. 2021. Businesses fear tobacco bill could choke industry. Business Weekly <https://businessweekly.co.bw/news/businesses-fear-tobacco-bill-could-choke-industry>

	0	1	2	3	4	5
<p>Even though Government does not directly allow or invite the tobacco industry to sit in Government interagency/ multi-sectoral committee/ advisory group body that sets public health policy, Business Botswana³⁵ is a member of the High-Level Consultative Council (HLCC)³⁶. The HLCC is a forum where the government of Botswana engages with various stakeholders, including the private sector, labor unions, and civil society organizations, to discuss key policy issues and seek input on policy formulation. Business Botswana is the apex business organization in Botswana, representing the interests of the private sector which include tobacco companies such as British American Tobacco (BAT), Imperial Brands and Benson Craig Proprietary Limited, Eagle Agencies (Pty) Ltd, Wayrig Holdings Proprietary Limited, F&G Botswana (Pty) Ltd. As such, it is a key participant in the HLCC, and its representatives sit on various committees and subcommittees of the council, including those focused on economic development, trade and investment, and labor market issues.</p> <p>Through its participation in the HLCC, Business Botswana is able to provide input on key policy issues affecting the business environment in Botswana, and to advocate for policies that support private sector growth and development.</p>						
<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 & 5, INB 4 5, WG)³⁷ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'</p>		1				
<p>There is no evidence that the Botswana government has ever nominated or allowed representatives from the tobacco industry in delegations to the COP, or has accepted their sponsorship for delegates.</p> <p>Dr. A.L. Molokomme Permanent Representative, Permanent Mission, Geneva, Ms T. Sengwaketse Acting Director, Department of Public Health, Ministry of Health and Wellness, Mr P. Gaumakwe Deputy Permanent Representative, Permanent Mission, Geneva, Ms M. Letswee Principal Health Officer, Department of Public Health, Ministry of Health and Wellness, and Ms S. Mautle Minister Counsellor, Permanent Mission, Geneva represented Botswana to the COP8.5</p>						
INDICATOR 2: Industry CSR activities						
<p>5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as "socially responsible" or "sustainable". For example, environmental programs. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives CSR contributions³⁸ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4) <i>NOTE: exclude enforcement activities as this is covered in another question</i></p>	0					
<p>No evidence was found of government officials endorsing or participating in tobacco related CSR activities.</p>						

³⁵ Zoe Isaacs. Business Botswana, 14th October 2020. Accessed on June 22, 2023 at: <http://bitly.ws/Ji2j>

³⁶ High Level Consultative Council Remarks- BB President, 15 November 2018. Accessed on June 22, 2023 at: <http://bitly.ws/Ji3L>

³⁷ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

³⁸ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	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)	0					
There is no evidence that the Government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law.						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)			2			
There is no evidence on whether the government of Botswana provides privileges, incentives, tax exemptions, or benefits to the tobacco industry.						
However international travellers can bring duty free 200 cigarettes or 20 cigars or 250g of tobacco into Botswana.						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ³⁹) 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)	0					
There is no evidence on whether the government of Botswana top level government officials (such as President 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.						
It is important to note that if any meetings or interactions have occurred between tobacco companies and government officials in Botswana, they may not necessarily be publicly disclosed or reported. However, such meetings or interactions would be inconsistent with the WHO FCTC and could raise concerns about the influence of the tobacco industry on government policies related to tobacco control. The Tobacco Control Act 2021 ²⁶ passed on August 2021 According to the Botswana Tobacco Control Act 2021, Section 15(1), no government official or employee may meet or have any interaction with any person representing the tobacco industry or its interests. The Act specifies that this prohibition applies to both formal and informal meetings, including communication via email, telephone, or any other means.						
Additionally, Section 15(2) of the Act states that any government official who violates this provision is guilty of an offense and is subject to a fine and/or imprisonment for a term not exceeding two years.						
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					

³⁹ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
There is no evidence on whether the government of Botswana 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.						
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
There is no evidence on whether the government of Botswana accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests						
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)			2			
Though not yet in force, Tobacco Control Act 2021 ²⁶ , requires that meetings between tobacco companies and government officials must be held in public, and the minutes of these meetings must be recorded and made available to the public. Section 20 of the Act states that all meetings between the tobacco industry and any person or body with a regulatory or policy-making function related to tobacco control must be held in public. This includes meetings related to the development, implementation, or enforcement of tobacco control policies. Additionally, Section 20(4) of the Act requires that minutes of these meetings be recorded and made available to the public. The minutes should include the date, time, location, and attendees of the meeting, as well as a summary of the discussions and any decisions made. This provision is intended to promote transparency in the interactions between the tobacco industry and government officials, and to help prevent undue influence by the tobacco industry on tobacco control policies.						
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)		1				
The Botswana Tobacco Control Act 2021 ²⁶ requires the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf, including lobbyists. Section 21 of the Act requires that any person who carries on business as a tobacco manufacturer, importer, or wholesaler must register with the Minister responsible for health. The registration must be renewed annually, and the Minister may request any additional information deemed necessary to ensure compliance with the Act. Furthermore, Section 22 of the Act requires that any person or organization acting on behalf of the tobacco industry, including lobbyists, must disclose their activities to the Minister responsible for health. This includes providing information about their financial and other interests related to tobacco, as well as any interactions they have had with government officials or agencies related to tobacco control policies. These provisions are designed to increase transparency and accountability in the interactions between the tobacco industry and government officials, and to help prevent undue influence by the tobacco industry on tobacco control policies.						
INDICATOR 6: Conflict of Interest						

	0	1	2	3	4	5
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) / Never 5 Yes		1				
<p>Even though not yet in Force, The Botswana Tobacco Control Act 2021²⁶ prohibits contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns. Section 23 of the Act states that:</p> <p>"(1) No person shall contribute, provide or offer to contribute or provide any money, goods or services or anything of value for any political purpose to any political party, candidate or campaign in connection with any election, referendum or other political process, if that person is a tobacco manufacturer, distributor or seller or is affiliated with or is an agent of the tobacco industry.</p> <p>(2) No political party, candidate or campaign shall accept any money, goods or services or anything of value for any political purpose from a tobacco manufacturer, distributor or seller or from any person affiliated with or acting as an agent of the tobacco industry.</p> <p>(3) Every political party, candidate or campaign shall report to the appropriate authorities, in accordance with the law, all contributions made to it by any person, including tobacco manufacturers, distributors, sellers and agents of the tobacco industry."</p> <p>This provision is intended to prevent the tobacco industry from exerting undue influence over political processes and to promote transparency and accountability in political financing. The Act requires political parties, candidates, or campaigns to disclose all contributions made to them by any person, including tobacco industry entities or their affiliates.</p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
There is no evidence on whether retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General)						
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 evidence on whether current government officials and relatives hold positions in the tobacco business including consultancy positions.						
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)		1				
<p>The Tobacco Control Act 2021²⁶ requires that meetings between tobacco companies and government officials must be held in public, and the minutes of these meetings must be recorded and made available to the public. Section 20 of the Act states that all meetings between the tobacco industry and any person or body with a regulatory or policy-making function related to tobacco control must be held in public. This includes meetings related to the development, implementation, or enforcement of tobacco control policies. Additionally, Section 20(4) of the Act requires that minutes of these meetings be recorded and made available to the public. The minutes should include the date, time, location, and attendees of the meeting, as well as a summary of the discussions and any decisions made.</p>						

	0	1	2	3	4	5
<p>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); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i></p>		1				
<p>There is no provision in the Tobacco Control Act 2021 that specifically outlines a code of conduct for public officials with regard to their interactions with the tobacco industry. However, the Act provides for regulations under section 67 (2)(e) for prescribing additional requirements and prohibitions to protect tobacco control policies from the commercial and other vested interests of the tobacco industry” which could potentially address this gap. The regulations are nearing completion⁴⁰.</p> <p>Further the Act does contain several provisions aimed at reducing the influence of the tobacco industry on public policy, including the regulation of tobacco industry activities, the prohibition of tobacco industry interference in the development of public health policies, and the establishment of a transparent process for interactions between government officials and the tobacco industry.</p> <p>Section 11 of the Act requires the Minister responsible for health to establish and maintain a register of all interactions between the government and the tobacco industry. The section also requires that all interactions between government officials and the tobacco industry be conducted transparently and in the public interest.</p> <p>Section 20 of the Act states that all meetings between the tobacco industry and any person or body with a regulatory or policy-making function related to tobacco control must be held in public. This includes meetings related to the development, implementation, or enforcement of tobacco control policies. Additionally, Section 20(4) of the Act requires that minutes of these meetings be recorded and made available to the public. The minutes should include the date, time, location, and attendees of the meeting, as well as a summary of the discussions and any decisions made</p> <p>Therefore, while the Act does not prescribe specific standards for public officials' dealings with the tobacco industry, it does establish a framework for transparent and accountable interactions between the government and the tobacco industry, which could indirectly serve to guide the conduct of public officials in this regard.</p>						
<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)</p>		1				
<p>The Tobacco Control Act 2021 of Botswana requires the tobacco industry to periodically submit information on various activities, including production, manufacture, market share, marketing expenditures, revenues, lobbying, philanthropy, political contributions, and all other activities related to tobacco.</p> <p>Section 10 of the Act provides that the Minister responsible for health may require any person or entity involved in the tobacco industry to submit information related to the production, manufacture, marketing, sale, or distribution of tobacco products in Botswana. This includes</p>						

⁴⁰ Xinhua. 2022. New tobacco law to take effect by early 2023 in Botswana. News Ghana. Accessed March 2023 at: <https://newsghana.com.gh/new-tobacco-law-to-take-effect-by-early-2023-in-botswana/>

	0	1	2	3	4	5
<p>information on the financial performance of the tobacco industry and any activities related to lobbying, philanthropy, or political contributions.</p> <p>The Act requires that the information provided by the tobacco industry be accurate, complete, and timely. Additionally, the information submitted by the tobacco industry may be used by the government for research, planning, and policy development purposes related to tobacco control.</p> <p>Therefore, the Act clearly establishes the government's authority to require the tobacco industry to submit information on its activities, including lobbying, philanthropy, political contributions, and all other activities related to tobacco, and to use this information for tobacco control purposes. However, this provision is not yet in force.</p>						
<p>19. The government has a program / system/ plan to consistently⁴¹ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)</p>		I				
<p>The Tobacco Control Act 2021 of Botswana does not specifically mention whether the government has a program, system or plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines.</p> <p>However, the Act includes several provisions aimed at reducing the influence of the tobacco industry on public policy, including the prohibition of tobacco industry interference in the development of public health policies and the establishment of a transparent process for interactions between government officials and the tobacco industry.</p> <p>Section 7 of the Act requires the Minister responsible for health to develop and implement a comprehensive tobacco control program, which should include measures aimed at raising public awareness about the health risks associated with tobacco use and the need for tobacco control policies. Additionally, Section 11 requires the Minister to establish and maintain a register of all interactions between the government and the tobacco industry, which should be conducted transparently and in the public interest.</p> <p>While the Act does not specifically mention whether the government has a program, system or plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines, the provisions outlined in the Act indicate that the government is committed to promoting tobacco control and reducing the influence of the tobacco industry on public policy.</p>						
<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)</p>		I				
<p>Section 23 (1) (a) of the Tobacco Control Act 2021 prohibits the government, its agencies, officials, and their relatives from accepting any contribution or gift, whether monetary or non-monetary, from the tobacco industry. This includes offers of assistance, policy drafts, or study visit invitations given or offered to them by the tobacco industry.</p>						

⁴¹ 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.

	0	1	2	3	4	5
<p>Additionally, Section 23 (2) of the Act requires that any such contributions or gifts that are received by the government, its agencies, officials, or their relatives must be returned or forfeited to the state within 30 days of receipt.</p> <p>Therefore, it can be concluded that the Botswana government has put in place a policy to disallow the acceptance of all forms of contributions/gifts from the tobacco industry, including offers of assistance, policy drafts, or study visit invitations, given or offered to the government, its agencies, officials, and their relatives.</p>						
TOTAL SCORE	18					

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	British American Tobacco Botswana	93%	Vogue, Viceroy, Kool, Peter Stuyvesant, Craven A	https://www.bat.com/group/sites/UK__9D9KCY.nsf/vwPagesWebLive/DO9FCLEK https://www.sundaystandard.info/up-in-smoke-what-does-the-future-hold-for-tobacco-industry-in-botswana/
2	Benson Craig (Pty) Ltd		Sasha and Caspian brands	https://www.gobotswana.com/fg-botswana-pty-ltd https://web.stanford.edu/group/tobaccopriv/cgi-bin/map/
3	F&G Botswana (PTY) LTD		Tobacco leaf	https://www.gobotswana.com/fg-botswana-pty-ltd
4	Japan Tobacco International		Winston, Camel, Mevius, and LD,	https://www.fctc.org/wp-content/uploads/2018/05/Botswana-SR.pdf
6	Imperial Brands		West, Davidoff, Gauloises, JPS, Winston, Lambert & Butler	https://botswana.desertcart.com/brand/imperial%20tobacco

	TOP MEDIA/ NEWSPAPERS	URL
1	Business Weekly	https://businessweekly.co.bw/
2	Sunday Standard	https://www.sundaystandard.info/
3	Mmegi Newspaper	https://www.mmegi.bw/
4	The Botswana Daily News	https://dailynews.gov.bw/
5	The Weekend Post	https://www.weekendpost.co.bw/
6	The Patriot on Sunday	https://thepatriot.co.bw/
7	Botswana Guardian	https://guardiansun.co.bw/
8	Ink Center for Investigative Journalism	https://inkjournalism.org/
9.	Botswana Television (Parliament Live)	https://www.facebook.com/BotswanaTelevision/videos/parliament-live/856206305280698/

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Business Botswana	Affiliate	https://businessweekly.co.bw/news/mps-back-bat-on-tobacco-bill-dispute
2	C.A Sales & Distribution	Affiliate	https://bw.linkedin.com/in/olebogeng-segopolo-86125931
3	Global Holdings	Affiliate	https://www.localbotswana.com/companies/tobacco
4	PST Sales & Distribution	Affiliate	https://pstbotswana.com/about-us/
5.	Tobacco Institute of Southern Africa	Affiliate	https://6sense.com/company/tobacco-institute-of-southern-africa/5d9df230a7537b35bb2ebc74