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Gabon

**TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX  
2023**



**Date of finalization/Publication: 25 June 2023**

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**Acknowledgements:**

The Tobacco Industry Interference Index for Gabon is launched for the first time in Gabon by the Mouvement Populaire pour la Santé au Gabon (MPS GABON), the country's leading tobacco control organization, as a national report with technical support of the Global Center for Good Governance in Tobacco Control (GGTC) and the Africa Tobacco Control Alliance (ATCA). This report is funded by the Bloomberg Philanthropies.

This report, the second for Gabon covers the period from April 2021 to March 2023, is written by the MPS GABON team under the coordination of Thanguy NZUE OBAME and Fabien NKILI NDEMEZOHO, highly committed advocates in tobacco control in Gabon, and Dr Renée ENOMBO, Director of the National Program for Tobacco, Alcohol and Drug Control (PNLTAD).

We would like to express our sincere thanks to the African Tobacco Control Alliance (ATCA) and its partners for their renewed confidence, technical advice and support during the preparation of this second report.

## Background and Introduction

Gabon, located in Central Africa on the Gulf of Guinea and straddling the Equator, has a surface area of 267,667 km<sup>2</sup>. It is bordered to the north by Cameroon (298 kms), to the north-west by Equatorial Guinea (350 kms), to the east and south by Congo Brazzaville (1903 kms) and to the west by the Atlantic Ocean, with 885 km of coastline.

Gabon's population is estimated at 2.341 million, with a density of 8.7 inhabitants/km<sup>2</sup>. Although sparsely populated, Gabon has some 50 ethnic groups. A multilingual country, the Gabonese have used French as their main language since independence. In addition to French, English is now the country's second language, following its accession to the Commonwealth a few months ago.

The population is young: 38.5% are under the age of 15, and 46% are between 15 and 49. Young people aged 14 to 24 account for 30.9%.

It's no secret that tobacco directly harms the health of consumers, and indirectly that of those around them. Just as it is well known that tobacco consumption is not necessarily a choice, it is a powerful addiction.

It was to tackle this threat that the WHO Framework Convention on Tobacco Control (FCTC) was drawn up. And Gabon, like other countries, ratified this convention on February 20, 2009, six years after signing it in 2003, proof of the strong involvement of the tobacco industry, traditionally a state-owned industry.

Since August 21, 2013, when the Tobacco Control Act was promulgated, and again in 2016 with the enactment of five implementing decrees, the tobacco control situation in Gabon remains characterized by delays in the implementation of the regulatory framework as well as the weak capacities of civil society. Indeed, the non-application of the tobacco control law and its decrees remains the main handicap to the implementation of the FCTC in Gabon. To date, four organizations are involved in tobacco control, notably the NGO Agir pour le Gabon, founded in 1995, the Mouvement Populaire pour la Santé au Gabon (MPS GABON), founded in 2007, SOS Tabagisme Gabon in 2016 and Semence in 2018.

To date in Gabon, CECA GADIS controls around 80% of market share with sales of 253 billion FCFA XAF and 2 billion FCFA XAF annual profit (2017 data) and remains the main ally or representative of the tobacco industry in Gabon. PRIX IMPORT GABON with 20% market share and 3 billion 100,000,000 FCFA XAF in sales comes in second place.

Despite efforts to monitor and denounce tobacco industry maneuvers, before and after the publication of the first TII Index report, with the aim of ending the relationship between the state and the tobacco industry, the tobacco industry interference, in the implementation of health policies, remains a recurring problem in Gabon. Indeed, the legal framework established since August 21, 2013 with the promulgation of Law n°006/2013 of August 21, 2013 on tobacco control measures in the Gabonese Republic and five of its implementing decrees, remains inoperative.

This document, Gabon's second on the tobacco industry interference index, covers the period from 1 April 2021 to 31 March 2023, as well as incidents prior to the reporting period. It gives an overview of the state of tobacco industry interference since the publication of the first report, and presents the Government's response to these cases of interference.

This year's score of 53 indicate that Gabon has made little improvement compared to the 2021 report of 52 points.

## **Methodology**

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the guidelines of article 5.3. The information used in this report comes solely from the public domain. A scoring system is used to carry out the evaluation. The score ranges from 0 to 5, where 5 indicates the highest level of industry interference, and 1 is low or non-existent. Consequently, the lower the score, the better for the country.

A score of 0 indicates no evidence or not applicable. When several pieces of evidence are found, the score applied reflects an average. The report includes information on incidents that occurred between April 2021 and March 2023, as well as incidents that predate the reporting period and are still relevant today.

# Summary Findings

## 1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

From April 2021 to March 2023, no tobacco industry involvement was observed or noted in the development of health policies.

## 2 INDUSTRY CSR ACTIVITIES

Signature on April 06, 2022 between PRIX IMPORT, the CECA GADIS group and the Ministry of Communication, of two framework partnership agreements to support renovation work on the set of the 1st television channel and the audiovisual production unit of the Ministry of Communication by PRIX IMPORT<sup>1</sup>.

## 3 BENEFITS TO THE INDUSTRY

In 2017, the Gabonese government, with the support of the WHO, agreed to introduce a mixed taxation system for tobacco products (ad valorem taxation of 25% and a specific tax of around 300 FCFA per pack of cigarettes).

After our investigations, it appears that changes have been made in the application of the aforementioned measure, notably with the effective application of a specific tax of 150 FCFA per pack of cigarettes instead of the 300 FCFA required by the finance law between 2018 and 2022, following unorthodox approaches by the tobacco industry to the services of the Ministry in charge of the Economy and Recovery.

In 2023, it has been decided to apply an effective tax of 300 CFA per pack of cigarettes sold in Gabon, as initially planned in 2018.

## 4 UNNECESSARY INTERACTION

The Régie Gabonaise de Tabacs, a government body responsible for regulating the marketing of tobacco products, maintains, to general surprise and illegally, covert interactions with the Compagnie d'exploitations commerciales africaines - Société gabonaise de distribution (CECA GADIS) group, which represents the interests of tobacco manufacturers.

## 5 TRANSPARENCY

According to the provisions of Decree 0286/PR/MSPSSN of May 17, 2016 relating to the prevention of interference by the tobacco industry in health policies in the Gabonese Republic in its article 5, relations between the State and the tobacco industry are covered by the principle of transparency.

Despite this, we note that since the appointment of the current Minister for Health and Social Affairs, there has been a lack of transparency, particularly in terms of the audiences granted to the tobacco industry and the demands made by the said industry to the Government, something that was done by his predecessors.

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<sup>1</sup> Gabon: A partnership to relook the platform of Gabon Première's Journal télévisé. Available at: <http://bitly.ws/HPj3>

In addition, during the "tobacco-free month" campaign organized by the national tobacco control program during the month of May 2023, the aim of which is to increase public awareness, we observed that high-ranking authorities, whose exact identity has not been revealed, had ordered the removal from the campaign of all posters raising awareness of the harmful effects of new tobacco products, particularly electronic cigarettes.

These instructions undoubtedly reflect the strong influence of the tobacco industry on the Ministry of Health, which, through such behavior, encourages the promotion of e-cigarettes, particularly among the young people it is supposed to protect.

## **6 CONFLICT OF INTEREST**

It is still common knowledge in Gabon that the head of the CECA GADIS group also holds the position of High Commissioner to the Presidency of the Gabonese Republic. Furthermore, as noted above, the interactions between the Régie Gabonaise des Tabacs, the state body in charge of regulating tobacco products, and CECA GADIS, the main importer of said products, are a clear indication of the level of conflict of interest that still prevails in the country.

## **7 PREVENTIVE MEASURES**

Interactions between public authorities and the tobacco industry are covered by Decree 0286/PR/MSPSSN of May 17, 2016, Decree on the prevention of tobacco industry interference in health policies in the Gabonese Republic, which states in Article 5 that "relations between the State and the Tobacco Industry are covered by the principle of transparency".

On the other hand, the periodic submission of information on production, manufacturing, market share, marketing expenditure, revenues and any other activity, including lobbying, philanthropy, political contributions and any other activity, is also covered, but only partially (cf. Article 9 of Decree 0286/PR/MSPSSN of May 17, 2016 on the prevention of tobacco industry interference in health policies in the Gabonese republic).

Unfortunately, these strong legal measures still contrast with their implementation in the field.

## GABON

### Tobacco Industry Interference Index 2023

#### Results and Findings

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
1. The government <sup>8</sup> 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 in setting or implementing public health policies in relation to tobacco control <sup>2</sup> (Rec 3.4)	0					
Over the period April 2021 to March 2023, the government has not received any support from the industry in defining or implementing public health policies in tobacco control.						
2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
To date, the government neither accepts nor approves any legislation drawn up by or in collaboration with the tobacco industry.						
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)		1				
While the government does not visibly allow the tobacco industry to sit on a committee that defines the country's health policy, we observe the current Minister of Health, has continuously opposed the establishment of the National Commission for Tobacco Control, despite the fact that it was set up by Law 006/2013 on the introduction of tobacco control measures in Gabon and supported by a decree (Decree 0339/PR/MSPSSN of May 17, 2016 <sup>2</sup> ), suggests that the industry is interfering in health policies.						
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) <sup>3</sup> (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'		1				
To date, the government has not authorized any tobacco industry representatives to join the delegation to the COP or related meetings.						

<sup>2</sup> Decree 0286/PR/MSPSSN of May 17, 2016. Available at: <https://bit.ly/3iwDHI8>

<sup>8</sup> Includes immediate members of the families of the high-level officials

<sup>9</sup> Designation of TMDA as Regulator of Tobacco Products <https://bit.ly/40mASVy>


<sup>10</sup> TMDA designates smoking areas <https://bit.ly/3UJjHgp>

<sup>11</sup> TMDA laboratory for testing quality of tobacco products and traditional medicines

<sup>12</sup> Johari establishes cigar lounge <https://bit.ly/41pSuls>

<sup>13</sup> <https://bit.ly/43NxW8g> COP9 delegation


<sup>14</sup> <http://www.who.int/fctc/cop/en/> COP8

	0	1	2	3	4	5
<b>INDICATOR 2: Industry CSR activities</b>						
<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 contributions<sup>15</sup> (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>						<b>5</b>
<p>Signature on April 06, 2022 between PRIX IMPORT, the CECA GADIS group and the Ministry of Communication, of two framework partnership agreements to support renovation work on the set of the 1st television channel and the audiovisual production unit of the Ministry of Communication by PRIX IMPORT<sup>4</sup>. The agreement with CECA GADIS group will refurbish the production cell of the Ministry of Communication.</p>						
						
<p>The signing ceremony with the Minister of Communication on April 6, 2022</p>						
<b>INDICATOR 3: Benefits to the Tobacco Industry</b>						
<p>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)</p>						<b>5</b>
<p>The three (03)-month deadline granted by Decree 0284/PR/MSPSSN of May 17, 2016<sup>2</sup> on the packaging of tobacco products in the Gabonese Republic is still being violated, as the twelve (12) month deadline, which does not comply with regulatory provisions, requested and obtained from the government by the tobacco industry in a letter dated May 18, 2016 addressed to the Secretary General of the Ministry of Health, remains unchanged.</p>						

<sup>4</sup> Gabon: A partnership to relook the platform of Gabon Première's Journal télévisé. Available at: <http://bitly.ws/HPj3>



	0	1	2	3	4	5
Similarly, the pictorial health warnings required on the packaging of tobacco products on sale in Gabon (60% of the front and 65% of the back of each package) are still not applied.						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)				3		
The measure introduced by the Minister in charge of the economy (cf. note 00357/MEF/SG/DGDDI of March 23, 2020) relating to the suspension of taxation of tobacco products voted by a finance law still remains in force.						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
8. Top level government officials (such as President/ Prime Minister or Minister <sup>8</sup> ) 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					
No such incidence has been observed since 2021.						
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					
No such incidence has been observed since 2021.						
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 not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
No such incidence has been observed since 2021.						
<b>INDICATOR 5: Transparency</b>						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)				3		
Although there is a decree No. 0286/PR/MSPSSN of May 17, 2016 <sup>2</sup> on the prevention of tobacco industry interference in health policies, the government still does not make public its meetings with the tobacco industry when they do take place.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)			2			
Registration of tobacco industry representatives is not mandatory. The situation remains unchanged.						
<b>INDICATOR 6: Conflict of Interest</b>						

	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						5
Decree no. 0285/PR/MSPSSN of May 17, 2016 banning the advertising, promotion, sponsorship and sponsorship of tobacco and its derivative products in the Gabonese Republic prohibits sponsorship of cultural or sporting events (CSR), nothing is said specifically about contributions to political parties.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)					4	
The current Chairman of the board of CECA-GADIS (representing the interests of the tobacco industry in Gabon) has been Minister and High Representative of the Head of State several times, and is currently Political Advisor to the Head of State and High Commissioner of the Republic <sup>5</sup> .						
						
<p align="center"><b>M. Michel ESSONGUE</b>, High Commissioner to the Presidency of the Gabonese Republic</p>						

<sup>5</sup> M. Michel ESSONGUE, High Commissioner to the Presidency of the Gabonese Republic. Available at: <https://www.facebook.com/LEGABONDAPRESI/posts/2905205342849880/>

	0	1	2	3	4	5
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**M. Michel ESSONGUE**, Chairman of the Board, CECA-GADIS Group

15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)

5

In February 2022, Michael Essongue was appointed the High Commissioner General of the Presidency of Gabon. This High Commission is the body that assists the President to monitor evaluate and implement the President’s political actions. Essongue was previously the Political Advisor to the Head of State, and Minister and High Representative of the Head of State several times. He is currently the Chairman of the board of CECA-GADIS (which is the distributor for Imperial Tobacco brands), and represents the tobacco industry’s interests in Gabon<sup>6</sup>.

**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)

3

Interactions between public authorities and the tobacco industry are covered by the law (cf. 0286/PR/MSPSSN of May 17, 2016 relating to the prevention of tobacco industry interference in health policies in the Gabonese republic). Unfortunately, the government still does not make its meetings with the tobacco industry public when they take place.

17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2);  
1 for whole of government code; 2 for Yes but partial if only MOH

3

<sup>6</sup> Gabon: Michael Essongue appointed High Commissioner General to the Presidence of Republic. Available at: <http://bitly.ws/lzUp>

	0	1	2	3	4	5
To date, there is no established code of conduct that civil servants can adopt with the tobacco industry.						
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
While the law requires tobacco product manufacturers and importers to report regularly on the content of tobacco products, as well as their nicotine and tar content (cf. article 6 of law 006/2013 of August 21, 2013 <sup>7</sup> introducing tobacco control measures in the Gabonese Republic), in practice no company is required to report on marketing expenditure, revenues or any other activity, including lobbying.						
19. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)					4	
A National Tobacco Control Program has been in place since 2004, along with a multi-sectoral Tobacco Working Group (TWG). However, it still lacks a program and awareness-raising activities specific to Article 5.3. Lastly, the process of issuing the decree concerning the effective establishment of the national tobacco control commission is still pending.						
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)					4	
Here, the law does not cover all the aspects mentioned (cf. chapter 7 of the 32nd to 35th articles of law 006/2013 <sup>7</sup> of August 21, 2013 introducing measures to promote tobacco control in the Gabonese Republic)						
<b>TOTAL</b>						<b>53</b>

<sup>7</sup> Law n°006/2013 of August 21, 2013 introducing measures in favor of tobacco control in the Gabonese Republic. Available at: <http://bitly.ws/lA3e>

## Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	British American Tobacco Gabon (BAT-GABON)	The industry has declined to provide information on this subject.	Dunhill Marlboro Fine Houston	Site visit by the TIMR Gabon team
2	GIE (Général d'Importation et d'Entrepôt)	The industry has declined to provide information on this subject.		
3	Imperial Tobacco	The industry has declined to provide information on this subject.		
4	CECA GADIS	<b>253 milliards FCFA XAF</b> (Sales revenue 2017) <b>2 milliards FCFA XAF</b> (2017 profit)		<a href="http://www.cecagadis.com">www.cecagadis.com</a> <a href="https://fr.m.wikipedia.org/wiki/Ceca-Gadis">https://fr.m.wikipedia.org/wiki/Ceca-Gadis</a>
5	PRIX IMPORT GABON	<b>3 milliards 100.000.000 FCFA XAF</b> (sales revenue)		<a href="https://www.priximport.com/index.php/entreprise/">https://www.priximport.com/index.php/entreprise/</a>
6	Régie Gabonaise de Tabacs (RGT)	The industry has declined to provide information on this subject.		<a href="http://bitly.ws/lAcs">http://bitly.ws/lAcs</a>

	TOP MEDIA/ NEWSPAPERS	URL
1	Le Quotidien " L'UNION"	<a href="https://bit.ly/37CxGgi">https://bit.ly/37CxGgi</a>
2	Gabonreview	<a href="http://bitly.ws/lAau">http://bitly.ws/lAau</a>
3	Gabonmédiatime	<a href="https://bit.ly/3jPIFZo">https://bit.ly/3jPIFZo</a>
4	Africatelegraph	<a href="https://bit.ly/3lVMxe8">https://bit.ly/3lVMxe8</a> <a href="https://bit.ly/3fVRf82">https://bit.ly/3fVRf82</a>
5	Info Gabon	<b>Nothing to report</b>
6	Le Journal Officiel (JO) de la République Gabonaise	<b>Nothing to report</b>

	<b>MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS</b>	<b>TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)</b>	<b>SOURCE</b>
<b>1</b>	Générale d'Importation et d'Entreposage (GIE)	GROUPE DE FAÇADE	africannuaire.com
<b>2</b>	PRIX IMPORT	GROUPE DE FAÇADE	<a href="https://www.priximport.com/index.php/lentreprise/">https://www.priximport.com/index.php/lentreprise/</a>
<b>3</b>	GEANT MARKET	GROUPE DE FAÇADE	Site visit by the TIMR Gabon team