

Zambia

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Summary of Findings

1. Industry participation in policy development

The tobacco industry through its front groups such as the Tobacco Board of Zambia (TBZ) has been pushing for formulation of favorable tobacco legislation that would promote production and increase business at the expense of public health. TBZ's Chief Executive Officer is quoted in one of the daily newspapers of having said: "And in terms of its contribution to the GDP, in 2013 it contributed about 3% but currently we are contributing about 1% and it's an indication that the industry is not doing well." If you look at production volumes and foreign exchange generated from tobacco in Malawi and Zimbabwe, you can see that the potential is enormous for Zambia, he further said.

He lamented one of the most important factors which urgently needs to be addressed, which is the need to have a conducive legal framework which will fully meet the business aspirations of the industry as the current Tobacco Act Cap 237 was last reviewed in 1968, hence the business model on how people operate within the industry has completely changed.

2. Industry CSR activities

In June 2020, Japan Tobacco International (JTI) spent US \$300,000 providing materials for the fight against the coronavirus in health facilities and schools in Western and Eastern provinces.

Kaoma District Commissioner Kennedy Mubanga then disclosed this when he and his counterpart, Nkeyema District Commissioner Albertina Mwanamwalye, received the donation from JTI on behalf of the government institutions. Mr.

Mubanga commended JTI for supplementing the government's efforts in curbing further spread of the coronavirus in health facilities and schools through the provision of materials.

3. Benefits to the industry

The long delay in the filing of the Control of Tobacco Products Bill has benefited the tobacco industry to increase its business. There is no ban on tobacco advertising; corporate social responsibility (CSR) activities are allowed, enabling industry executives close access to government officials and leaders; there are no pictorial warnings on cigarette packs and the sale of cheap, single sticks makes cigarettes both affordable and accessible.

4. Unnecessary interaction

In 2020, acting Minister of Commerce, Trade and Industry Mutotwe Kafwaya toured the British American Tobacco (BAT) Zambia Plc processing plant and following the visit BAT claimed that they have invested an additional US \$800,000 in its production line and assured support in contributing to Zambia's economic development agenda.

In April 2021, former Zambian Republican President Rupiah Banda toured the offices and warehouses of JTI in Chipata where he alleged that the country's good investment policies are attracting foreign investment and investors need good investment policies.

5. Transparency

The government does not publicly disclose its meetings/interactions with the tobacco industry. The Zambian government has not put in place a procedure to disclose its meetings with the tobacco industry. However, this requirement is already proposed in the Tobacco Products and Nicotine Products Control Bill of 2018.

An example of the government's non-disclosure of meetings with the tobacco industry is a stakeholders meeting held on February 19, 2021, in Kaoma district, Western Province. During this meeting, the TBZ represented the government.

6. Conflict of interest

The Electoral Act (2006) of Zambia has no provisions on the raising and expenditure of party funds. The Societies Act, under which parties are registered, requires that parties make some disclosure of their financial records to the Registrar of Societies, but places no restrictions on how money is raised or spent. The Registrar of Societies is not obliged to disclose these records unless she believes it is in the interest of party members to do so.

7. Preventive measures

There is no documented evidence that the government has put in place a procedure for disclosing the records of its interaction with the tobacco industry and its representatives.

The government has not 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.

Recommendations

1. Prohibit all CSR activities by the tobacco industry in accordance with the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC).
2. Raise awareness among all government agencies about the WHO FCTC Article 5.3.
3. Enact the pending Tobacco and Nicotine Products Control Bill 2018 to protect public health from tobacco industry interference. An FCTC Article 5.3 provision in the draft Bill should be maintained.
4. Adopt a code of conduct for all public officials to guide them when dealing with the tobacco industry and limit interactions between the government and the tobacco industry to only when strictly necessary.