

Kazakhstan

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Summary of Findings

1. Industry participation in policy development

The tobacco industry (TI) participates in policy development indirectly through the national business union "Atakemen" and in some cases directly, as revealed by the Dirty Ashtray Award. Regular annual fees from transnational tobacco companies to unions were used as a force to block different public health initiatives at the national policy level. For example, in preparation for the new Health Act advocacy, the Ministry of Health (MOH) team had to run special regulatory analysis review (RAR) which must be approved by "Atakemen." The MOH must discuss the content with every business association which applied as a union expert to comment on this initiative which made advocacy by health professionals extremely difficult, intense and sometimes almost impossible.

2. Industry CSR activities

Corporate social responsibility (CSR) activities by tobacco companies are allowed in Kazakhstan and even stimulated by the special CSR award "Paryz" established by the President of Kazakhstan in 2008. The TI had often been highly apprised by "Paryz". As a result, the NGO sector openly receives CSR sponsorship from the TI where some charity NGOs are well known as long-term partners.

There are no publicly available official records of any direct endorsement, support and partnerships of the TI with government agencies.

3. Benefits to the industry

There is no timeline benefits for implementation or postponement of tobacco control laws known or supported.

But as for excise taxes, the only effective tobacco control intervention, the TI was able to influence the Eurasia custom union which unifies five countries (Armenia, Russia, Belarus, Kazakhstan, Kyrgyzstan) for the privilege of substantially low excise tax which was ratified in March 2021. As per Eurasia custom union, Tax Agreement is only 35 euro per thousand sticks and will be achieved in 2024 and not more than a 20% increase will be allowed which shows significant benefits to the tobacco industry.

4. Unnecessary interaction

Unnecessary TI interaction happened at the senior level within different cultural and musical activities of the charity fund under Japan Tobacco International (JTI) sponsorship which might also serve as direct access to key decision makers at the government and Parliament level. Less senior but important TI interaction involved leading scientific institution which openly receive sponsorship by Philip Morris to block heated tobacco product advocacy in the Health Act, as well as other cases which were revealed by Dirty Ashtrays later.

5. Transparency

Framework Convention on Tobacco Control (FCTC) provisions and Article 5.3 Guidelines are neglected in Kazakhstan. As a result, there is no official nor informal regulation to disclose meetings/interactions with the tobacco industry including other TI entities, affiliated organizations, lobbyists and individuals acting on their behalf. Meeting with the tobacco industry is a norm in Kazakhstan and in some cases even required by law (Business Act).

6. Conflict of interest

A well-known ex-head of Atameken union who currently works as MP and leader of the Akzhol political party in Mazhilis regularly attempts to influence tobacco control and weaken the amendments. He never disclosed conflict of interest.

7. Preventive measures

As Article 5.3 Guidelines are neglected in Kazakhstan, no preventive measures have been put in place by the government and in Parliament.

Recommendations

1. Develop and implement a national awareness campaign to implement obligations of FCTC Article 5.3.
2. Develop a code of rules to conduct and implement guidelines to prevent unnecessary interaction between the tobacco industry and government officials. The code of rules should provide a transparent procedure in dealing with the tobacco industry among government officials and politicians as well as public academic institutions and scientists.
3. Ban all forms of tobacco-related CSR activities and TI sponsorship.
4. Collect and disclose records of all TI meetings and interference.