

Burkina Faso



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Political and administrative authorities in Burkina Faso actively avoid all forms of tobacco industry (TI) interference in public health policies. The TI does not participate in defining or implementing public health policies, and no representatives were included in Burkina Faso's official delegation to COP10 or previous COP sessions.

2. Industry CSR Activities

There was no evidence of government or public official participation in TI corporate social responsibility (CSR) activities.

3. Benefits to the Industry

The TI is explicitly excluded from benefits provided under the Investment Code, as stipulated by Article 30 of Law No. 040-2010/AN on tobacco control and Article 7 of Decree No. 2019-0299/PRES/PM/MCIA/MINEFID. This framework ensures that the industry cannot access privileges, incentives, tax exemptions, subsidies, or financial advantages.

Public authorities in Burkina Faso therefore do not grant preferential treatment to the TI, reinforcing the government's commitment to protecting public health policies from industry interference.

4. Unnecessary Interaction

Interactions between public authorities and the TI have occurred in the fight against illicit trade, fraud, and cigarette smuggling. These interactions were conducted transparently and in the interest of public health protection, through the destruction of cigarette cartons and packs in the presence of law enforcement officers. Apart from these incidents, there is no evidence of partnerships or non-binding agreements between the government and the TI or any entity promoting its interests.

5. Transparency

Within the jurisdiction of the Organization for the Harmonization of Business Law in Africa, individual traders and commercial companies, including the TI, are required to register with the Trade and Personal Property Credit Register to obtain legal personality to carry out commercial activities, including the sale of tobacco products.

6. Conflict of Interest

There is no evidence that the TI has sponsored political parties, public officials, or their close relatives holding positions in tobacco companies, including consultancy roles. In addition, a measure introduced by the current administration suspended political party activities in Burkina Faso. While this measure remains in effect, it limits the TI's ability to engage with political parties.



7. Preventive Measures

Law No. 040-2010/AN on tobacco control, under Article 29, requires the TI to provide the competent authority with all information related to its activities, including production, distribution, and promotion.

A draft decree currently under consideration on preventing TI interference seeks to define the conditions under which public officials may interact with the TI, aiming to prevent interference in the implementation of public health policies.

In addition, Zatu No. AN IV-039/CNR/CAPRO of June 18, 1987, regulating the tobacco monopoly, obliges the industry to regularly report production and marketing data to the Ministry of Trade.

Finally, Article 31 of Law No. 004-2015/CNT on the prevention and repression of corruption prohibits public officials, in the exercise of their duties, from accepting gifts, gratuities, or other benefits in kind. This provision strengthens protections against TI interference in public health policies.

RECOMMENDATIONS

1. Adopt the revised draft law on tobacco control in line with the WHO FCTC guidelines and recommendations, taking into account new and emerging tobacco products and other challenges.
2. Adopt the draft decree on preventing TI interference in public health policies.
3. Finalize the implementation of plain packaging for tobacco products.
4. Accelerate the establishment of the National Tobacco Control Program.
5. Create a national fund to finance tobacco control activities and strengthen the capacity of stakeholders, including civil society, to support government implementation.