

Democratic Republic of Congo



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Strong evidence points to collusion between certain policymakers and the tobacco industry (TI), aimed at influencing tobacco control policy in violation of Article 5.3 of the WHO FCTC. For instance, a 2023 NGO project revealed “opaque partnerships” between government authorities (including parliamentarians) and the TI, specifically formed to obstruct the adoption of strict tobacco control policies. This interference has delayed the full implementation of measures such as the ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products, which was scheduled twice during parliamentary sessions but never discussed, despite the ratification of the WHO FCTC.

2. Industry CSR Activities

No recent corporate social responsibility (CSR) activity has been officially supported by the government, but there is a history of public endorsement for donations or events sponsored by tobacco manufacturers.

Since the entry into force of Law No. 18/035, all forms of sponsorship or contributions from the industry are theoretically prohibited. In practice, no financial or in-kind donations from the TI to a public institution have been reported during the 2023–2025 period.

3. Benefits to the Industry

The government has granted significant advantages to the TI through weak enforcement of fiscal laws and delays in

implementing regulations. In 2021, British American Tobacco (BAT) failed to pay excise duties on 189 imports valued at USD 12.9 million, causing a USD 2.6 million loss to the public treasury, while over CDF 90 billion worth of tobacco was imported duty-free, resulting in CDF 15.9 billion in lost taxes. In 2024, despite a major tax increase, the industry circumvented regulations using shell companies.

These enforcement gaps have consistently favored industry interests over public health. For example, in May 2022, the TI, through the Federation of Enterprises of the Congo (FEC), demanded the withdrawal of a decree implementing the Excise Duty Traceability System (STDA), which requires tax stamps on locally manufactured and imported tobacco products.

4. Unnecessary Interaction

No official social meetings were recorded during the period, and the government did not officially accept help from the TI for law enforcement operations. However, there are no regulations preventing such interactions from occurring.

5. Transparency

There is no mechanism for disclosing interactions between the government and the TI. There is no public register of companies, lobbyists, or industry donations, making citizen or institutional monitoring difficult. When interactions do occur (for example, in the context of regulation or fiscal oversight), they are not documented or made public. In practice, potential meetings with tobacco companies are neither announced nor recorded for public access.



6. Conflict of Interest

Electoral or anti-corruption legislation in the country contains no specific provision prohibiting tobacco companies from funding political parties or candidates, or requiring the disclosure of such funding. In the absence of explicit rules, the TI is free to provide financial support to political actors without transparency, creating a major conflict of interest.

7. Preventive Measures

None of the measures recommended under Article 5.3 of the WHO FCTC and its guidelines have been adopted. There is a code of conduct for public officials, but it does not contain provisions to address the TI. There is no awareness program on Article 5.3, no policy prohibiting donations, and no institutional transparency policy. This constitutes a major structural gap.

RECOMMENDATIONS

1. Adopt specific legislation integrating Article 5.3 of the WHO FCTC and its guidelines, prohibiting any unnecessary interaction with the TI.
2. Set up a public register of TI actors, interactions with authorities, and any contributions or benefits received.
3. Prevent conflicts of interest by prohibiting former and current public officials from holding positions related to the TI.
4. Implement a national awareness program on the risks of TI interference targeting relevant government departments and officials.
5. Eliminate fiscal privileges by removing exemptions and non-payment of excise duties, and strengthen customs control and tobacco taxation.
6. Revise the code of conduct for public officials to include provisions from Article 5.3 of the WHO FCTC that limit interactions with the TI to only when strictly necessary.