

Kenya

Overall score:

40

Summary of Findings

1. Industry participation in policy development

According to the Kenya Tobacco Control Regulations 2014, the government does not accept, support or endorse any offer for assistance by or in collaboration with the tobacco industry in setting or implementing public health policies in relation to tobacco control. Kenya's delegation to the Conference of the Parties (COP) meetings do not include any representatives from the tobacco industry.

2. Industry CSR activities

Government officials do not endorse, accept or participate in tobacco-related CSR activities.

3. Benefits to the industry

In 2017, the Treasury Cabinet Secretary proposed legislation that reverts from the single tax system (enacted through the Excise Duty Act, 2015) to the tiered system which benefits the tobacco industry. The delay in fully implementing the Tobacco Control Regulations works to benefit the tobacco industry. However, in 2019 Kenya increased excise tax on tobacco by 20%. British American Tobacco (BAT) described this tax increase as "excessive and unpredictable" which increases and threatens the sustainability of tobacco businesses.

4. Unnecessary interaction

The Tobacco Control Regulations forbid the government from accepting any assistance from the tobacco industry on any enforcement activities or entering into any partnership with it. In 2019, BAT was awarded the Solid Rock Commendation (Lifetime Achievement) for Exporter of the Year Award through a project of the Kenya Export Promotion Council (EPC) which is a state agency.

The Deputy President of Kenya attended the event along with the CS Ministry of Industry, Trade and Cooperatives, EPC Chief Executive Officer, amongst other government officials.

5. Transparency

The Tobacco Control Regulations set out the procedure for all interactions between the government officials and the tobacco industry. The Regulations require full disclosure of political contributions from the tobacco industry. A report must be prepared and submitted to the Board that includes: "any lobbying, philanthropy, political contributions and all other activities by the tobacco industry." However, there is no publicly available record of how this is being implemented.

6. Conflict of interest

The Tobacco Control Act requires that any affiliation to the tobacco industry by a member of the tobacco control board must be declared for purposes of determining any potential conflict of interest.

7. Preventive measures

Overall there has been no progress in implementing preventive measures since 2018. While the Tobacco Control Regulations require a procedure to be put in place to disclose all records of interactions, the implementing procedure is not ready. The Cabinet Secretary has to prescribe a code of conduct for public officers including service providers, contractors and consultants involved in setting or implementing public health policies for tobacco control, however this has not been developed yet.

As of 2019 there is no progress on establishing a repository of reports from the tobacco industry that can be readily available for access to the public.



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Recommendations

Tobacco Control Regulations require a procedure to be put in place to disclose all records of interactions. The government must implement the procedure to report the interactions.