

Botswana

50

Summary of Findings

1. Industry participation in policy development

Although in the past the Botswana government has accepted offers of assistance from the tobacco industry (TI) (September 2013) such as when the Ministry of Agriculture had an agreement with Japan Tobacco Inc, in recent years there is no record in the public domain of the government allowing the tobacco industry to participate in policy development. However a window of TI interference was suspected during the COVID-19 lockdown in 2020, when the government hastily lifted regulations on the tobacco sales ban in 12 weeks as opposed to the regulations on the alcohol sales ban which was banned on May 30th with strict controls and re-introduced again in August 2020. The only tobacco product that remains banned is hookah/hubbly bubbly.

The Botswana delegation to the recent World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) Conference of the Parties (COP) does not include tobacco industry representatives.

2. Industry CSR activities

Tobacco industry activities described as "socially responsible" are currently not banned in Botswana. While in the past the Botswana government officials have endorsed and formed partnerships with and participated in industry corporate social responsibility (CSR) activities, there is no record of such activities over the past few years.

3. Benefits to the industry

There is no evidence of the Botswana government favoring or granting exemptions to the tobacco industry. Currently there is no regulation that mandates the government not to provide preferential treatment to the TI. However, one of the tobacco companies in Botswana was initially established through a government-supported industrial diversification project. The company is now wholly privately funded.

4. Unnecessary interaction

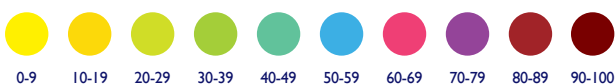
There is no evidence that top-level Botswana government officials attended industry social functions. There is no further evidence that the government or its officials accepted support from the industry for their tobacco control activities.

5. Transparency

There are currently no guidelines for the implementation of Article 5.3 that require organizations to disclose their engagement with the tobacco industry. The government, therefore, does not publicly disclose meetings/interactions with the tobacco industry in cases where such interactions are strictly necessary for regulations. The government does not require rules for the disclosure or registration of tobacco industry entities, affiliated organizations or individuals acting on their behalf including lobbyists.

6. Conflict of interest

Currently there is no legislation that prohibits the tobacco industry from making political donations. Further there is no evidence that retired and current government officials held/hold positions in the tobacco industry.



7. Preventive measures

There are no regulations or guideline regulating public officials' interactions with the tobacco industry. Whilst there is no evidence of a systematic strategy for raising awareness of government departments on policies relating to Article 5.3, the government has used the commemoration of World No Tobacco Day to raise such awareness as well as the Global Adult Tobacco Survey dissemination. There is

no policy preventing government officials from accepting TI contributions as well as prohibiting persons moving from civil service posts to jobs in the tobacco industry or vice versa. However, there is a new Tobacco Products Bill that has been published for public comments. The said Bill limits interactions between the government and the tobacco industry, prohibiting government partnerships, endorsements of the tobacco industry, voluntary contributions from the tobacco industry and incentives to tobacco businesses.

Recommendations

Botswana has faced tremendous tobacco industry interference since 2013. This contributed to delays in the adoption of a comprehensive FCTC-compliant legislation. Despite delays in the adoption of a fully compliant FCTC tobacco control law in Botswana since the ratification of the WHO FCTC, Botswana published a Tobacco Control Bill in March 2021 that addresses Article 5.3 of the FCTC. The law comes at a critical time when Botswana's tobacco use rate is the highest of any country in the region that has carried out a Global Adult Tobacco Survey (GATS) in 2017.

Over 80% of adults purchased single cigarettes, which are more affordable than packs for consumers with low income. Additionally, whilst the Botswana government took measures such as banning the sale of tobacco products during COVID-19, it faced tremendous interference and pressure from the tobacco industry to lift the ban. The ban therefore lasted for only 12 weeks compared to neighboring South Africa, where the sales ban lasted five months. Botswana should, as a matter of urgency, adopt the following in the 2021 August parliamentary seating:

1. Adopt all the provisions of Article 5.3 of the WHO FCTC as proposed in the Tobacco Control Bill No. 9 of 2021 in order to protect tobacco control policies from commercial and other vested interests of the tobacco industry. These provisions include a) prohibitions on government partnerships, endorsements, financial contributions, etc.; and b) prohibitions on voluntary contributions from the tobacco industry,
2. In line with the published Tobacco Control Bill, the Botswana government should, as a matter of urgency, develop conflict of interest guidelines with regard to tobacco industry relationships to eliminate any existing and to prevent any future real or perceived conflict between implementing public health measures and tobacco industry interests.
3. To facilitate support for the provisions of the Tobacco Control Bill No. 9 of 2021, Botswana should implement a public education campaign to inform the general public, including the youth, the business community and government agencies, of the strategies and tactics used by the tobacco industry.
4. In line with the proposed law, Botswana should adopt provisions that will prohibit tobacco industry "corporate social responsibility" activities.
5. The Botswana government should maintain strict adherence to the current version of Smoking Act of 2004, which prohibits tobacco advertising and promotion.