

Ghana

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Summary of Findings

1. Industry participation in policy development

The government of Ghana prohibits the participation of tobacco industry actors in local policy development. The Tobacco Control Inter-Agency Coordinating Committee membership does not include the tobacco industry even though the industry made attempts to join.

The Tobacco Control Regulations do not provide clear provisions to curb the interference of the industry in policy development. The Regulations however gave some powers to the Minister of Health to develop a code of conduct prescribing standards for public officers. This code is yet to be developed. Further delay in developing guidelines to include clear provisions that state the total exclusion of the tobacco industry from policy development aimed at controlling tobacco industry activities in Ghana will leave not only doubts about our national commitment to this conventional requirement but also create an open door for the tobacco industry to take advantage of the situation and explore it. Perceptions about interference cannot be any less when one of the world giants in the tobacco industry, British American Tobacco (BAT), has publicly indicated their close work with governments under the swathe of a global convention partnership.

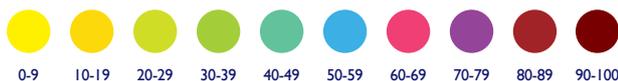
A recent stakeholder engagement convened by the Ministry of Finance (MoF) to solicit views on increasing taxes on tobacco and alcohol products in the 2020 budget, also engaged IMANI Ghana, a known front group for the tobacco industry, but sidelined front-line anti-tobacco CSO groups like VALD.

2. Industry CSR activities

There is currently no known evidence to prove that the government of Ghana and its agencies are benefiting from the corporate social responsibilities (CSR) activities of the tobacco industry, but there is equally no substantial defense of the same. The legal regime bans sponsorship from the tobacco industry, however, the absence of a law that provides a blueprint and the needed legal control tool remains a challenge.

3. Benefits to the industry

The government's weak approaches to policy adherence have provided some leniency and boost to the tobacco industry in Ghana. Even though it is mandatory in Ghana that all tobacco products bear health warnings, shisha—a tobacco product mostly smoked by young people—has no health warnings on the most purchased and less expensive smaller packs. It therefore does not meet the required packaging health warning as prescribed by the Food and Drugs Authority (FDA). Another is the duty-free arrangements at the country's ports that permit government officials and diplomats to carry tobacco products, without paying any duty. The lackadaisical attitude of the government towards increasing tax on tobacco products, with the excuse of using measures to discourage tax evasion and smuggling is unfortunate. Further, the tobacco industry's flouting of the ban on single-stick cigarette sales and the failure of the government to monitor and enforce compliance also benefit the tobacco industry. Weak monitoring and enforcement plus weak tax policies have all played to the advantage of the tobacco industry in Ghana.



4. Unnecessary interaction

The Ghana Revenue Authority (GRA) contracted De La Rue, a Kenyan entity affiliated to a publicly listed U.K. Group on September 9, 2020. It was revealed that De La Rue also outsourced the contract to tobacco industry giant Atos, a longstanding tobacco industry partner. The Ghana government entering into the partnership with the tobacco industry clearly showed the lack of transparency in the tender process, and this led to a temporary suspension of the contract by the Public Procurement Authority (PPA) in response to fierce public outcry. The contract was a clear conflict of interest because one of the World Health Organization (WHO)'s fundamental requirements for providers of anti-illicit trade systems is that they should be completely independent of the tobacco industry—a sector which has repeatedly been found complicit in the smuggling of its own products. Ironically, the contract was not suspended because of tobacco industry involvement with a state contract, rather, because of the lack of transparency in the procurement process and the unjustifiable exclusion of certain competitors. This indicates either the lack of understanding of the WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 by government officials, or a deliberate disregard for international protocols which Ghana has committed to enforce.

5. Transparency

The government through the FDA requires only the registration of tobacco industry entities and affiliated organizations. It further mandates the tobacco industry and its entities to disclose or display information on the health warnings and messages, constituents and emissions. However, there is no specific regulation that obligates the government to disclose details of meetings and interactions with the tobacco industry, except where it is stated in L.I. 2247 that all interactions between the regulator and industry must be limited to tobacco control and enforcement. There is, however, no information on these dealings between the two parties.

The Tobacco Control Law does not bind the government to provide information on their dealings with the tobacco industry; however, the Right to Information Law (RTI) presents an opportunity for interested parties like CSOs to demand/access information.

6. Conflict of interest

Since the passage of Act 851 of the Public Health Act in 2012, Ghana is yet to develop a code of conduct to guide public officers in their interactions with the tobacco industry in line with Article 5.3. The laid-back attitude of the government towards producing this official document to check/control the activities of state officials and ensure a professional standard that meets global requirements remains a challenge that can promote tobacco industry interference.

Current government officials and their relatives do not hold positions in the tobacco business in Ghana. However, some appointees of the current government-held positions worked with BAT in the past including the current Minister for Information, the current Managing Director of the NewTimes Corporation and the Managing Director of the Ghana Post.

7. Preventive measures

The limitations in laws, policies and regulations coupled with the weak enforcement of preventive measures clearly show that Ghana has no explicit preventive measures for the tobacco industry. There is no official document that provides a plan for creating awareness among departments and agencies on policies relating to WHO FCTC Article 5.3. This prevailing condition undermines efforts aimed at strictly enforcing tobacco control measures in Ghana and serves as an incentive for interference by the tobacco industry. The code of conduct for public officials, prescribing the standards for which they should comply in their dealings with the tobacco industry is still not being formulated despite a provision in the Tobacco Control Regulations (L.I. 2247) that gives authority to the Minister of Health to develop a code of conduct for public officials.

There are provisions in the Public Health Act (Act 851) that bar sponsorships but the document is silent on offers of assistance, policy drafts or study visit invitations given or offered to the government, its agencies, officials and their relatives. There are also gaps in sharing adequate information periodically to alert and prevent agencies, officials and their relatives from falling prey to the negative advances and manipulations of the tobacco industry.

Recommendations

1. The government through the establishment of an Inter-agency Coordinating Committee or under the chairmanship of the Minister of Health must prioritize surveillance and monitoring of the activities of the tobacco industry in the country to inform evidence-based policymaking.
2. The Ministry of Health must develop a code of conduct to regulate how public officials deal with the tobacco industry. We recommend to the government of Ghana to work closely with CSOs and other stakeholders to develop a code of conduct guided by the Tobacco Control Regulations for all public officials to restrict/ban government agencies and officials from receiving any form of support from the tobacco industry and make known their engagements and interactions with the tobacco industry.
3. We recommend that the government bans all tobacco-related CSR activities and direct the tobacco industry to publicly report or declare its CSR initiatives in the country as this is not currently available in the public domain. Additionally, we recommend full disclosure on their website of all activities including their market shares, revenue, profits, tax exceptions or any privileges the tobacco industry receives.
4. The government must mandate the Ministry of Finance to regularly review the price of tobacco products and propose an appropriate measure to effectively regulate the affordability and access to tobacco products. We strongly propose the adoption of a Specific Tax regime to replace the current Ad-valorem tax regime for tobacco products—the current price at which tobacco is sold is unjustifiably too low even when sold in packs. Cigarette prices in Ghana are as low as GHS 2 (0.4 cents) per pack of 10 sticks.
5. Upgrade capacity and equip officials to enable them to embark on special operations to clamp down on promotional activities veiled under the creative arts industry, using musical lyrics, movies, musical videos, stagecraft and others on mass platforms like social media and television to advance industry publicity.
6. We recommend the government to develop an awareness campaign for government officials, decision/policymakers and political actors on the WHO FCTC, especially on Article 5.3, to equip them with the requisite skills and knowledge so as to avoid conflict of interest and also falling prey to activities of the tobacco industry or inadvertently facilitating their activities to undermine tobacco control policies in the country.
7. The government must immediately facilitate the process of depositing Ghana's ratified "Protocol to Eliminate Illicit Trade in Tobacco Products" to the FCTC Secretariat. Ghana ratified the Protocol in 2019 but has since not deposited it at the United Nations Depository.
8. We also call for a total cancellation of the recently suspended track and trace system awarded to De La Rue by the Ghana Revenue Authority and open up a fresh application process that is independent and transparent devoid of tobacco industry involvement for a track and trace system for all tobacco products to effectively address illicit trade in tobacco products in Ghana.