



Africa
Tobacco Industry
Interference
Index 2023
REPORT

SECOND EDITION
OCTOBER, 2023



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Quartier Adido-Adin, 08 BP 81586 Lome-Togo
info@atca-africa.org

The African Tobacco Control Alliance (ATCA) is a non-profit, non-political Pan-African network of civil society organizations headquartered in Lome, Togo. With 131 members in 39 countries, ATCA is dedicated to promoting public health and curbing the tobacco epidemic in the continent. The alliance is an Observer to the WHO-FCTC Conference of Parties. It has a Special Consultative Status with the UN ECOSOC, and is accredited as a regional non-state actor (NSA) not in official relations with WHO AFRO.

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Global Center for
Good Governance
in Tobacco Control



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Disclaimer

This Regional Interference Index is a civil society report based on publicly available information gathered by collaborators in their respective countries. If you have information that could strengthen the report, please contact us at: research@atca-africa.org

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This report was written by:

- Dr Arti Singh and Dr Daniel Boateng, School of Public Health, Kwame Nkrumah University of Science and Technology (KNUST), Kumasi, **Ghana**

Editorial and technical team

- o Dr. Mary Assunta: Head of Global Research and Advocacy, Global Center for Good Governance in Tobacco Control (GGTC)
- o Prof. Olalekan Ayo-Yusuf: Director, Africa Centre for Tobacco Industry Monitoring and Policy Research (ATIM)
- o Yodhim Dela Rosa: Global Research Coordinator, Global Center for Good Governance in Tobacco (GGTC)
- o Leonce Sessou: Executive Secretary, African Tobacco Control Alliance (ATCA)
- o Zida Ida: Research Officer, African Tobacco Control Alliance (ATCA)
- o Ayong Caleb: Communication Officer, African Tobacco Control Alliance (ATCA)

National collaborating partners

1. **Botswana:** Anti Tobacco Network (ATN)
2. **Burkina Faso:** Afrique Contre le Tabac (ACONTA)
3. **Cameroon:** Coalition Camerounaise Contre le Tabac (C3T)
4. **Chad:** Yaya Sidjim, Issa Mahamat Idriss
5. **Cote d'Ivoire:** Comité/ Club Universitaire Unesco pour la Lutte Contre la Drogue et les autres pandémies (CLUCOD)
6. **Ethiopia:** Health Development & Anti Malaria Association (HDAMA)
7. **Gabon:** Mouvement Populaire pour la santé au Gabon (MPS-Gabon)
8. **Ghana:** Vision for Alternative Development (VALD)
9. **Kenya:** Consumer Information Network (CIN)
10. **Madagascar:** NY SAHY
11. **Mauritius :** Dr Marie France Chan Sun
12. **Mozambique:** Association Mozambicaine de Santé Publique (AMOSAPU)
13. **Nigeria:** Corporate Accountability and Public Participation Africa (CAPP)
14. **Senegal:** Ligue Sénégalaise contre le Tabac (LISTAB)
15. **South Africa:** Vimla Moodley, National Council Against Smoking (NCAS)
16. **Tanzania:** Tanzania Tobacco Control Forum (TTCF)
17. **Uganda:** Hellen Neima
18. **Zambia:** Tobacco-Free Association of Zambia (TOFAZA)

Graphic design and layout: Fehintoluwa Ogunyemi (pumamammal@gmail.com)

ABBREVIATIONS

BATNF	British American Tobacco Nigeria Foundation
COP	Conference of the Parties
CSR	Corporate Social Responsibility
ECLT	Elimination of Child Labour in Tobacco Growing (Foundation)
EFDA	Ethiopian Food and Drug Administration
ENDS/ENNDS	Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems
FCTC	Framework Convention on Tobacco Control
FDA	Food and Drugs Authority
JTI	Japan Tobacco International
LMICs	Low-Middle-Income Countries
NTE	National Tobacco Enterprise
NYSC	National Youth Service Corps
SSA	Sub Saharan Africa
TC	Tobacco Control
TCR	Tobacco Control Regulations
TI	Tobacco Industry
WHO	World Health Organization

COUNTRY ABBREVIATIONS

	Country	Abbreviation
	Burkina Faso	BFA
	Botswana	BWA
	Cote d'Ivoire	CIV
	Cameroon	CMR
	Ethiopia	ETH
	Gabon	GAB
	Ghana	GHA
	Kenya	KEN
	Mozambique	MOZ
	Madagascar	MDG
	Mauritius	MUS
	Nigeria	NGA
	Senegal	SEN
	Chad	TCD
	Tanzania	TZA
	Uganda	UGA
	South Africa	ZAF
	Zambia	ZMB



Are Parties able to see through the subtle strategies used by the tobacco industry to interfere with their public health policies? Do they take adequate actions to prevent such interference? The 2023 Africa Index attempts an answer to these questions in 18 countries of the WHO AFRO region with great insights into how the tobacco industry participates in policy development, its corporate social responsibility (CSR) activities, benefits accorded to the tobacco industry by governments, as well as unnecessary interactions that occurred between government officials and the tobacco industry that could facilitate policy interference. The index also sheds light on the lack of transparency when governments deal with the tobacco industry, the conflicts of interest that bind some government and tobacco industry officials, and the level of implementation of preventive measures as recommended by the WHO FCTC.

In a nutshell, the index does a great job of presenting facts related to the performance of 18 Parties when it comes to dealing with tobacco industry interference. It is a valuable tool that civil society, the media, tobacco control champions, and all other actors in the tobacco control space can utilize to advocate for the effective implementation of the WHO FCTC.



Akinbode Matthew Oluwafemi
Chairperson, African Tobacco Control Alliance (ATCA)

KEY FINDINGS



In comparison with their 2021 scores, three (3) countries, **Burkina Faso**, **Botswana** and **Ethiopia** have shown marked improvement, whilst two (2) countries have marginally improved. One (1) country has remained unchanged, while eight (8) countries have shown deterioration from their 2021 rankings.



Cameroon records the highest scores for industry interference in the region.



Kenya, **Nigeria** and **Tanzania** show the most deterioration in scores in 2023 from their 2021 scores



Zambia, **Tanzania** and **Mozambique** continue to top the list in Africa with the highest level of tobacco industry interference from 2020-2023 in almost all indicators.



Zambia, **Tanzania** and **Cameroon** have the highest tobacco industry influence on governments in policy development.



Madagascar has minimal control in application of decrees relating to tobacco control, thus enabling the industry to sign partnerships with local groups, to participate in CSR activities.



Nigeria, **Gabon**, **Tanzania**, **Kenya**, **South Africa** and **Zambia** are the top countries where the tobacco industry benefits several incentives such as tax breaks, legalization of sponsorship and delays in implementation of tobacco control laws.



Positive developments in tobacco control during this period include the introduction of excise duty on e-liquid from 1 June 2023 in **South Africa**, and an increase in excise duty on tobacco products in **Cameroon** and **Ghana** in 2023.



In 2023, **Mauritius** became the first African country to introduce plain tobacco packaging and received the acknowledgement of being the first in Africa to adopt the WHO full-scale tobacco control measures along with the Netherlands, Brazil, and Turkey.



The scores in **Botswana** improved from 50 in 2021 to 33 in 2023 largely due to the enactment of the Tobacco Control Act (2021) with a strong component of Article 5.3 despite interference by BAT Botswana.



The Government in **Tanzania** supports the tobacco industry with huge subsidies to upscale production and has been inviting more leaf companies to purchase the crop with no increase in tobacco taxes for the past three years.



Cameroon lacks a national tobacco control law and a national regulation for the application of the provisions of Article 5.3 of the FCTC.



The tobacco industry received awards for its corporate operations and so-called CSR activities in **Nigeria**, **Kenya** and **Zambia**.



Countries such as **Cameroon**, **Madagascar**, **Mozambique**, **Senegal**, **South Africa**, **Tanzania** and **Zambia** have neglected to firewall their tobacco control efforts and have been particularly vulnerable to high levels of industry interference.



African governments do not adequately address conflict of interest situations and current and former public officials continue to work for and in the interest of the tobacco industry.

In their efforts to shift their focus from developed countries with stronger regulatory policies to low and middle income countries with a weaker regulatory framework, the tobacco industry and its allies have never relented in their efforts to circumvent policies aimed at protecting public health and saving lives... Despite numerous difficulties faced by several countries from the WHO African Region, we are glad to see that the tobacco industry interference index reveals how some countries have stood firm in upholding their obligations under Article 5.3 of the WHO FCTC.

| *Dr Adriana Blanco Marquizo*

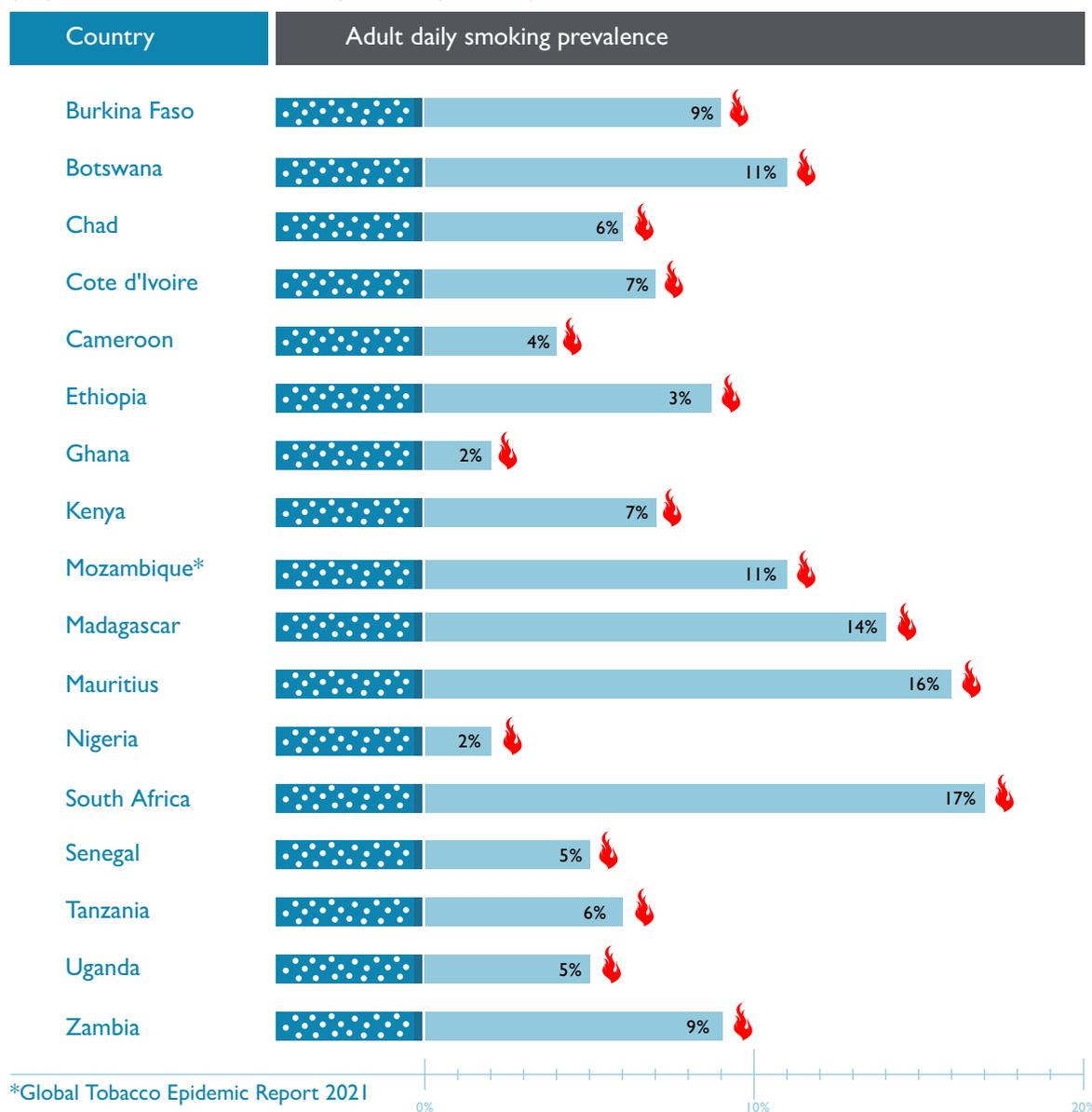
*Head of the Secretariat of WHO FCTC,
during the launch of the 2021 Africa Tobacco
Industry Interference Index*

INTRODUCTION

May 2023 marked the 20th anniversary of the WHO Framework Convention on Tobacco Control (FCTC). It is one of the most widely embraced United Nations treaties. 183 Parties (Malawi being the latest signatory) have acceded to the convention, covering more than 90% of the world's population. However, a major setback for the FCTC has been the tobacco industry's global restructuring from the late 1980s that enabled transnational tobacco companies to expand their markets, notably in low-income and middle-income countries (LMICs).

There has been remarkable tobacco control progress in many places around the globe. Global progress in mitigating the "tobacco epidemic" is driven by large declines mostly in nations that have raised taxes on tobacco, limited marketing, mounted hard-hitting public information campaigns, and banned smoking in many public places. Despite evidence that the WHO FCTC has led to significant progress in tobacco control worldwide, progress in Africa has been slow with modest achievement. Smoking prevalence in the African region nevertheless remains the lowest among all WHO regions (Table I).

Table 1: Adult daily smoking prevalence in selected African countries
(adapted from the Global Tobacco Epidemic Report 2023)

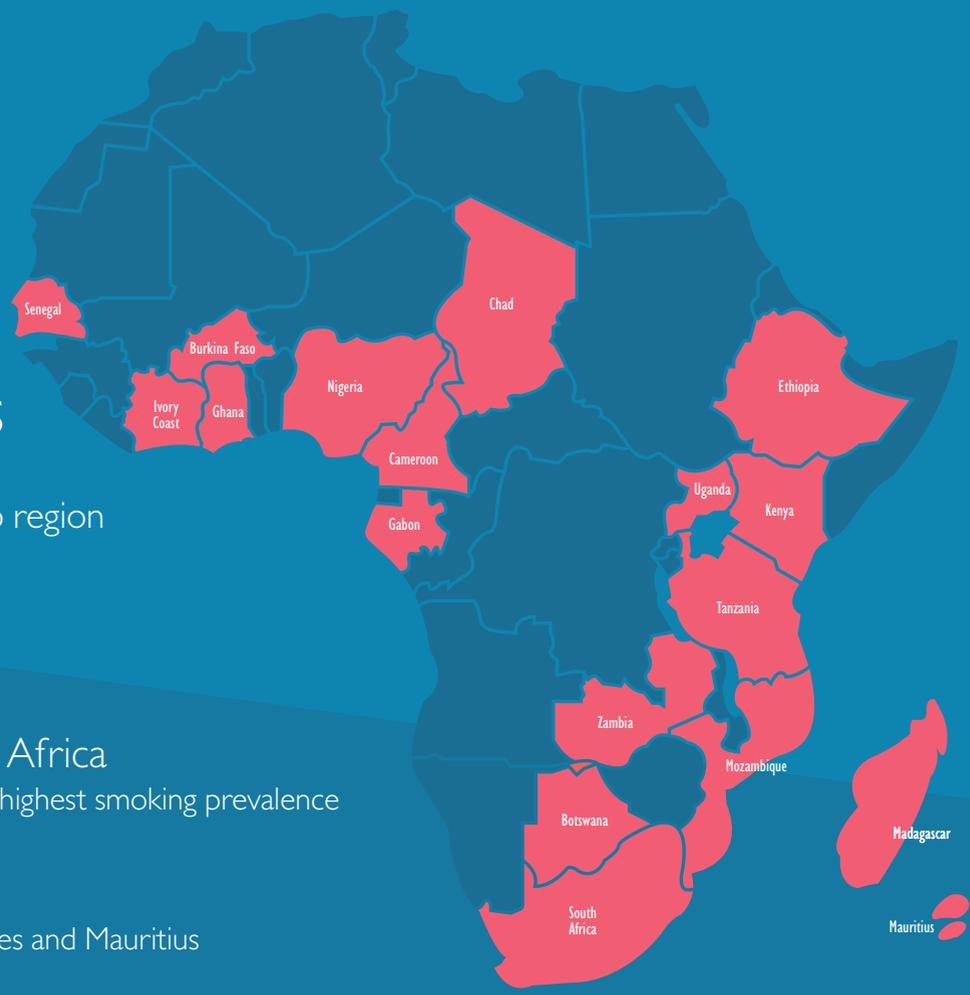


According to the WHO report on the global tobacco epidemic 2023¹, the highest smoking prevalence in the region is in South Africa (17%), followed by Seychelles and Mauritius (16%), and Madagascar (14%) with majority of the countries falling between 5-10%. Nevertheless, the region is experiencing some

of the highest rate of increase in the number of tobacco users given the fast growth of the population and an increase in consumer purchasing power leading to larger and more accessible markets¹. It is also estimated that there could be about 84 million smokers in the region (up from 66 million in 2015)².

84m+ smokers

are estimatedly living in the Afro region



South Africa has the highest smoking prevalence



Seychelles and Mauritius



Madagascar



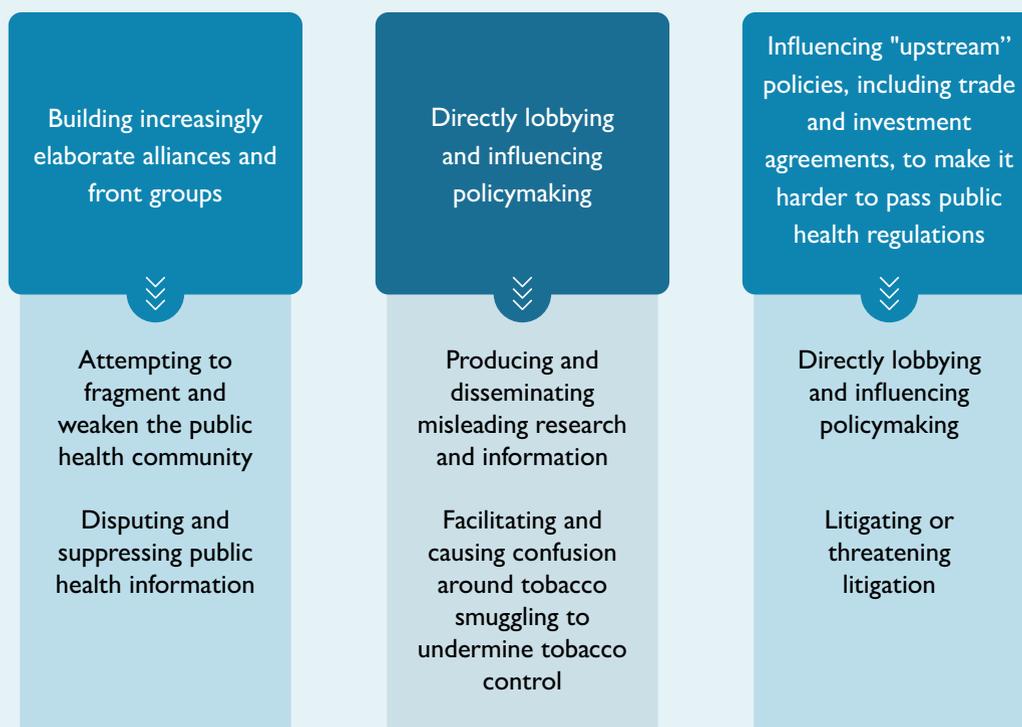
with majority of the countries falling between 5-10%

Nevertheless, the region is experiencing some of the highest rate of increase in the number of tobacco users given the fast growth of the population and an increase in consumer purchasing power leading to larger and more accessible markets.

The tobacco industry's global restructuring remains a major setback for the FCTC, notably in LMICs including SSA. The tobacco industry in Africa has a history of using several tactics to interfere in tobacco control and to delay legislation. Major interference tactics include amongst others, Corporate Social Responsibility (CSR) activities, lobbying, litigation, the use of third parties, alleged bribery and espionage, and using arguments on illicit trade as well as unnecessary interactions with governments (Figure 1)³. The future of the tobacco industry future depends on increased use of tobacco in LMICs, which face a growing burden of tobacco-related disease. More recently, progress has been undermined by the tobacco industry's aggressive promotion of

electronic cigarettes as a safer alternative to cigarettes for which young people, including those who never previously smoked, are a particular target. According to an analysis of documents between 2008 and 2013, British American Tobacco (BAT) spent over US\$600,000 on politicians and civil servants in Burundi, Comoros, Rwanda and Uganda in the form of cash, wire transfers, donations and expensive gifts⁴. This was at a time when a tobacco control legislation was being considered in all four countries. Despite this, Uganda finally passed a comprehensive tobacco legislation in 2015; regulation in the other three countries still falls short of the recommendations in the WHO FCTC guidelines².

Figure 1: Tactics of the tobacco industry (Source: WHO Report on the Global Tobacco Epidemic 2023)



In the 2021 Africa Tobacco Industry Interference Index, a total of fourteen countries in sub-Saharan Africa (SSA) were ranked according to how their governments protect public health policies from the commercial and other vested interests of the tobacco industry. Zambia was found to have the highest level of interference, followed by Tanzania, South Africa and Mozambique⁵. The member states of the WHO African Region accounts for 18.2% of the global area under tobacco cultivation and 11.4% of tobacco leaf growing in the world. The five top tobacco growing countries are: Zimbabwe (25.9% of total output), Zambia (16.4%), United Republic of Tanzania (14.4%), Malawi (13.3%) and Mozambique (12.9%)³. This places the countries in a situation of tension between economic and health aims.

The region also faces several other challenges related to tobacco control. One main problem remains the sale of individual cigarette sticks. Most countries have laws banning this practice, but several governments in the region do not effectively enforce these laws, creating an opportunity for tobacco companies to encourage informal traders/retailors selling single individual sticks of cigarettes by providing them with branded kiosks and umbrellas, and mobilizing them to lobby against regulations that would ban the sale of single stick cigarettes⁶. Tobacco companies overlook the sale of cigarette sticks in African countries to make them more accessible and attract young and low-income customers as well as to avoid health warning labels presented on cigarette packages. Secondly, the issue of effective tobacco taxation in the region for which Africa has a poor record is



Zimbabwe

is the highest tobacco growing country in the region



followed by...

-  Zambia (16.4%)
-  United Republic of Tanzania (14.4%)
-  Malawi (13.3%)
-  Mozambique (12.9%)

also a problem⁷. The cigarette tax scorecard from Tobacconomics, a program of the Institute for Health Research and Policy of the University of Illinois at Chicago, rates nations on a scale of 0 to 5, with 5 indicating the best performance. According to the latest scorecard, tobacco tobacco taxes in almost all African countries are low. Compared with leaders such as New Zealand or Ecuador (4.63), which are making rapid progress, statistics from countries such as Kenya (0.88), Zimbabwe (1.38), Chad and Central African Republic (both at 0.75) show that tobacco is lightly taxed across most of the

continent⁸. The tobacco industry makes claims that increasing tobacco taxes would threaten a country's economic wellbeing as decreased demand would cause the loss of jobs in the sector and throughout the economy. However, tobacco production and manufacturing are not significant contributors to national economies in many African countries (refer to example of Zambia above). And growth in other industries makes up for any small losses that may be experienced in the tobacco sector⁹.



Tobacco taxes in almost all African countries are low. Compared with leaders such as New Zealand or Ecuador (4.63), which are making rapid progress, countries such as Kenya (0.88), Zimbabwe (1.38), Chad and Central African Republic (both at 0.75) show that tobacco is lightly taxed across most of the continent⁸.



Implementation Guidelines of Article 5.3 of the WHO FCTC aim to help Parties meet their legal obligations to the Article. These guidelines continue to be instrumental in combatting industry interference and should be applied in relation to both conventional and emerging nicotine and tobacco products. Progress will not be realised until tobacco industry interference is actively addressed as outlined in Article 5.3 of the WHO FCTC. Exemplar LMICs show this action can be achieved and indicate that exposing tobacco industry misconduct is an

essential first step¹⁰. The Africa Tobacco Industry Interference Index is a civil society report on how countries are implementing the WHO FCTC Article 5.3 guidelines. Scores are applied to the countries according to the level of tobacco interference experienced in the country. The higher the score, the worse the interference. Eighteen African countries participated in the survey and are ranked as shown in Figure 2.

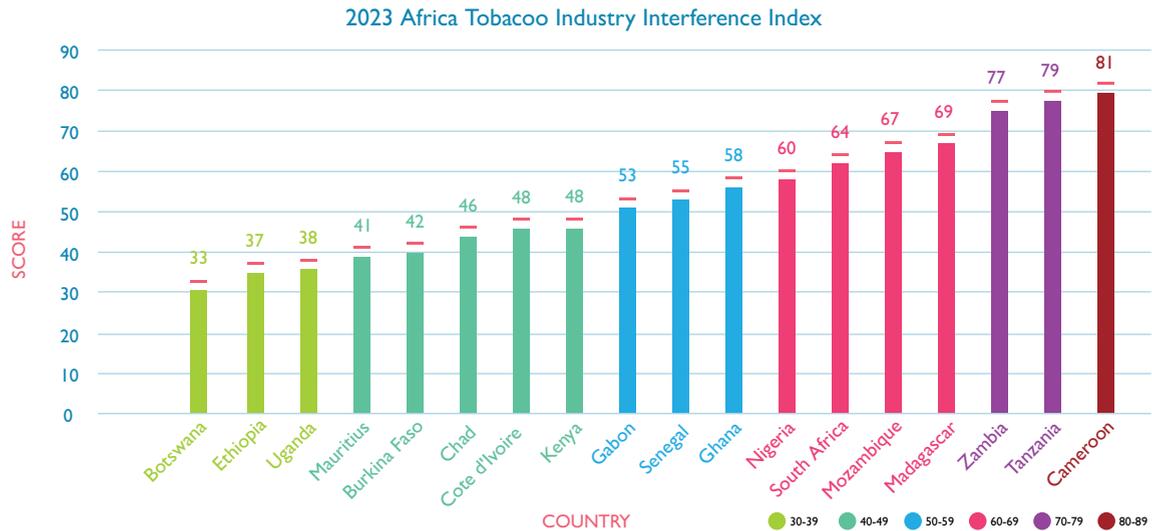


Figure 2: Tobacco industry interference scores for 2023

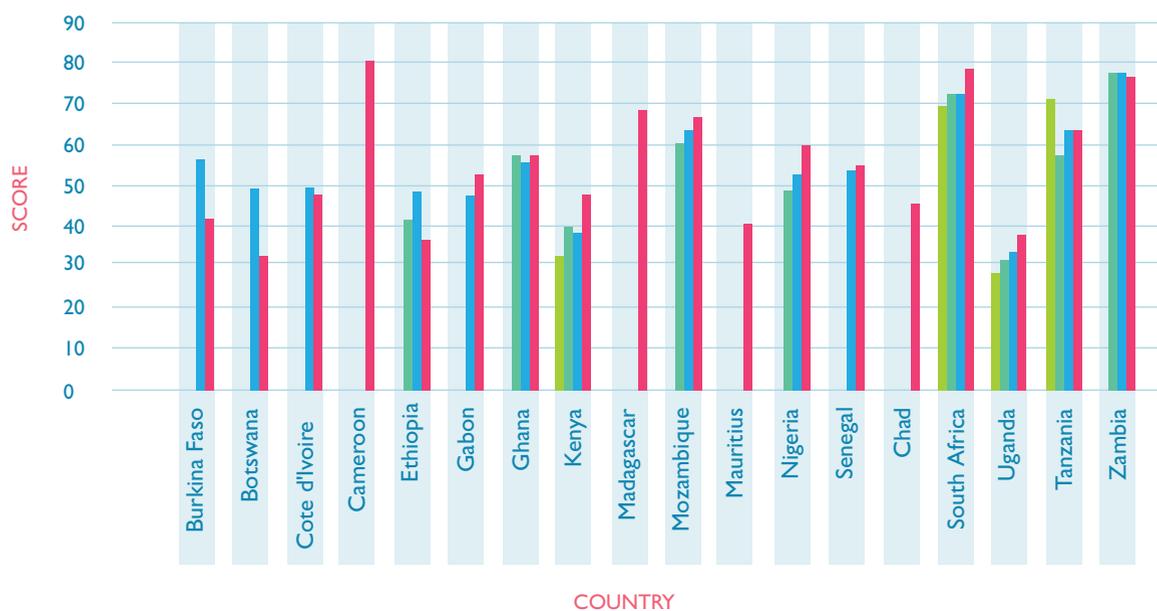
The period under review coincided with the COVID-19 pandemic era, which slowed down progress on many programmes, including public health. Despite the many challenges, the Government of **Botswana** seized the opportunity to advance tobacco control to safeguard public health. A notable achievement was the passing of a strong World Health Organization (WHO) Framework Convention on Tobacco

Control (FCTC) compliant Tobacco Control Act (TCA) no. 19 of 2021^{11,12}. However, several other countries such as **Zambia**, **Tanzania** and **Cameroon** continue to experience a high degree of interference from the industry. Over the past years (2019-2023) (Figure 3), whilst, **Tanzania** and **Zambia** consistently top the list, **Botswana**, **Burkina Faso** and **Ethiopia** have recorded substantial improvements.



Despite the many challenges, the Government of Botswana seized the opportunity to advance tobacco control to safeguard public health.





2019							33								70	29	72	
2020					42		58	40		61		49			73	32	58	
2021	57	50	50		49	48	56	39		64		53	54		73	34	64	78
2023	42	33	48	81	37	53	58	48	69	67	41	60	55	46	79	38	64	77

Figure 3: Tobacco industry interference scores (2019-2023)



The African regional report is prepared based on publicly available information on tobacco industry interference on the continent for 2023.

The report considers seven indicators namely

- Tobacco industry participation in policy development
- Corporate Social Responsibility (CSR) activities
- Benefits to the tobacco industry
- Unnecessary interactions with the tobacco industry
- Lack of transparency when dealing with the tobacco industry
- Conflict of interest to protect public health policy
- Preventive measures



Tobacco Industry Participation In Policy Development

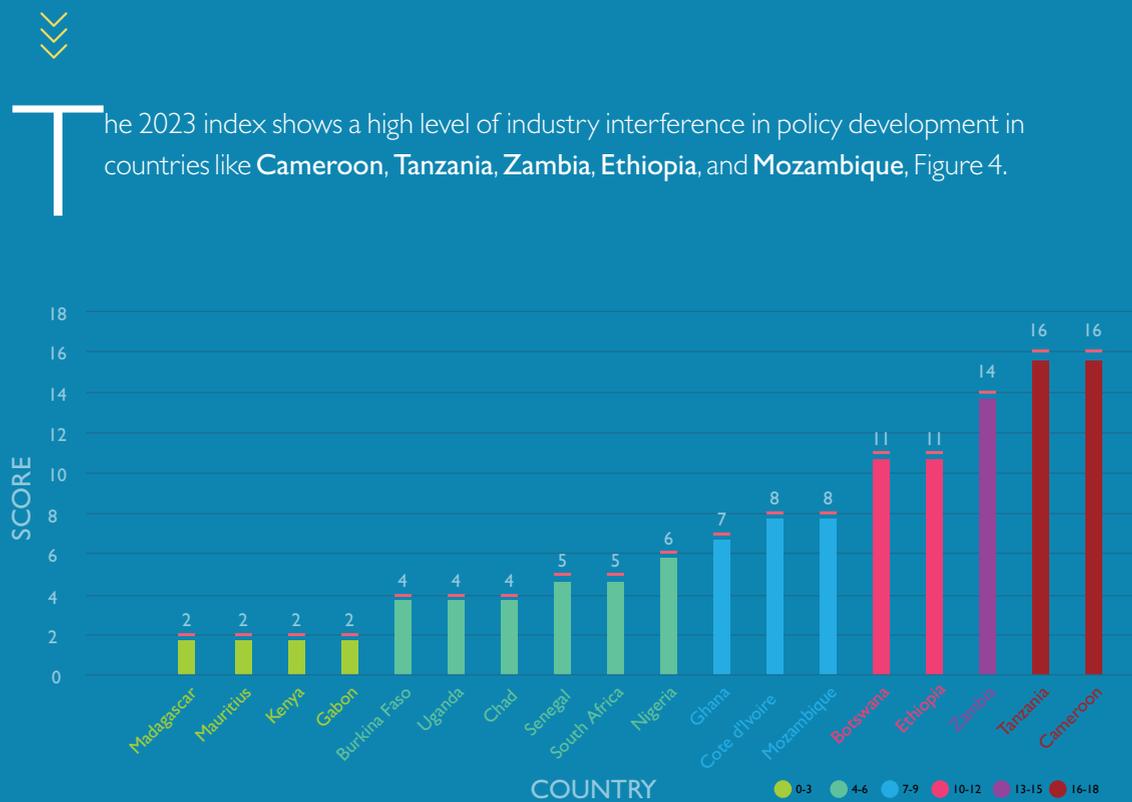


Figure 4: Country scores for level of industry interference in policy development (the lower the score, the better the ranking)

Highlights of the extent of industry participation in these countries is presented in Figure 5.



In **Cameroon**, the tobacco industry participated in the development of standards for tobacco and tobacco products and these standards are likely to become regulations. British American Tobacco (BAT) initiated and financed the standardization work on two new nicotine products. In their strategy to introduce new nicotine-based products on the market, BAT's managers asked the Ministry of Public Health for advice.



In **Ethiopia**, although the Food and Drug Administration Proclamation 1112/2019, does not permit industry participation in public health policies on tobacco control in any form, the National Tobacco Enterprise continued to participate in any law-making process that addresses tobacco control. The tobacco industry was able to exert pressure on public health laws, particularly the amendment of excise tax proclamation.



In **Mozambique**, there is a strong support of the government to the tobacco industry, which is reflected in the fact that to date, Mozambique does not have an omnibus tobacco control legislation that is compliant with the WHO

FCTC to protect public health. A meeting was held between the Governor of Nampula, Hon. Manuel Rodrigues, and the tobacco industry and tobacco farmers to discuss and harmonize the price of tobacco for tobacco marketing campaign with the involvement of all sectors in the value chain¹³. The trade industry of **Mozambique** is also consulted by Parliament when it comes to adopting legislation that affects the tobacco industry. Governmental support for the tobacco industry is also evident in **Tanzania**, where government gave a subsidy to the tobacco sector and has designated the Tanzania Medicines and Drugs Authority (TMDA) as inspectors of Tobacco Products (Regulations) (Act CAP 121 of 30/4/2021)¹⁴. The President has for instance, for the first time ever, offered TZS 11.2 bn (about \$5,000,000) as subsidy to support the tobacco sector¹⁵. Countries like **Gabon, Kenya, Madagascar** and **Mauritius**, had the lowest level of industry participation in policy development (Figure 4). In these countries, there is no industry involvement in the development of health policies and the government does not accept, approve or support policies or legislation drafted by the tobacco industry or with their cooperation.

In all countries represented in this report, there is no evidence of government nominating or allowing representatives from tobacco companies (including State-owned) or other subsidiary bodies to be in the delegation to the COP, neither do they accept tobacco industry sponsorship of delegates.

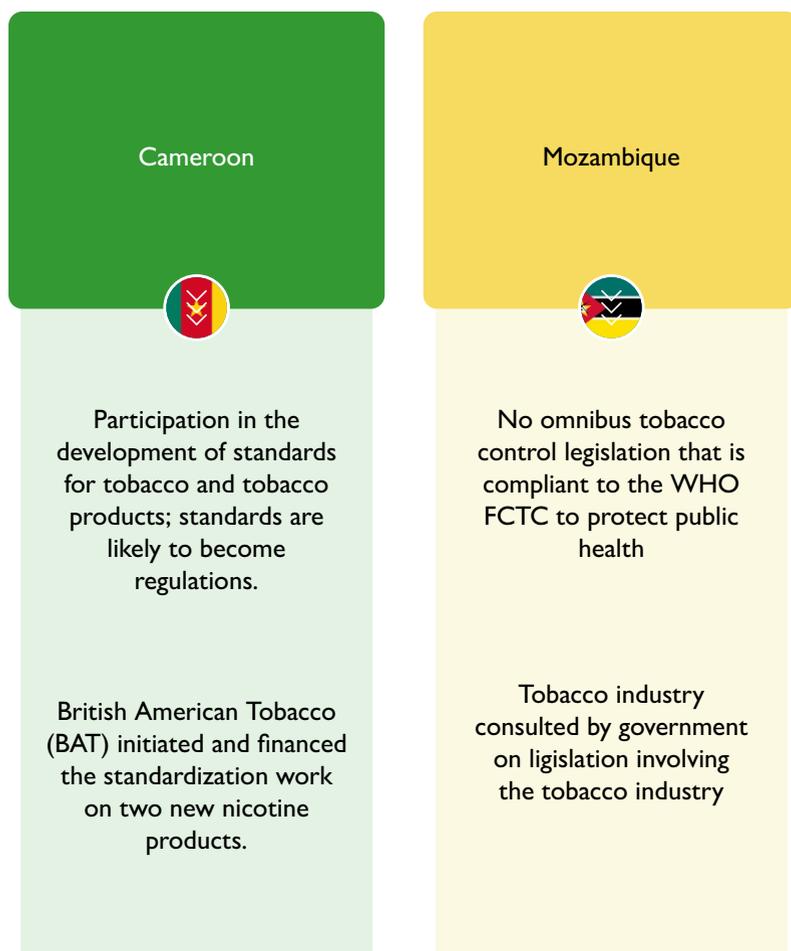


Figure 5: Summary of extent of industry participation

Corporate Social Responsibility (CSR) Activities

The current index shows some form of government endorsement, support and partnerships with tobacco companies or their entities in activities labelled as "corporate social responsibility". High level of CSR activities is reported in many countries as shown in Figure 6.



Figure 6: Country scores for level of CSR activities in African countries by the tobacco industry (the lower the score, the better the ranking)

Government agencies/officials endorse, support, form partnerships with or participates in activities of the tobacco industry.



In countries like **Nigeria**, Government at federal and state levels continue to form partnerships, endorse, and participate in activities of the tobacco industry. Many of such engagements are in the public domain and are even promoted in the media and on social media, especially on twitter and Facebook. British American Tobacco Nigeria Foundation (BATNF)'s sponsorship of agricultural initiatives have the endorsement of state governments across the country.

In May 2021, for instance, the Lagos State Commissioner for Agriculture, Abisola Olusanya, commended BATNF describing the relationship between the state and the foundation as “always a fruitful one”¹⁷.

State governments across the country endorsed British American Tobacco Nigeria Foundation (BATNF)'s sponsorship of agricultural activities



In **Zambia**, the Western Province Minister, who is also area member of Parliament, endorsed several of JTI's CSR programs including tree planting, a cross-point bridge for a local community, building and rehabilitation of classroom blocks and the launch of the “WeProsper” Child Labour Awareness Campaign in the Munkuye Ward, illustrating government officials' involvement in the campaign¹⁷. On the 25th of September 2022, the Minister commended JTI for its role as a “responsible corporate entity”¹⁸



The government receives CSR contributions from the tobacco industry

The tobacco industry engages in CSR activities in various sectors by contributing through partnerships with various ministries and governmental agencies. They engage in activities such as provision of scholarships, provision of classroom blocks, training of youth in agriculture and entrepreneurship, poverty alleviation, water and sanitation and the natural environment. The tendency of such an occurrence is connected to the recent COVID-19 pandemic that opened most low and middle-income countries to much vulnerability, for which the tobacco industry may covertly lend support.

In 2021, BATNF partnered with the National Youth Service Corps (NYSC) – a federal government youth scheme to supposedly empower young agriculture entrepreneurs financially.



In **Madagascar**, the industry has contributed towards projects at different ministries, including Ministry of Education, Public Health, Environment and Population. For instance, Imperial Brands is working with the Ministry of Population on a permaculture project¹⁹ which has supported 200 vulnerable families in Antsirabe with a fund of £25,000, or one hundred million Ariary. The Ministry of Public Health and Imperial Brands also work with the "Support for Health" project²⁰ which allocated more than 63,000USD, including 250 million Ariary to the fight against the spread of covid-19 in 2020. A summary of CSR activities in Madagascar, showing the industry's contribution through various ministries, is shown in Figure 7^{19,20,21}.



Support for Health

Imperial Brands allocated



63,000USD+

through the Ministry of Public Health to fight against the spread of covid-19 in 2020

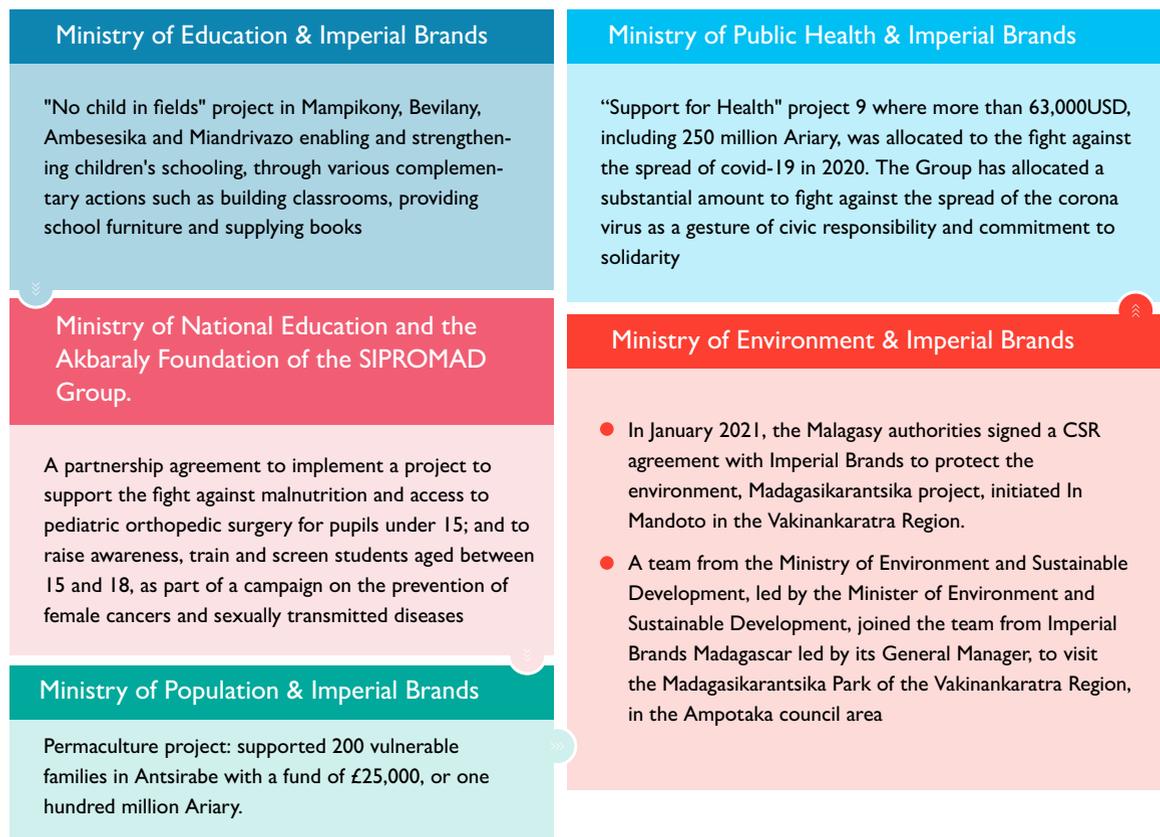


Figure 7: CSR activities in Madagascar

Covert activities of the tobacco industry despite no endorsement from government

In some countries, although the government does not endorse, accept or participate in tobacco industry-related CSR activities, the industry operates through other stakeholders, front organizations, and lobbyist groups. For instance,



⚠️ the Atlas Network, a group affiliated to the tobacco industry, sponsors programs in **Ghana** such as the YouOpportunity Summit,²¹ and through educational institution collaboration, projects such as the Ghana Inter-University Liberty Economic Challenge²³.



⚠️ Similarly in **Ethiopia**, the National Tobacco Enterprise, via its major shareholder, Japan Tobacco International, has engaged in various CSR activities such as providing scholarships for Ethiopian students and participating in community water supply and sanitation services^{24,25}.



⚠️ In **Uganda**, the industry has found ways to conduct CSR and involve the government despite the prohibition in CSR activities²⁶. A tobacco industry-funded international NGO, Elimination of Child Labour in Tobacco Growing Foundation (ECLT), for instance, continued to fund activities in **Uganda**. BAT also donated a cigarette destruction machine to **Uganda** Revenue Authority to support the national fight against illicit cigarette trade²⁷.



Countries like **Botswana**, **Burkina Faso**, **Cote d'Ivoire**, **Mauritius** and **Chad** reported no support from government for industry CSR activities.

Benefits To The Tobacco Industry



The tobacco industry's business portfolio is still highly valued for its perceived contributions to economic growth in many countries within Africa. As a result, the industry receives government benefits or incentives to expand its operations. Governments in the region continue to accommodate requests from the tobacco industry for a longer time period for implementation or postponement of tobacco control legislation, an increase in cigarette taxes, or the implementation of tobacco product levies.

The most often mentioned benefits in the region in this reporting period related to tax exemptions, minimal or no tax increases on tobacco goods, and a longer period of time to implement mandatory health warnings on cigarette packs. Another area that the industry is benefiting from is the introduction of novel tobacco products such as electronic cigarettes.

Figure 8 shows countries that provided benefits or promoted the tobacco industry during the reporting period.

The most often mentioned benefits are:

-  minimal or no tax increases on tobacco goods
-  tax exemptions
-  a longer period of time to implement mandatory health warnings on cigarettes
-  introduction of novel tobacco products such as electronic cigarettes.

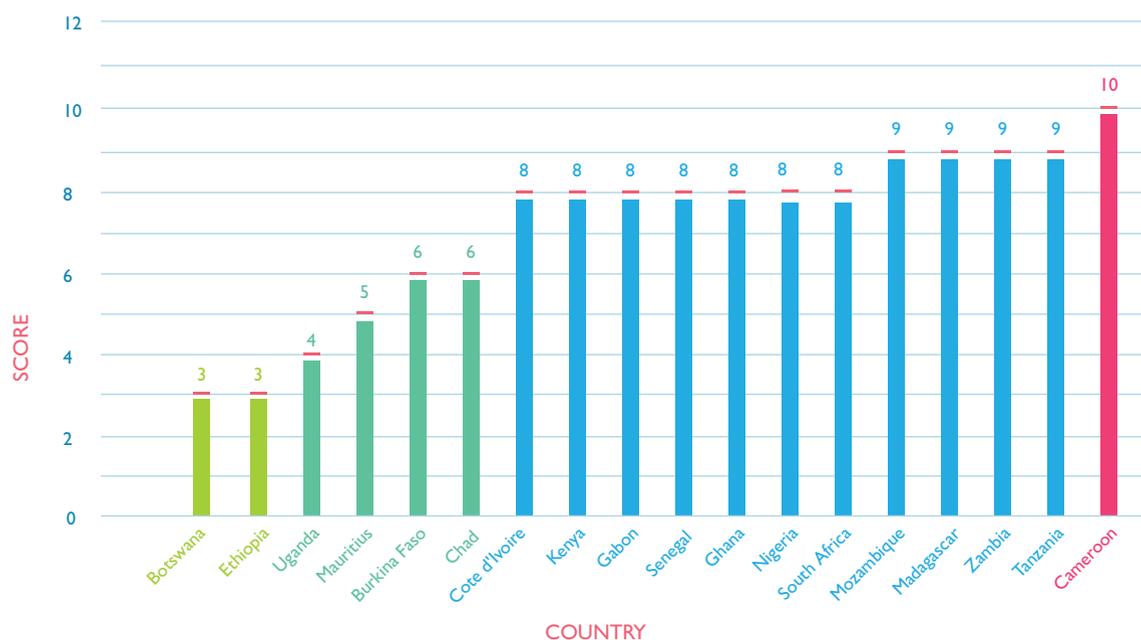


Figure 8: Country scores for benefits to the tobacco industry (the lower the score, the better the ranking)

Pro-industry policies, postponement and deferment of tobacco control measures by governments

Several tobacco control measures such as passage of a tobacco control act, ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products, implementation of pictorial warnings on cigarette packs and regulation of electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS) have either been delayed, poorly implemented, or not implemented at all in many African countries.



In **South Africa**, the 10-year delay (2013 – 2023) in ratifying the Protocol to Eliminate Illicit Trade in Tobacco Products has worked overall in favour of the tobacco industry. The tender on a track and trace system was also cancelled and the current self-reporting system (from the tobacco industry) on tobacco production is open to potential tobacco industry manipulation. The unregulated use of ENDS/ENNDS in the country also allows the tobacco industry to market these devices and products under the guise of harm reduction.



The pictorial health warnings required on the packaging of tobacco products on sale in **Gabon** (60% of the front and 65% of the back of each package) are still not applied despite the Gabonese Republic being among the first 40 countries to sign the WHO FCTC. Gabon was also the first country in Africa and the second in the world to become a Party to the Protocol to Eliminate Illicit Trade in Tobacco Products.



In **Mozambique**, tobacco control measures currently do not comply with the WHO FCTC. Tobacco industry CSR activities are not prohibited, there are no pictorial warnings on cigarette packs, and taxes on tobacco products remain low.



Similarly, the long delay in the filing of the Control of Tobacco Products Bill in **Zambia** has benefited the tobacco industry to increase its business. Instead, there was the enactment of the pro-industry Tobacco Act No 10 of 2022 with overwhelming support from Members of Parliament. Further, almost all countries within the region permit duty-free allowances of tobacco products for international travelers (Table 2).

Table 2: Duty free allowance

Uganda	Allow International travellers to bring 200 sticks of cigarettes or 250gm of tobacco
Zambia	International travellers allowed to bring in 400 sticks of cigarettes or 0.5 grams of pipe tobacco or 0.5 kg. cigars duty-free ²⁷
Burkina-Faso	Tourists over 15 years of age freely import 200 cigarettes or 100 cigarillos or 25 cigars or 250 grams ²⁸
Botswana	International travellers are allowed to import duty-free 200 cigarettes and 20 cigars and 250g of tobacco ²⁹
Ghana	Allowed to bring in duty-free tobacco products, 200 cigarettes, 100 cigarillos, 50 cigars, and 250gms of tobacco ³⁰
Nigeria	International travellers allowed duty-free 200 cigarettes or 50 medium-sized cigars or 200 grammes of tobacco.

South Africa	International travellers allowed not more than 200 cigarettes and 20 cigars per person, not more than 250g of cigarette or pipe tobacco per person
Senegal	International travelers allowed duty free 200 cigarettes or 50 cigars or 250 grammes of tobacco or tobacco products ³²
Cote d'Ivoire	International passengers over 15 years of age are free to import 200 or 100 cigarillos or 25 cigars or 250 grams of tobacco ³³
Madagascar	The government allows international travelers to duty-free import 200 cigarettes or 25 cigars or 500 grams of tobacco into the country.
Mauritius	International travellers can bring duty free into Mauritius 200 cigarettes or 100 cigarillos or 50 cigars or 250g of tobacco.
Mozambique	International travellers can duty free import 400 cigarettes or 250 grams of tobacco into Mozambique.
Zambia	The government allows international travelers to bring in duty-free 400 cigarettes or 0.5 grams of pipe tobacco or 0.5 kg cigars.

Tax breaks, incentives, and trade boosts

The tobacco industry also benefitted from tax breaks and exemptions in 2022.



In **Cote d'Ivoire**, tobacco companies turned to the Ivorian Business Authority to negotiate tax breaks making it possible to revise the increase in the tobacco tax by only one point (35 to 36% in 2018) and from 38 to 39% in 2021.



Whereas in **Chad**, as part of the 2023 Finance Law, the government through the Ministry of Finance proposed reducing the amount of the specific tax from 100XAF to 50XAF per pack of cigarettes in response to requests from the tobacco industry and the National Council of Chadian Employers in the face of the weight of smuggling that caused a sharp drop in the turnover of Imperial Tobacco Chad.



In **Gabon**, the measure introduced by the Minister in charge of the economy relating to the suspension of taxation of tobacco products voted by a finance law still remains in force.



In **Tanzania**, the Government fully supports the tobacco industry, giving huge subsidies to upscale production and inviting more leaf companies to purchase the crop. There has been no increase in tobacco taxes in Tanzania for the third year running.

Nevertheless, some countries, have made good progress in terms on reviewing of current tobacco taxes.



In **Burkina Faso**, as part of the implementation of the Finance Act, fiscal year 2023, the tax rate on tobacco, cigars, cigarettes and cigarillos was increased from 50% to 55% in accordance with the West African Economic and Monetary Union directive.



The parliament in **Ghana** passed the Excise Duty Amendment Bill in March 2023 amidst opposition by some Members of Parliament. Though the bill was submitted to Parliament on 24th November 2022 and passed on 31st March, 2023, the delay in passing the bill allowed industry to import tobacco products into the country giving them an advantage to sell their products to consumers at cheaper prices.



Likewise, in **South Africa**, the excise duties on alcohol and tobacco was increased by 4.90% to align to inflation³⁴ (BOX I).

- 23g cigar increased by 5.47 ZAR (0,30 USD)
- A pack of 20 cigarettes increased by 0.98 ZAR (0,054 USD),
- A pack of 20 heated tobacco sticks increased 0.73 ZAR (0,040 USD).
- R2.90ZAR/ml (0,16 USD/ml) introduced for electronic cigarettes

Box I: Excise duties on tobacco products in South Africa (2023)



Presently, the National Pension Scheme Authority (NAPSA) and the Public Service Pension Fund in **Zambia**, hold shares in BAT Zambia Limited. NAPSA holds a 3.01% share, while PSPF holds a 3.77% share in the company. Divesting from these holdings is crucial to demonstrate the government's commitment to safeguarding public health and reducing the influence of the tobacco industry.

Table 3: Benefits to the tobacco industry via delays in implementing pictorial warning labels

Nigeria	The Nigerian government fixed June 23, 2021, as take-off date for the policy on Pictorial Health Warnings (PHWs) on tobacco product packs in Nigeria. After the June 23 take-off date passed, there was no sanction for defaulting tobacco companies and no official communication from the Federal Ministry of Health. ³⁵
Ethiopia	The tobacco industry was given 2 months to apply the pictorial warning. NTE products with the repealed graphic health warning labels still exist in the market.
Gabon	The pictorial health warnings required on the packaging of tobacco products on sale in Gabon (60% of the front and 65% of the back of each package) are still not applied.
Senegal	The tobacco industry requested a period of six (6) months to make the necessary changes in its production tools in order to be able to produce compliant packaging in sufficient quantities and technically meet the injunction of the law.
Mozambique	Does not have pictorial warnings on cigarette packs.
Cote d'Ivoire Chad	Tobacco packaging is required to display a text warning only on the side. Segum International (Cigarette importing company) requested for additional period of 5 months to allow it to finish its stocks with the old images of health warnings. All manufacturers and importers were granted an additional period of 3 months.
Cameroon	The implementation of the 3rd series of images as of June 12, 2023 is unspecified as the earlier images adopted have still not been signed.
Burkina Faso	For the first time, the Ministry of Commerce granted tobacco companies an additional period of time to affix graphic health warnings on tobacco packaging.

Delay, postponement and deferment of tobacco control measures by governments



In **Tanzania**, the tobacco industry is currently benefiting from the delay in the enactment of a new smoke-free law which contributes to an increase in cigarette sales. A



similar observation is made in **Zambia** where a long delay in the passing of the FCTC compliant Tobacco Products Control Bill has benefited the tobacco industry to increase its business.



In **Burkina Faso**, tobacco companies have been granted an extension by the Ministry of Trade to continue to supply and sell tobacco products without graphic health warnings.



In **Mauritius**, the Ministry of Commerce allowed Zippy Mouse Ltd to import 22 million roll-your-own cigarette papers with a market value of over Rs 460 million in November 2022, despite the presence of a ban.



Unnecessary Interactions With The Tobacco Industry



Unnecessary interactions with the tobacco industry occur when government officials attend social activities sponsored by the industry or when the government gets into a partnership with them, according to Article 5.3 Guidelines. One of the most significant strategies to protect decision-making processes from tobacco industry influence is to prohibit unnecessary interaction between the industry and government officials. Nonetheless, many governments form alliances with the tobacco industry, or top-level government officials, and cultivate contacts with industry representatives/entities at the local or national level.



- Fostering relations with tobacco companies
- Accepting assistance from tobacco companies
- Opportunistic social events and gatherings
- Non-binding agreements
- Developing personal ties

Figure 10: Types of unnecessary interactions with tobacco companies

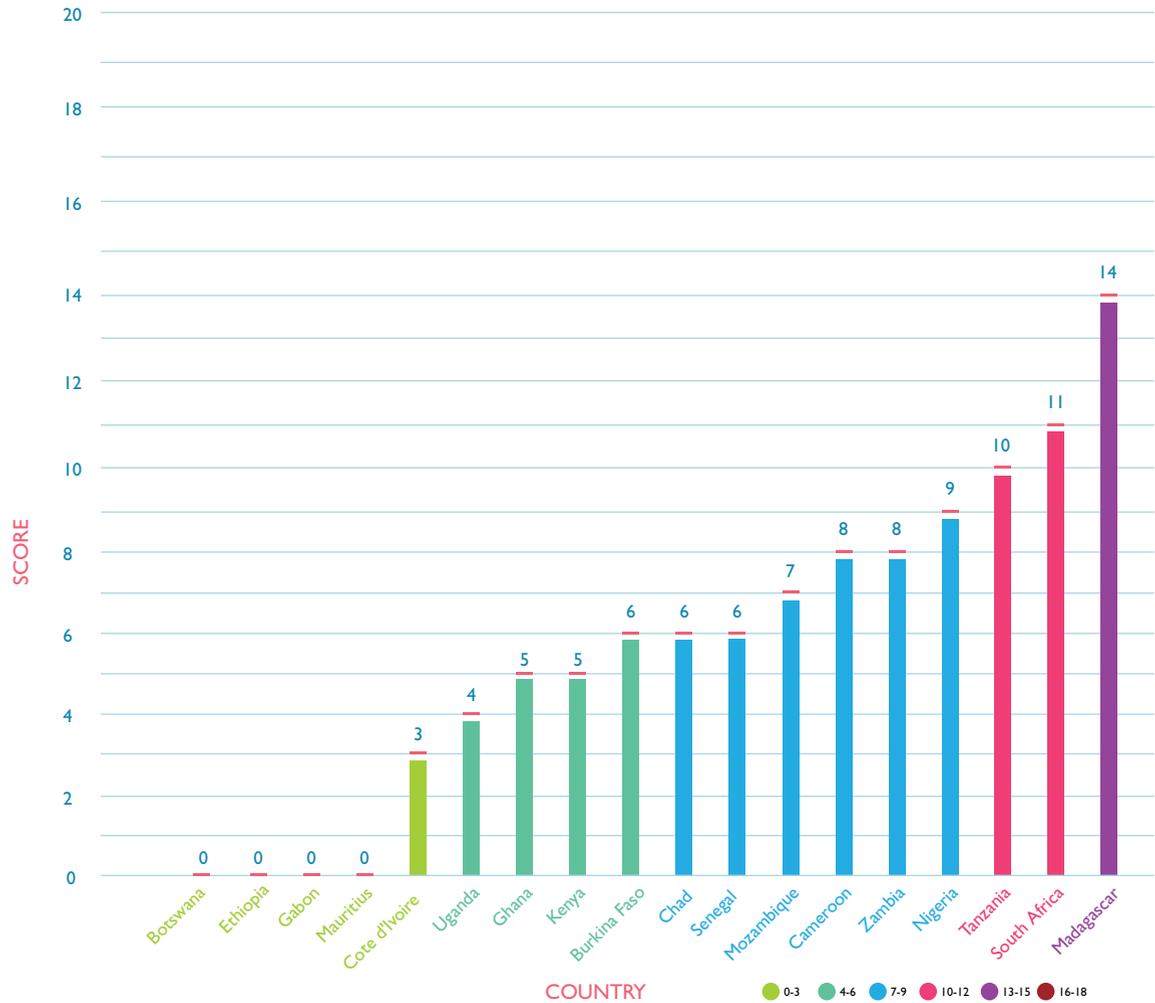


Figure 10: Country scores for unnecessary interaction with the tobacco industry (the lower the score, the better the ranking)

As presented in Figure 10, all countries, except **Botswana**, **Gabon**, **Ethiopia** and **Mauritius**, recorded unnecessary interactions. **Madagascar**, followed by **South Africa**, and **Tanzania** recorded the highest scores.

Building relations with the industry

Government officials of past and present ruling parties continue to engage with the tobacco industry for various unnecessary reasons.



In **South Africa**, the tobacco industry interacted with senior government officials of the current ruling party (African National Congress) at a fund-raising event alongside its policy conference in July 2022³⁶.



In **Nigeria**, the Nigeria Immigration Service (NIS) and custom officials paid a visit to BAT Nigeria Ibadan factory and commended BAT's contributions to the national economy³⁷. Also the Nigeria Employment Summit (2022), organised by the Nigeria Employers Consultative Association to burnish the image of BATN had in attendance several government officials.



In **Mozambique**, the Governor of the Province of Zambezia was accompanied by the Provincial Director of Agriculture and Rural Development to attend the launch ceremony of the tobacco marketing campaign at the invitation by the Director General of Mozambique Leaf Tobacco³⁸.



Several unnecessary interaction between senior government officials and tobacco company representatives were also observed in **Tanzania** during this reporting period (Figure 11).



In some countries such as **Ghana**, despite no evidence of unnecessary interactions, media reports indicated that the industry has engaged government officials during this reporting period. This was confirmed by BAT's General Manager for West and Central African Markets on BAT Ghana's corporate development strategy³⁹.



The management of Tanzania Cigarette Public Limited Company (TCC Pic) signed a Collective Bargaining Agreement with the Tanzania Union of Industrial and Commercial Workers (TUICO) in 2022.

During the visit to Japan by the Prime Minister of Tanzania at the funeral of retired Japanese PM, the Prime Minister met with JTI CEO and contracted to purchase 30million kg of cigarettes from Tanzania.

In 2023, Italian Ambassador to Tanzania and Ambassador Col launched a luxurious cigar lounge at the five-star Johari Rotana Hotel in Dar es Salaam.

Figure 11: Unnecessary interactions between government officials and tobacco companies in Tanzania ⁴⁰⁻⁴¹

Awarding the tobacco industry for their "commitment"

Another unnecessary government interaction that benefits the industry is the granting of awards for its corporate operations and so-called CSR activities.



In **Zambia** the Minister of Green Economy and Environment participated in the 4th Zambia CSR and Responsible Business Awards Gala dinner during which JTI Zambia was awarded with the 'CSR Excellence in Education Infrastructure Support' award⁴².



In **Kenya**, during the 18th Kenya Association of Manufacturer's Energy Management Awards in 2022, BAT Kenya was awarded one of the top prizes. The award ceremony was attended by some top government officials notably from the Ministry of Energy. Government officials and institutions that provide these awards are perceived as endorsing these companies and help elevate the industry's profile, making de-normalizing the industry and its harmful products even more challenging.



In **Nigeria**, the Nigeria Export Promotion Council, an agency under the Federal Ministry of Industry, Trade and Investment awarded BAT Nigeria the "Best Exporter to African Markets for the Year 2022" at the Council's Award and Gala Nite in November 2022⁴³.

Tobacco companies in some countries proudly report their relationship with the government.

“

As a key stakeholder in the tobacco industry, we fully support local governments, regulators and government agencies including Kenya's Inter-Agency Anti-Illicit Working Group and the Anti-Counterfeit Agency, regional bodies including the EAC and COMESA as well as international organizations such as the World Trade Organization and World Health Organization, in seeking to eliminate all forms of illicit tobacco trade

BRITISH AMERICAN TOBACCO
KENYA

”

Seeking assistance and fostering relations with the tobacco industry for tobacco control

Countries including **Chad** and **Senegal** did not report any such activities in this reporting period. However, the government in some countries worked side-by-side with the tobacco industry for implementing tobacco control measures mainly in the area of illicit trade in tobacco products (Table 4).

Table 4: Government and the tobacco industry interaction in illicit tobacco trade policy

Country	Activity
South Africa	The 10-year delay (2013 – 2023) in ratifying the Protocol to Eliminate Illicit Trade in Tobacco Products in South Africa favoured tobacco industry. Consumer Goods Council (BATSa is a board member of the Consumer Goods Council of South Africa), launched a toll-free hotline for the public on illicit trade and counterfeit products (tobacco, alcohol, food, pharmaceuticals, and clothing) ⁴⁴ . CGCSA claimed that the purpose of reporting this information is to assist law enforcement to mitigate and address illicit trade in South Africa ⁴⁵ .
Cameroon	Representatives of the tobacco industry offered support for the raids on the field and the operations to fight against contraband products to the Ministry of Health.
Mozambique	The government collaborates with the tobacco industry on the Tobacco Anti-Smuggling Strategy. Tobacco smuggling to neighbouring Malawi worries the government and tobacco production companies in Tete Province ⁴⁶ .
Uganda	The government, through Uganda Revenue Authority accepted a cigarette destruction machine from BAT as a donation to support the national fight against illicit cigarette trade ⁴⁷ .



In other countries such as **Madagascar**, the tobacco industry financed 100% of the production, design, printing and distribution of posters labeled "protection des mineurs" (protection of minors) on not selling cigarettes to minors. The tobacco industry, through Akbaraly Foundation, has signed agreements and contracts with government ministries. Akbaraly is the CSR arm of Sipromad Group which owns tobacco farms, produces Focus cigarettes, the country's bestselling cigarette brand, and owns one of the largest tobacco farms in the Indian Ocean ⁴⁸⁻⁴⁹.



In **Zambia**, the government, through the Zambia Chamber of Commerce and Industry (ZACCI), organized a workshop in conjunction with the tobacco industry to build capacity among the media, and to provide them with information about the latest developments in the tobacco market and its regulatory features ⁵⁰.

In Madagascar,

the tobacco industry financed 100% of the production, design, printing and distribution of posters labeled "protection des mineurs" (protection of minors) on not selling cigarettes to minors.



Lack Of Transparency When Dealing With The Tobacco Industry



Transparency, particularly the disclosure of meetings and minutes between government officials and the tobacco industry, as well as information on tobacco industry lobbying activities, increases government accountability, aids in understanding decision-making processes, and dispels concerns about potential industry influence. It also gives critical information to the public in order for it to fulfill its watchdog duty. Figure 12 shows the countries' ranking in putting in place transparency measures when interacting with the tobacco industry.

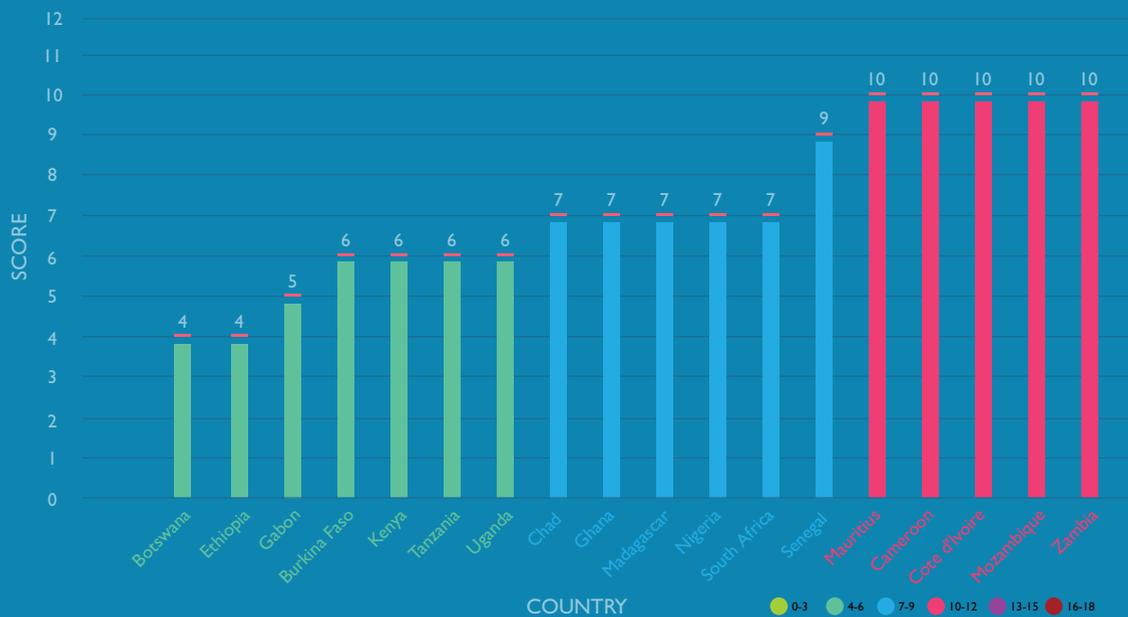


Figure 12: Country scores for transparency (the lower the score, the better the ranking)

The worst performing countries are **Cameroon**, **Cote d'Ivoire**, **Mauritius**, **Mozambique** and **Zambia**. **Mozambique** still does not have legal instruments or executive measures to oblige the tobacco industry to comply with its transparency requirements.



In **Zambia**, the government does not publicly disclose meetings and interactions with the tobacco industry and does not have regulations in place for the disclosure or registration of meetings with tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists.



In 2021, the authorities in charge of health in **Cameroon**, had a secret working session with the tobacco industry. This session resulted in a six-month delay in the implementation of the second phase of pictorial health warnings.



In **Senegal**, a LISTAB article in Enquête Plus shows that public authorities do not publicly disclose information about meetings/interactions with the tobacco industry, where such interactions are strictly necessary (ref: Survey Plus-November 26, 2021). Also, Governments have not yet put in place rules for making available and disseminating licensing information to tobacco industry entities, their affiliated organizations and individuals acting on their behalf, including media groups.



The anti-tobacco Law No. 2019-676 of 23 July 2019 does not have a specific article requiring the provision of information or registration of tobacco industry entities, their affiliated organizations and individuals acting on their behalf in **Cote d'Ivoire**.



In **Chad**, a meeting was held between a delegation of employers including an executive of the tobacco industry with senior officials of the Ministry. Neither the National Tobacco Control Programme nor civil society were invited to the meeting. The agenda and minutes of this meeting were not released. This is in violation of Decree 1523 which requires that any meeting of an authority with the tobacco industry be made public with communication of the agenda and contact details of those present.



The National Tobacco Control Regulations 2019 Section 7(g) of **Nigeria**, provides for full annual report and disclosure of tobacco industry subsidiaries, entities, affiliated organizations, joint ventures, partners, suppliers, licensees, agents, and individuals acting on their behalf including lobbyists. Unfortunately, there is only partial implementation of the law. The law only covers the registration and licensing of importers, manufacturers and distributors which began February 2023. Other category of affiliates of the tobacco industry are not covered by the law.



In **Madagascar**, the government does not require rules for the disclosure or registration of industry entities.

However, some countries continue to portray some form of best practice.

 In **Botswana**, the 2021 TCA requires that meetings between tobacco companies and government officials be held in public⁵¹. Also, the minutes of such meetings must be recorded and made available to the public for transparency and to help prevent undue influence by the tobacco industry on tobacco control policies. However, these provisions are yet to be implemented, pending the development and adoption of new regulations.

 Tobacco control directive number 727/2021 in **Ethiopia** states that without prejudice of matters prohibited by law to disclose, any communication between the government and tobacco industry shall be open to any interested citizen and shall be given copy of such record upon request by anyone or the Authority. In this regard, the meeting's minutes were recorded during the meeting between FDA and NTE.

 **Ghana's** Tobacco Control Regulation, 2016 (LI. 2247),⁵² requires the registration of only tobacco industry and products. Unfortunately, it excludes affiliated organizations and individuals acting on their behalf, including lobbyists. These guidelines apply to all body-corporates duly registered by the Registrar-General Department that want to import tobacco products into Ghana.

 Tobacco Control Regulations (TCR) 2014 in **Kenya**, sets out the procedure for all interaction between government officials and the tobacco industry. However, despite the existence of this procedure, information on meetings between public officials and the industry is not readily accessible owing to bureaucracy. Information on the interactions are mostly heard through the media with no details on compliance to the requirements of TCR 2014. Again, the involvement of BAT's Managing Director as a member of the Kenya National Drought Response Committee, and the fact that the President received a significant contribution of over Kshs. 542 million on December 2nd, 2022, primarily from organizations led by committee members, highlights the lack of public disclosure regarding the specific contributions made by BAT and other committee members.

Conflict Of Interest To Protect Public Health Policy



A conflict of interest issue arises when the vested interests of an individual or an institution create concerns about the objectivity of their actions, judgment, and/or decision-making. According to the WHO FCTC's Article 5.3 Guidelines, Parties must eliminate conflicts of interest for all public servants and workers and adopt guidelines to guard against the tobacco industry's influence on public health policies. Figure 13 below shows the ranking of conflict of interest by country.

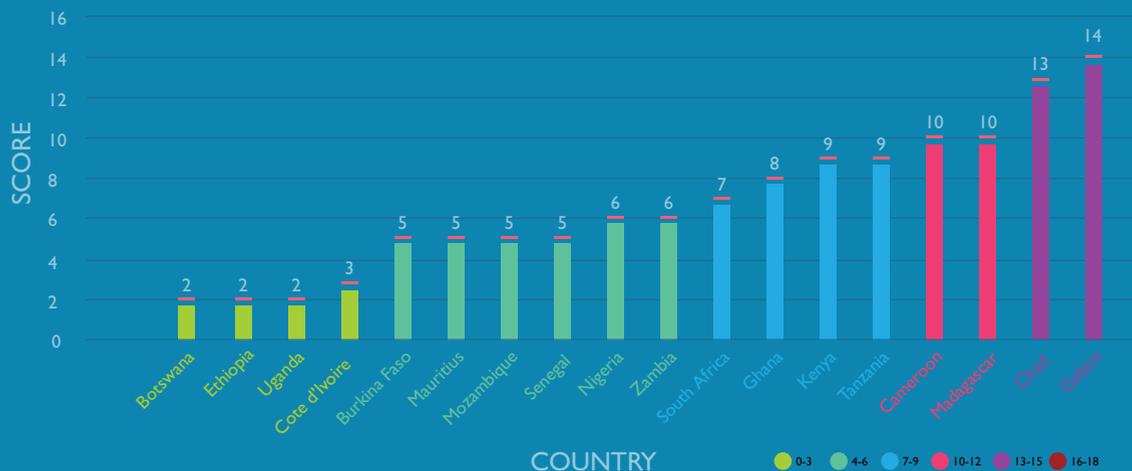


Figure 13: Conflicts of interest in African countries (the lower the score, the better the ranking)

Some countries such as **Uganda** and **Ethiopia** have no record of conflict of interest cases of senior government official joining the tobacco industry or vice versa during this reporting period. The government of Ethiopia has fully withdrawn from the tobacco industry through full privatization of its share to JTI in the period of 2016 to 2017, and government officials have since then not held a place in the board or any other position.

 In **Botswana**, a notable achievement was the passing of a Tobacco Control Act (TCA) no. 19 of 2021^{49,50}, which requires political parties, candidates, or campaigns to disclose all contributions made to them by any person, including tobacco industry entities or their affiliates. Despite no evidence of senior government officials forming part of the tobacco industry, nor current government officials or relatives holding positions in the tobacco business, these provisions have not yet been implemented pending the development of regulations.

One way the industry influences public policy is through a revolving door where politicians or civil servants take up tobacco industry jobs in the area of their former public service or where tobacco industry professionals accept government positions that regulate the industry they were once a part of. This is the case in several countries such as **Gabon**, **Chad**, **Kenya** and **Cameroon**.

 In **Gabon** for instance, the Chairman of the board of CECA-GADIS in Gabon (major importer for Imperial Brands) has been Minister and High Representative of the Head of State several times, and is currently Political Advisor to the Head of State and High Commissioner of the Republic⁵³.

 In **Cameroon**, the boss of the local distributor of the ASPEN cigarette brands of the SODISNI Company is a senior member of the ruling CPDM party, and a senator for the Littoral Region.



In **Kenya**, both past and present government appointees continue to hold positions in the tobacco industry⁵⁴.



In **Madagascar**, the government does not prohibit contributions from the tobacco industry or any entity working to further its interests, to political parties, candidates, or campaigns, or to require full disclosure of such contributions. As such, there are people who occupy high state positions whose family members work in the tobacco industry. For example, the mayor of the capital Antananarivo, former Minister of Foreign Affairs is a member of the family that owns the Andriatsitohaina Group, involved in tobacco growing.



In **Ghana**, a careful review of current and former government officials reveals a link between some officials and the tobacco industry. For instance, the current Deputy CEO of the Ghana Export Promotion Authority was previously the Head of Finance for BAT in the country⁵⁵. Also, the

Executive Director of sales and marketing at Target Link Company Limited, was appointed a board member of the Ghana Commercial Bank from 2019 to the end of 2021⁵⁶.



PMI launched the IMPACT project (a 100 million USD global fund) in **South Africa**, to support public, private, and non-governmental organizations to develop and implement projects against illegal trade and related crimes. The funding applications are judged by an Expert Council of individuals with close links to United Nations (UN) agencies and INTERPOL and Council members are financially compensated for their time. The council includes a former South African judge^{57,58}.

In South Africa, PMI launched the IMPACT project with

 **100m USD**

The tobacco industry also utilizes a patronage system – providing monetary contributions in anticipation of political leverage and support.



In **Chad**, Decree 1523 prohibits the industry from any sponsorship, philanthropy or patronage activities. However, the prohibition of contributions to political parties, candidates or political campaigns is not formally expressed.



In **South Africa**, political parties for the first time, publicly disclosed the sources and amounts of private funding received in 2022, in accordance with the Political Party Funding Act. The government does not have a policy to prohibit contributions from the tobacco industry. This was in response to a Political Party Funding Act, 2018 (Act no. 6 of 2018) which was implemented on 1 April 2021. In light of this, at the end of September 2022, all political parties were required to publicly disclose the sources and amounts of private funding received and submit audited financial statements to the Electoral Commission.



In **Zambia** and **Mauritius**, there are no regulations that require the disclosure or registration of individuals, affiliated organizations, or tobacco industry entities acting on their behalf, including lobbyists. For instance, the Electoral Act (2006) of Zambia has no provisions on the mobilisation and expenditure of party funds. The Societies Act, under which parties are registered, requires that parties make some disclosure of their financial records to the Registrar of Societies, but places no restrictions on how money is raised or spent.



Preventive Measures

WHO FCTC Article 5.3 Guidelines provide a range of preventive actions governments can take to protect their tobacco control policies from being undermined by commercial and vested interests of the tobacco industry and entities working on its behalf. Continuous information about the activities and practices of the industry is required to ensure transparency and accountability of its actions. As shown in Figure 14, countries like Ethiopia, Chad, Uganda, and Botswana have preventive measures in place to guide officials in their interaction with the tobacco industry.

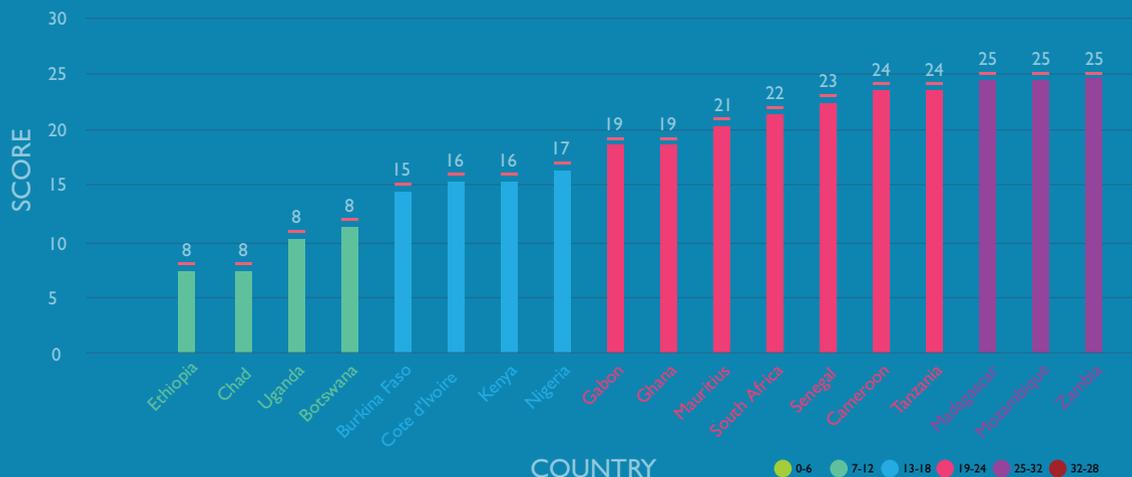


Figure 14: Preventive measures taken against the tobacco industry by African countries (the lower the score, the better the ranking)

As shown in Table 5, 10 out of the 18 countries, including **Mozambique**, **Senegal**, **South Africa** and **Tanzania**, do not have any procedure in place for disclosing the records of the interaction between government officials and the tobacco industry. In countries like **Nigeria** and **Botswana**, even though procedures exist, these are not yet in force or implemented.



In **Nigeria**, the National Tobacco Control Act 2015 says that the Minister of Health shall prescribe such measures but this has not happened.



In **Kenya**, Tobacco Control Regulations 2014 Section 22⁴ states that “Any public officer participating in any interaction with tobacco industry shall prepare a formal record of

the interaction and submit to the relevant public authorities including the Cabinet Secretary on request.” However, there is no implementing procedure in place to enforce this.

A code of conduct for public officials, prescribing the standards in their dealings with the tobacco industry exists in countries like **Chad** (chapters 2 and 3 of the Decree 1523 on the Prevention of Interference by the Tobacco Industry), **Ethiopia** (tobacco control directives that emanate from Proclamation 1112/2019), and **Nigeria** (Sections 27 and 28 of the National Tobacco Control Act 2015). In **Ethiopia**, the EFDA has developed and is implementing the code.

A code of conduct for public officials, prescribing the standards in their dealings with the tobacco industry exists in countries like Chad (chapters 2 and 3 of the Decree 1523 on the Prevention of Interference by the Tobacco Industry), Ethiopia (tobacco control directives that emanate from Proclamation 1112/2019), and Nigeria (Sections 27 and 28 of the National Tobacco Control Act 2015)



Table 5: Presence of preventive measures against the tobacco industry

Country	Procedure for disclosing the records of the interaction with tobacco industry	A code of conduct for Public officials.	Industry required to periodically submit reports their activities	A program to raise awareness on FCTC Article 5.3 Guidelines	Policy to disallow the acceptance of all forms of contribution from the tobacco industry
Botswana	√*	X ^r	√*	X	√
Burkina Faso	√	X ^r	X	X	X
Cameroon	X	X	X	X	X
Chad	√	√	√	X	√
Cote d'Ivoire	X	X ^r	√	X	√
Ethiopia	√	√	√	√	√
Gabon	√	X	X	X	X
Ghana	X	X	√	X	√
Kenya	√ ^p	X	√	X	√
Madagascar	X	X	X	X	X
Mauritius	X	X	X	X	√
Mozambique	X	X	X	X	X
Nigeria	√*	√	√*	X	√
Senegal	X	X	X	X	X
South Africa	X	X	X	X	X
Tanzania	X	X	X	X	X
Uganda	X	√*	√	X	√
Zambia	X	X	X	X	X

√Yes, XNo *Procedure not yet in force/implemented; ^pLaw exists but no implementing procedure; ^rNo code of conduct, but progress made through some initiatives

In some countries, although no specific code of conduct exists, efforts are being made through other initiatives to prescribe standards for the dealings of public officials with the tobacco industry.



In **Burkina Faso**, despite the non-existence of a code of conduct to guide public officials in their interaction with the tobacco industry, the draft decree on the prevention of tobacco industry interference in public health policies provides a framework for interactions between the tobacco industry and public officials.



In the same vein, in **Cote d'Ivoire**, a decree on the implementation of article 5.3 is already drafted by the Ministry of Health as part of the programming of priority legal texts to be analyzed by the government in 2023 (Source: Ministry of Health).

The tobacco control law in **Chad, Cote d'Ivoire, Botswana, Nigeria, Uganda** and **Ghana**, compels the industry to periodically submit information on production, manufacture, market share, marketing expenditures, revenues, and any other activity.



In **Chad**, article 10 of Decree 1523 on the prevention of interference by the tobacco industry lists the information to be provided in the semi-annual reports sent by the tobacco industry to the ministries involved in tobacco control.



In **Cote d'Ivoire**, law No. 2019-676 of 23 July 2019 states that "Manufacturers and importers of tobacco products

have the obligation to communicate annually to the Ministry in charge of Health any information relating to the quality, quantity, composition and emissions of tobacco products". However, despite this provision, tobacco companies fail to comply.



In **Botswana**, the Act is yet to be enforced, thus posing a challenge to the country's compliance with the WHO FCTC requirements.



As summarized in Table 5, programs to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines exist in only one country, **Ethiopia**. Using several means of communication including workshops, media forums and press releases, the EFDA sensitises officials and the population on tobacco control. Further, EFDA works collaboratively with civil society organizations, the World Health Organization, and other partners to enhance its effort on awareness raising. There are however, concerns of limited awareness of Article 5.3 among other government agencies who may support or form partnerships with the tobacco industry⁵⁵.



In **Ghana**, although the government does not have a program/system/plan to consistently raise awareness within its departments on policies relating to Article 5.3, CSOs led by VALD Ghana in collaboration with some government entities like the FDA carry out general awareness including education on FCTC Article 5.3.



Similarly, in **Uganda**, there is a draft TC communication plan to raise awareness on TC issues as they exist or as may arise including awareness of Article 5.3 of the WHO FCTC and Part VIII of the TC Act. This plan is drafted by the Ministry of Health (MoH) with support from TC national stakeholders.

The final requirement on preventive measures according to Article 5.3 guidelines is to put in place a policy to disallow the acceptance of all forms of contributions or gifts from the tobacco industry. These policies exist in 8 out of the 18 countries included in this report. Figure 15 gives a highlight of the various measures in these countries.

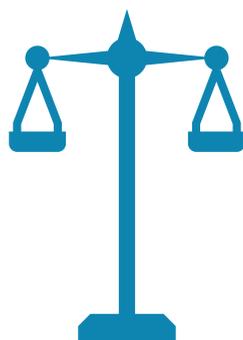


For instance, in **Kenya**, Proclamation 1112/2019 states:



under article 51³: “no person having financial or other interest in the tobacco industry may participate in tobacco control training, workshops, or related events”

under article 51⁴: “no government organ or an official working in the area of health policy should receive any financial or in-kind contribution from the tobacco industry”



Chad
Decree 1523



Cote d'Ivoire
Ordinance No. 2013-660 of 20 September 2013



Ethiopia
Proclamation 1112/2019, under article 51(3); 51⁴



Ghana
Tobacco Control Law 2012 section 60



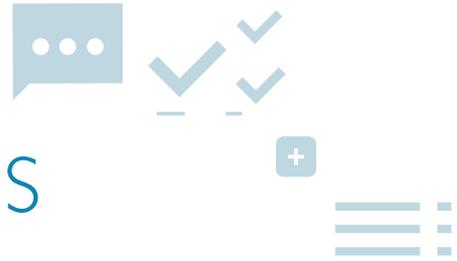
Kenya
Tobacco Control Regulations 2014 section 31



Nigeria
Sections 27 and 28 of the National Tobacco Control Act 2015

Figure 15: Policies to disallow the acceptance of all forms of contributions or gifts from the tobacco industry

CONCLUSION AND RECOMMENDATIONS



In comparison
with their 2021 scores...



Burkina Faso, Botswana and Ethiopia showed marked improvement.



Kenya showed the highest level of deterioration.

In comparison with their 2021 scores, three (3) countries, **Burkina Faso**, **Botswana** and **Ethiopia** showed marked improvement, whilst two (2) countries marginally improved (**Cote d'Ivoire** and **Zambia**), one (1) remained unchanged, while eight⁸ countries showed deterioration from their 2021 rankings (Figure 16). **Kenya** showed the highest level of deterioration.

Two factors are likely to have influenced these outcomes: (1) the tobacco industry's unrelenting and more aggressive tactics, including the introduction of novel products (such as ENDS/ENNDS) as seen in **Kenya** and **South Africa**, and (2) increasing public awareness and civil society's capacity to monitor and de-normalize the industry's activities.

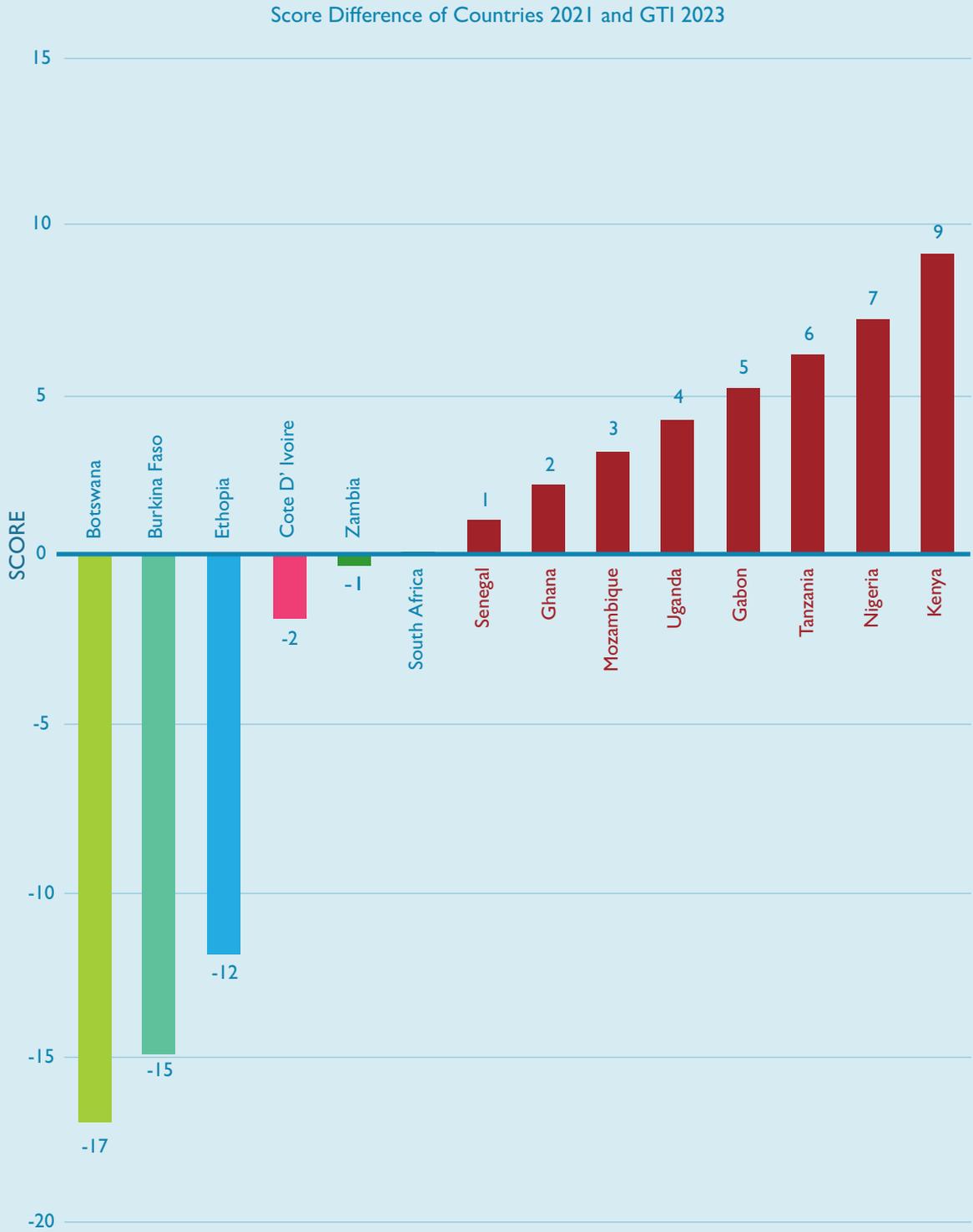


Figure 16: Progress In Countering Tobacco Industry Interference (negative values indicate improvement and positive values indicate deterioration)

Some recommendations emerging from the report include;

- 1  **Denormalize and ban 'socially responsible' activities:**
The tobacco industry should be excluded and not be given credit as a stakeholder at any level or stage of health or emergency preparedness such as droughts and any social policy development.
- 2  **Maintain a strong stance against tobacco industry interference:**
The tobacco and related industries, like that producing electronic nicotine products, utilize a suite of evolving tactics to maintain and grow their consumer base. Countries must remain vigilant in implementing WHO FCTC Article 5.3 and be prepared for tobacco industry attempts to challenge and undermine tobacco control efforts.
- 3  **Fastrack the passing of pending tobacco control laws:**
Countries must expedite the passage of regulations on the use of novel tobacco products and tobacco control laws.
- 4  **Raise awareness and build capacity:**
Countries should develop and implement a comprehensive awareness campaign for government officials, decision-makers, and politicians on the obligations of the WHO FCTC with a special focus on Guidelines on Article 5.3, tobacco industry tactics and tobacco CSR activities. The capacity of these various stakeholders to recognize tobacco industry tactics and counter these tactics needs to be strengthened through the deployment of capacity building trainings and workshops.
- 5  **Ratify the illicit trade protocol:**
Countries that have not ratified the Protocol to Eliminate Illicit Trade in Tobacco Products should ratify it and establish a tracking and tracing system independent of industry involvement.
- 6  **Commit to evidence generation and knowledge transfer:**
Data and evidence not only help to drive policy progress but also policy implementation. Countries should conduct representative surveys and appropriate research to continuously evaluate the effectiveness of adopted policies, and to help adapt implementation to ensure that the whole population is protected from and well-informed about the harms of tobacco.

-  **Promote economically viable alternative livelihood:**
7 In line with WHO FCTC Article 17, there is an urgent need to promote economically viable alternative livelihood to tobacco production to avoid possible adverse social and economic impacts on populations whose livelihoods depend largely on tobacco cultivation.
-  **Adopt a code of conduct**
8 Countries in the African region should adopt a code of conduct that protects officials from industry influence and limits interactions to only when strictly necessary, and also ensure public officials in relevant ministries, departments and agencies sign conflict-of-interest forms periodically to remind them of commitments or obligations that may compromise their office and operations.
-  **Conduct studies on use of novel products:**
9 Countries must conduct periodic and extensive in-depth research to counter the tobacco industry and its allies on emerging products like e-cigarette as a cessation aid for users of traditional cigarettes. The tobacco industry must also be prevented from promoting these products as safer alternatives.
-  **Encourage and empower civil society:**
10 Civil society must be empowered by governments to play a role in preventing and addressing tobacco and related industries' interference (such as those that are involved in the production or sale of nicotine products like ENDS).
-  **Ban the sale of single sticks and duty free tobacco products:**
11 The continued sale of single sticks of cigarettes despite a ban and tobacco products marked "Duty-Free" are all enormous benefits and incentives to the tobacco industry.
-  **Build strong local and global partnerships:**
12 Partnerships across government and with nongovernmental organizations and academia, help to strengthen and magnify the efforts of all. Collaborating partners can leverage each other's strength to reach the common aim of reducing the impact of tobacco on populations globally.
-  **Enforce tobacco control laws:**
13 For example, in Kenya, it was recommended that action be taken on tobacco industry players and public officials who continue to flout the provisions of the law with regard to tobacco industry interference such as Part V of Tobacco Control Regulations (TCR) 2014, Tobacco Control Act 2007 and Article 5.3 of the WHO FCTC. Such action would serve as an indication of government commitment to stop tobacco industry interference.

REFERENCES

1. World Health Organization. WHO report on the global tobacco epidemic, 2023: protect people from tobacco smoke [Internet]. Geneva; 2023 Jul [cited 2023 Sep 5]. Available from: <https://shorturl.at/pjY47>
2. Worth T. POLICY. 2023 [cited 2023 Aug 15]. African Countries Fight for Tobacco Control as Smoking Surges. Available from: <https://shorturl.at/iBFZ9>
3. Tobacco Tactics. African region [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/AIQ39>
4. Stanton G. British American Tobacco (BAT) Conducted Extensive and Potentially Illegal Activity To Undermine Health Policy, Sabotage Competitors And Secure Profits In Africa [Internet]. 2021 [cited 2023 Sep 12]. Available from: <https://bit.ly/3PJuQxb>
5. Africa Tobacco Control Alliance. Africa Tobacco Industry Interference Index [Internet]. 2023 [cited 2023 Sep 12]. Available from: <https://bit.ly/45NXBOW>
6. African Tobacco Alliance. Sale of single sticks of cigarettes in Africa: survey report from 10 capital cities [Internet]. Lomé; 2018 Mar [cited 2023 Sep 5]. Available from: <https://shorturl.at/iovBX>
7. Kitonyo R, Drope J. Africa will be the world's ashtray if big tobacco is able to get its way [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/biqyS>
8. Tobacconomics. Cigarette Tax Scorecard [Internet]. 2023 [cited 2023 Sep 6]. Available from: <https://tobacconomics.org/>
9. Tobacconomics. The Role of Tobacco in the Economies of Low- and Middle-Income Countries [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/dsALQ>
10. Gilmore AB, Fooks G, Drope J, Bialous SA, Jackson RR. Exposing and addressing tobacco industry conduct in low-income and middle-income countries. *Lancet* [Internet]. 2015 Mar 14 [cited 2023 Sep 5];385(9972):1029–43. Available from: <https://pubmed.ncbi.nlm.nih.gov/25784350/>
11. Botswana Government. Tobacco Control Act no. 19, 2021 [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://shorturl.at/bgu36>
12. Mosinyi T. Stiffer tobacco regulations looming. Daily news [Internet]. 2021 Aug 4 [cited 2023 Sep 5]; Available from: <https://shorturl.at/eyV57>

13. Government of Nampula, www.nampula.gov.org 07 June 2021
14. Tanzania Medicines and Medical Devices Authority (TMDA). Designation of TMDA as regulator of Tobacco products [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://bit.ly/40mA5Vy>
15. Africa Press. Samia insists on food security [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://bit.ly/3UNgJBg>
16. Taiwo-Oguntu O. BATN Foundation Gets Commendation for its Support for Aquaculture. 2021 May 21 [cited 2023 Sep 6]; Available from: <https://rb.gy/uuqss>
17. Hon. K. Mbangweta, MP (2022, Sep 25). Western Province Minister commended JTI for its role as a "responsible corporate entity". Facebook. Retrieved from: <https://bit.ly/3ISNcPw>
18. Imperial Brands: "Supporting Health" [Internet]. Available from: <http://bitly.ws/J4ld>
19. Imperial Brands: "Supporting vulnerable households". [Internet]. [cited 2023 Sep 5]. Available from: <http://bitly.ws/J3zw>
20. Imperial Brands: "Supporting Health" [Internet]. Available from: <http://bitly.ws/J4ld>
21. Imperial Brands: "Support for Education" [Internet]. [cited 2023 Sep 5]. Available from: <http://bitly.ws/J4j6>
22. Atlas Network. YouOpportunity Summit Inspires Mammoth Gathering in Ghana [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://shorturl.at/ovEKR>
23. Dovlo ES. KNUST crowned winners of maiden Inter-University Liberty, Economic Competition [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/ABMOX>
24. Semonegna. Embassy of Japan and JTI reached an agreement to provide scholarships to Ethiopian students: Ethiopian Semonegna [Internet]. 2021 [cited 2023 Sep 6]. Available from: <https://rb.gy/kldjb>
25. Tandon V. Embassy of Japan and JTI reached an agreement to provide scholarships to Ethiopian students. In: @VijaiKumarTand4, editor. The Embassy of Japan in Ethiopia and Japan tobacco International (JTI), signed a memorandum of understanding (MOU) on 21st May 2021. 2021.
26. The Republic of Uganda. Tobacco Control Act 2015: Section 21,22 and Schedule 3, paragraphs 16 and 18. [Internet]. [cited 2023 Sep 5]. Available from: <http://bitly.ws/l9Qx>
27. BAT donates a cigarette destruction machine to URA [Internet]. [cited 2023 Sep 5]. Available from: <http://bitly.ws/l9UJ>

28. Tobacco G, Interference I. Zambia. 2020;
29. IATA - Burkina Faso Customs, Currency & Airport Tax regulations details [Internet]. [cited 2021 Sep 29]. Available from: [https://www.iatatravelcentre.com/BF-Burkina-Faso-customs-currency-airport-tax-regulations-details.htm#Import regulations](https://www.iatatravelcentre.com/BF-Burkina-Faso-customs-currency-airport-tax-regulations-details.htm#Import%20regulations)
30. Money and duty-free information for Botswana [Internet]. [cited 2021 Sep 29]. Available from: <https://www.worldtravelguide.net/guides/africa/botswana/money-duty-free/>
31. IATA - Ghana Customs, Currency & Airport Tax regulations details [Internet]. [cited 2021 Sep 29]. Available from: <https://www.iatatravelcentre.com/GH-Ghana-customs-currency-airport-tax-regulations-details.htm>
32. IATA - Senegal Customs, Currency & Airport Tax regulations details [Internet]. [cited 2021 Sep 29]. Available from: <https://www.iatatravelcentre.com/sn-Senegal-customs-currency-airport-tax-regulations-details.htm>
33. IATA - Cote d'Ivoire Customs, Currency & Airport Tax regulations details [Internet]. [cited 2021 Sep 29]. Available from: <https://www.iatatravelcentre.com/ci-Cote-d'Ivoire-customs-currency-airport-tax-regulations-details.htm>
34. Haldane M. Overview of the 2023 budget speech. 2023.
35. Essien G. Tobacco: Nigeria To Begin Graphic Pictorial Campaign To Discourage Users. 2021 Jun 1 [cited 2023 Sep 5]; Available from: <https://shorturl.at/lsOT1>
36. Tapula T. Tobacco wars illegal cigarette trade kingpins rub shoulders with ANC brass [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/ptxyU>
37. British American Tobacco West and Central Africa Area [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://www.facebook.com/batwestcentralafrica/photos/a.2352258364812584/5463676640337392/?type=3>
38. The Pulse. The British American Tobacco (BAT) has called for greater collaboration between the organized private sector and government. 2022 Jun 28 [cited 2023 Sep 5]; Available from: <https://shorturl.at/kvOQ7>
39. BAT. BAT CORPORATE EVOLUTION GHANA - Interview with Freddy Messanvi [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://shorturl.at/cmDOR>
40. 23Johari Hotel opens shisha lounge [Internet]. [cited 2023 Sep 5]. Available from: <https://bit.ly/4lQmeY8>

41. AfricanFinancials Digital Team. Tanzania Cigarette Company releases its full year 2020 financial results [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://bit.ly/3xA4lix>
42. Hon. Eng. Collins Nzovu, MP. (2023, Feb 20) 4th Zambia CSR and Responsible Business Awards. Facebook. Retrieved from: <https://bit.ly/3EAgusS>
43. Okohue P. BAT Nigeria clinches NEPC's Best Exporter to African Markets Award [Internet]. 2022 [cited 2023 Sep 5]. Available from: <https://shorturl.at/jrul9>
44. CGCSA. Statutory Board Members: Consumer Goods Council of South Africa [Internet]. [cited 2023 Sep 5]. Available from: <https://www.cgcsa.co.za/about-cgcsa/statutory-board-members/>.
45. Consumer Goods Council of South Africa. Illicit Trade and Counterfeit Hotline [Internet]. [cited 2023 Sep 5]. Available from: <https://www.cgcsa.co.za/service-offering/crime-risk-initiative/illicit-trade-and-counterfeit-hotline/>
46. World Bank Group, Global Tobacco Control Program Country Brief. Pakistan: Overview of Tobacco Use, Tobacco Control Legislation and Taxation [Internet]. [cited 2023 Sep 5]. Available from: <https://shorturl.at/BEP79>
47. Tobacco Reporter. BAT donates cigarette destruction machine [Internet]. 2922 [cited 2023 Sep 5]. Available from: <http://bitly.ws/laeN>
48. Partnership agreement between the Ministry of Education and the Akbaraly Foundation [Internet]. [cited 2023 Sep 5]. Available from: <http://bitly.ws/GrPy>
49. The \$700 Million Man Of Madagascar: How Ylias Akbaraly Built An Empire In The Island Country. Forbes [Internet]. 2016 Jul 18 [cited 2023 Sep 5]; Available from: <http://bitly.ws/HBjR>
50. Zambia Chamber of Commerce. Joint tobacco industry and ZACCI media workshop [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://bit.ly/3YOvlm5>
51. Botswana Government. Tobacco Control Act no. 19, 2021 [Internet]. 2021 [cited 2023 Sep 5]. Available from: <https://shorturl.at/dnqF5>
52. Tobacco Control Regulation, 2016 (LI. 2247)
53. Gabon: Michael Essongue appointed High Commissioner General to the Presidency of Republic. Available at: <http://bitly.ws/lzUp>
54. Rita Kavashe. Kenya Vision 2030. Available from: <https://rb.gy/kszdz>
55. Ghana Export Promotion Authority. GEPA Leadership [Internet]. [cited 2023 Sep 5]. Available from: <https://shorturl.at/alqN2>

56. Edward Amoatia Younge appointed GCB board member. 2019 Jan 4 [cited 2023 Sep 5]; Available from: <https://shorturl.at/ciBj4>
57. Davies R. Have all South Africa's political parties been truthful about their funding? Daily Maverick2022 [Internet]. [cited 2023 Sep 5]. Available from: <https://shorturl.at/qtCIY>
58. Government SA. Act No. 6 of 2018: Political Party Funding Act, 2018. Government Gazette. 2018;643(42188).
59. Hirpa S, Ralston R, Deressa W, Collin J. They have a right to participate as a stakeholder': Article 5.3 implementation and government interactions with the tobacco industry in Ethiopia. 2022.

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African Tobacco Control Alliance (ATCA)
Quartier Adido-Adin, 08 BP 81586
Lome-Togo
info@atca-africa.org