

NIGERIA

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

Nigeria

Tobacco Industry
Interference Index
2023

(c) November 2023

Acronyms and Abbreviations

BAT - British American Tobacco
BATN – British American Tobacco Nigeria
BATNF – British American Tobacco Nigeria Foundation
CSR – Corporate Social Responsibility
ECOWAS – Economic Community of West African States
EEG – Export Expansion Grant
GDP – Gross Domestic Product
ITC Ltd - International Tobacco Company Limited
JTI - Japan Tobacco Incorporated
KT & G Corp - Korea Tobacco & Ginseng Corporation
LSADA - Lagos State Agricultural Development Authority
MOU – Memorandum of Understanding
NATOCC – National Tobacco Control Committee
NCS – Nigeria Customs Service
NECA – Nigeria Employers’ Consultative Association
NEPC – Nigerian Export Promotion Council
NIS – Nigeria Immigration Service
NIMET – Nigerian Meteorological Agency
NTC – National Tobacco Control
NYSC – National Youth Service Corps
PHW – Pictorial Health Warning
PMINL – Philip Morris International Nigeria Limited
SAED - Skills Acquisition and Entrepreneurship Development
SON – Standards Organisation of Nigeria

Acknowledgement

This report has been made possible with the support from Bloomberg Philanthropies through the Global Center for Good Governance (GGTC).

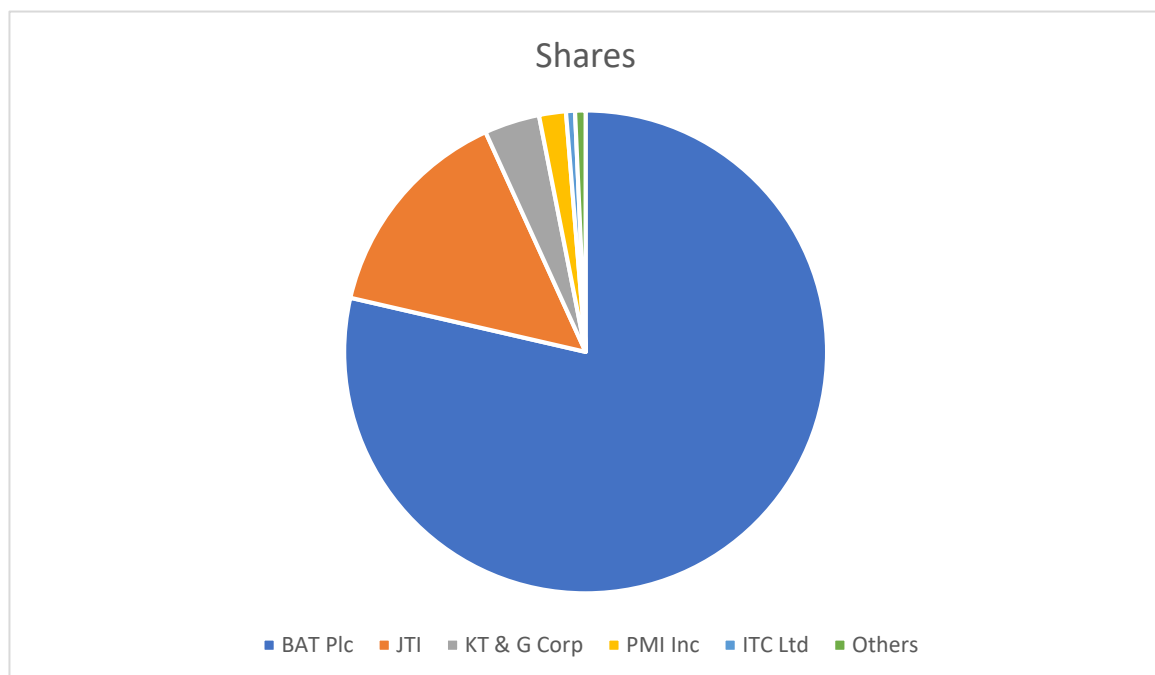
The report was written by Philip Jakpor and supervised by Akinbode Oluwafemi. Philip and Akinbode are seasoned journalists and tobacco control advocates in Nigeria working with Corporate Accountability and Public Participation Africa (CAPPA).

Background and Introduction

Nigeria has the largest economy in Africa with a Gross Domestic Product (GDP) of US\$441.54 billion in 2021¹, coming before South Africa and Egypt at US\$418.02 billion and US\$402.84 billion respectively.

Nigeria is also one of the five main tobacco production hubs in Africa, with the most dominant company - British American Tobacco Nigeria (BATN) - serving both local and regional markets. The company's market share of cigarette volumes in Nigeria in 2016 was about 78.6 percent. Japan Tobacco Incorporated (JTI)'s share was 14.6% while Korea Tobacco & Ginseng (KT & G) Corporation's was 3.7%, and Philip Morris International Nigeria Limited (PMINL)'s was 1.8%. International Tobacco Company Limited (ITC Ltd)'s share was 0.6% while others constituted about 0.7%.²

Tobacco Industry Market Share in Nigeria 2019



Domestic market share accounts for about 66 percent, imported market share for 24% while illicit market share accounts for about 10% of tobacco market supply in Nigeria.

¹ Statista

African countries with highest GDP: <https://www.statista.com/statistics/1120999/gdp-of-african-countries-by-country/>

² Euromonitor International Cigarettes in Nigeria Report, 2019

Nigeria ratified the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) on 20 October 2005, and it entered into force on 18 January 2006.

Nigeria's National Tobacco Control (NTC) Act which was signed into law on 10 June 2015 covers several areas of tobacco control including regulation of smoking, the prohibition of tobacco advertising, promotion and sponsorship, regulation of tobacco products, contents and product packaging, licensing, and protection from tobacco industry interference, among others. Regulations for implementing the Act which came four years after and is now known as the National Tobacco Control (NTC) Regulations 2019 gave more clarity on stakeholders' obligations for effective tobacco control.

Though the Act and its Regulations have largely checked the activities of the tobacco entities in the country, the industry has exploited some weaknesses in their provisions and gaps in the system to interfere in tobacco control.

This report for Nigeria is the third in the series. The scores show a marked deterioration in Nigeria's rating from 53 points in 2021 to 60 in the period under review. The main deterioration is manifest in the government's failure to adhere to transparency mechanisms, especially relating to demands it is supposed to make of the industry or disclosure of exchanges with the industry as mandated by the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019. These breaches are exploited maximally by the industry to interfere in public health policy.

This report x-rays industry interference in policy development in Nigeria, their misleading Corporate Social Responsibility (CSR) activities, benefits the tobacco industry enjoys, unnecessary interactions between the industry and public officials, transparency mechanisms in government dealings with the industry that are not strictly adhered to, conflict of interest and preventive measures, among others. The report reinforces the importance of Parties adhering to the WHO FCTC guidelines which requested Parties to protect their tobacco control policies from commercial and other vested interests of the tobacco industry (Article 5.3).

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. The report includes information on incidents from April 2021 to March 2023, but also includes incidents prior to 2021 that still have relevance today.

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry still participates in policy development in Nigeria. The tobacco industry was invited and participated in the meetings organized by the federal government, including a Public Hearing towards the passage of the National Tobacco Control Regulation 2019. The tobacco industry enjoys consistent invitations from the Standards Organization of Nigeria (SON) to their meetings where supposed classified resolutions on standards are discussed, and agreements are reached.

2 INDUSTRY CSR ACTIVITIES

The industry still engages in so-called CSR activities in various sectors in Nigeria. Many of such engagements are in the public domain and are even celebrated in the media and on social media, especially on Twitter and Facebook. BATNF is particularly very visible and loud in its sponsorship of agricultural initiatives that have the endorsement of state governments across the country. In 2021, BATNF partnered with the National Youth Service Corps (NYSC) – a federal government youth scheme to supposedly empower young agriculture entrepreneurs financially. To qualify for the scheme, applicants must be young Nigerians with viable agri-business models, and they must demonstrate a strong passion for agriculture.

3 BENEFITS TO THE INDUSTRY

There are pointers to conclude that there may be new benefits to the industry within the period under review. The BATN is known to have benefitted from the Export Expansion Grant (EEG) Scheme initiated by the Nigeria Export Promotion Council (NEPC) until it was suspended in 2013. In 2022 the same NEPC, an agency under the Federal Ministry of Industry, Trade and Investment awarded BATN the Best Exporter to African Markets for the Year 2022³ at the Council's Award and Gala Nite on 26 November 2022. The award indicates some form of behind-the-scenes engagement between the agency and BATN.

4 UNNECESSARY INTERACTION

There is evidence of unnecessary interaction between the tobacco industry and public officials, most especially in the agriculture sector. Top government officials have been documented participating in industry activities and lauding their so-called interventions in different areas of the economy. The participation of top government officials in these engagements portray the industry as socially responsible in the public eye.

³ <https://www.newtelegraphng.com/bat-nigeria-clinches-nepcs-best-exporter-to-african-markets-award/>

5 TRANSPARENCY

The National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 provide for transparency and accountability in government dealings with the tobacco industry. Section 25 of the National Tobacco Control Act specifically stipulates that all meetings involving government and the industry should be conducted in transparent manners and the details made readily available to the public. However, the enforcement of the provisions of the Act and Regulations violates this as state and federal government officials hold some meetings and interactions with the tobacco industry without divulging the details to the Nigerian public.

6 CONFLICT OF INTEREST

There are existing policies and laws in Nigeria that explicitly provide for the prevention and management of conflict of interest in dealings with the tobacco industry. The National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 clearly outline how to handle such conflicts of interest.

7 PREVENTIVE MEASURES

Preventive measures are provided for in the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019. Disappointingly, the measures are either partially implemented or not implanted at all. For instance, while the Act prescribes that the tobacco industry must submit reports on tobacco and tobacco products every year, it also introduces an ambiguity that the Minister may not make such information accessible to the public. This makes it impossible to ascertain if the minister requests such information at all or whether the industry complies when requests are made. To address this dilemma the government must remove ambiguities in the law and implement its recommendations in a transparent manner.

RECOMMENDATIONS

The Nigerian government must do the following:

- Fully implement the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019. It must also address ambiguities in the law so that they do not provide revolving doors that the tobacco industry can exploit to interfere in public health and other policies of the government.
 - Ensure transparency in the enforcement of the National Tobacco Control Act and the Regulations by providing information on its dealings, interactions, economic incentives, and benefits that the Tobacco industry receives from it.
 - Ensure there is synergy between the federal and state governments by establishing processes for full disclosure of minutes and proceedings of meetings and interactions with the tobacco industry.
 - Ensure Ministries, departments, and agencies consistently update their websites and other information platforms for easy information dissemination and transparency.
 - 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.
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Nigeria

Tobacco Industry Interference Index 2023 Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ⁴ accepts, supports, or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁵ in setting or implementing public health policies in relation to tobacco control ⁶ (Rec 3.4)	0					
No evidence was publicly available that suggests that the government accepts, supports or endorses any offer of assistance or collaboration with the tobacco industry in implementing tobacco control policies.						
2. The government accepts, supports, or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
No evidence that the government accepts, supports, or endorses policies or legislation drafted in collaboration with the tobacco industry. There were no new legislation or amendments in the past two years.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) Never 5 Yes						5
In the period under review, there was no noticeable presence or report of the tobacco industry on bodies that set public health policy but in the recent past, the tobacco industry has been part of technical committees set up by the Standards Organisation of Nigeria (SON). It will be recalled that in October 2019 the tobacco industry was part of SON's technical committee on draft standards for other combustible tobacco products and Heated Tobacco Products (HTPs). At a two-day meeting amply publicized on its website ⁷ , the agency hosted the Scandinavian Tobacco Group, BATN, Japan Tobacco International, International Tobacco Ltd, Ilorin, Philip Morris Ltd, Louis Vera Global Services Ltd, International Marketing Promotional Services Ltd, Black Horse Tobacco Co. Ltd, FMCG Distributions Limited, House of Steward Ltd. At the end of deliberations, the Technical Committee claimed it achieved consensus on three of the draft standards while that for Pipe Tobacco was stepped down on the request of regulators to give room for further inputs and future consideration.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the		1				

⁴ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁵ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁶ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁷ Standards Organisation of Nigeria website: <https://son.gov.ng/son-boosts-healthcare-with-consideration-of-newstandards-for-tobacco-products>

	0	1	2	3	4	5
COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁸ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'						
<p>Prior to the Eighth Session of the Conference of Parties (COP8) to the WHO-FCTC which held in Geneva in 2018, Nigerian delegations to the negotiations comprised of government officials and delegations with affiliation to the tobacco industry. But at the COP8, Dr. Osagie Ehanire (substantive minister of health) who was then minister of state for health, compelled all delegates to the negotiations to sign a mandatory declaration of interest form. Ehanire also announced that this would be the practice henceforth⁹. This initiative is expected to stamp out the industry's infiltration of Nigeria's delegations attending the negotiations and other subsidiary bodies.</p>						
INDICATOR 2: Industry CSR activities						
<p>5. A. Government agencies or their officials endorse, support, form partnerships with or participate in activities of the tobacco industry described as "socially responsible" or "sustainable". For example, environmental programs. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives CSR contributions¹⁰ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>						5
<p>Government at federal and state levels continue to form partnerships, endorse, and participate in activities of the tobacco industry. The partnerships are largely within the agriculture sector. On the BATN Foundation website, state governments listed are actively involved and collaborating with the foundation in agriculture and food security projects including Abia, Kaduna, Kebbi, Lagos, Oyo and Sokoto states.</p> <p>BATNF also continues enjoying partnerships with a Federal Government scheme - National Youth Service Corps (NYSC), under its Skills Acquisition and Entrepreneurship Development (SAED) Programme which began in 2019. Under the scheme, tagged #farmersforthefuture, youth corps members and young people with viable agri-business ideas are supported with equity-free capital and other associated support they may require to scale their businesses. In the 2022 edition, BATNF made a financial commitment of N16.5 million in cash and business support for grantees at an elaborate celebration¹¹ on May 17, 2022. The NYSC also awarded BATNF the Icon of Youth Empowerment Award¹² in 2021 for "outstanding contribution in empowering NYSC members to develop a culture of self-reliance for sustainable job creation towards national development".</p>						

⁸ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

⁹ Vanguard Newspaper: Nigeria honoured at WHO-FCTC COP8 for tobacco control policies <https://www.vanguardngr.com/2018/10/nigeria-honoured-at-who-fctc-cop8-for-tobacco-control-policies/>

¹⁰ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

¹¹ ThisDay Newspaper: Four NYSC Members Emerge Winners of BATN Foundation Farmers for the Future Grant, by Esther Akinola, June 2022 <https://www.thisdaylive.com/index.php/2022/05/27/four-nysc-members-emerge-winners-of-batn-foundation-farmers-for-the-future-grant/>

¹²New Telegraph: BATN Foundation, others honoured for youth empowerment, by Taiwo Hassan, January 4, 2022 <https://www.newtelegraphng.com/batn-foundation-others-honoured-for-youth-empowerment/>

Like in previous observations, the Lagos State Government continues to partner with the tobacco industry, especially in the agricultural sector. The Lagos State Agricultural Development Authority (LSADA), under the Ministry of Agriculture, started its partnership with the BATNF in 2018. In May 2021, the Lagos State Commissioner for Agriculture, Abisola Olusanya, commended BATNF describing the relationship between the state and the foundation as “always a fruitful one”¹³. The occasion was ‘Fingerlings to Fork’¹⁴ organised by LSADA in partnership with the BATNF. The relationship between Lagos and BATN is particularly flaunted in its Lagos Farm Fair¹⁵ organised to mark World Food Day on October 16 annually.

The Oyo State Government is also in a very open relationship with BATN and its foundation. The Oyo government openly solicits support from the tobacco industry and celebrates contributions¹⁶ made by the industry to farming in the state.



¹³ Independent: BATN Foundation Gets Commendation for its Support for Aquaculture, by Oluseyi Taiwo-Oguntu, May 21, 2021 <https://independent.ng/batn-foundation-gets-commendation-for-its-support-for-aquaculture/>
¹⁴ NigerianFrankNews: BAT Nigeria Foundation Donates Smoking Kilns to Smallholder Fish Farmers in Lagos, December 8, 2022 <https://nigerianfranknewsng.com/bat-nigeria-foundation-donates-smoking-kilns-to-smallholder-fish-farmers-in-lagos/>
¹⁵ ThisDay: Spotlight on Role of Farmers in Food Security, December 2022 <https://www.thisdaylive.com/index.php/2022/11/30/spotlight-on-role-of-farmers-in-food-security/>
¹⁶ Daily Sun: Gov. Makinde lauds BATN investment in the state, by Daniel Kanu, December 4, 2021 <https://sunnewsonline.com/gov-makinde-lauds-batn-investment-in-the-state/>

Spotlight on Role of Farmers in Food Security

LIFE & STYLE | 4 months ago



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OFFICE OF NDUKA OBAIGBENA CON ANPA, LAGOS, NIGERIA

LIES HAVE SHORT LEGS, THEY DO NOT RUN FAR. The Fake News from Bayo Olanuga and Dele Alaka

W hen the news came out, it was not surprising that the... The fake news from Bayo Olanuga and Dele Alaka... The fake news from Bayo Olanuga and Dele Alaka...

Gbolabo Olaniwun, Senior Special Assistant to Mr. Governor on Agriculture, (left); Odiri Erewa-Meggison, Board Director, BATNF (second left); Folashade Jaji Secretary to Lagos State Government (second right) and Abisola Olusanya, Commissioner for Agriculture during a presentation to BATNF at the 2022 World Food Day/ Farmers Appreciation Day in Lagos.

inread



Segun Ogunwuyi @Otunba_Ogunwuyi

Today, I was pleased to officially launch ₦200 Million British American Tobacco Nigeria(BATN) Farmers Fund on behalf of His Excellency, The Executive Governor of Oyo State, Engr. Seyi Makinde FNSE .



8:30 PM · Nov 30, 2021

	0	1	2	3	4	5
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)						5
<p>The Nigerian government fixed June 23, 2021, as take-off date for the policy on Pictorial Health Warnings (PHWs) on tobacco product packs in Nigeria¹⁷. 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 that an extension had been granted to the tobacco companies. The enforcement of the policy only commenced on December 8, 2021¹⁸ (137 days after its original take-off). Though it has not been verified, it is rumoured that the ministry granted the extension after the TI requested a moratorium.</p>						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)						5
<p>BATN initially benefitted from the Export Expansion Grant (EEG) Scheme initiated by the Nigerian Export Promotion Council (NEPC) in 1999. Under the scheme, Nigerian exporters got between 5% to 15% of their annual export value, depending on exporters' product category. It was targeted at improving the competitiveness of Nigerian products and commodities and expanding the country's volume and value of non-oil exports.</p> <p>BATN was also exempted from the Economic Community of West African States (ECOWAS) tax directives which prescribed a minimum of 50 per cent duty plus a specific excise tax of at least 0.02 dollars per stick of cigarette. At the time civil society groups had raised the alarm on the dangers of listing BATN among beneficiaries of the scheme. Though there was no response from the government, the EEG was rested in 2014 due to what the government said, were "some irregularities".</p> <p>Since 2019 when the scheme was resuscitated, the NEPC has remained mum on whether BATN was receiving any benefit or not but the recent NEPC recognition of BATN as "Best Exporter¹⁹ to African Markets for the Year 2022 raises some questions. Similarly, at a visit of the Nigeria Customs Service (NCS), Nigeria Immigration Service (NIS) and NEPC to BATN Ibadan factory in 2022, NEPC Oyo State Trade Advisor, promised that management of the NEPC "will not relent in ensuring that it clears the outstanding EEG due to BAT". This would mean the tobacco company is still enjoying the EEG²⁰.</p> <p>International travellers entering Nigeria can bring in 200 cigarettes or 50 medium-sized cigars or 200 grammes of tobacco duty-free.</p>						

¹⁷ Voice of Nigeria: Nigeria To Begin Graphic Pictorial Campaign To Discourage Users, by Gloria Essien, June 1, 2021 <https://von.gov.ng/graphic-pictorial-campaign-to-discourage-users/>

¹⁸ Independent Newspaper: FCCPC Begins Enforcement Of Graphic Health Warnings In Abuja, by Chidi Ugwu, December 8, 2021 <https://independent.ng/tobacco-fccpc-begins-enforcement-of-graphic-health-warnings-in-abuja/>

¹⁹ Punch Newspaper: NEPC recognises BAT for non-oil export promotion, by Henry Falaiye, December 26, 2022 <https://punchng.com/nepc-recognises-bat-for-non-oil-export-promotion/>

²⁰ ThisDay Newspaper: BATN's Quest to Reduce Carbon Footprints, Contribute to Economic Diversification, by Emeka Eze, May 2022 <https://www.thisdaylive.com/index.php/2022/05/18/batns-quest-to-reduce-carbon-footprints-contribute-to-economic-diversification/>

INDICATOR 4: Forms of Unnecessary Interaction

8. Top-level government officials (such as the President/ Prime Minister or Minister ²¹) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						5
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There is substantial evidence that top-level government officials engage in unnecessary interactions with tobacco companies and attend their functions. On June 20-21, 2022, Speaker of the House of Representatives, Femi Gbajabamila and the Minister of Labour and Employment, Dr. Chris Ngige were guests at the Nigeria Employment Summit 2022²². The event was organised by the Nigeria Employers Consultative Association (NECA) to burnish the image of BATN, whose representative, Odiri Erewa-Meggison advocated for closer collaboration between the government and private sector.



L-R: The Director, External Affairs, British American Tobacco (BAT) West and Central Africa, Odiri Erewa-Meggison; and the President, Nigeria Employers Consultative Association (NECA), Mr Taiwo Adeniyi; the Speaker, Federal House of Representatives, Mr Femi Gbajabamila and a guest, during the maiden Nigeria Employers Summit 2022 organised by NECA at the Transcorp Hilton Hotel, Abuja.

²¹ Includes immediate members of the families of the high-level officials
²² The Pulse: BAT calls for greater collaboration between private sector and government, June 28, 2022
<https://www.pulse.ng/business/bat-calls-for-greater-collaboration-between-private-sector-and-government/gn5bedg>



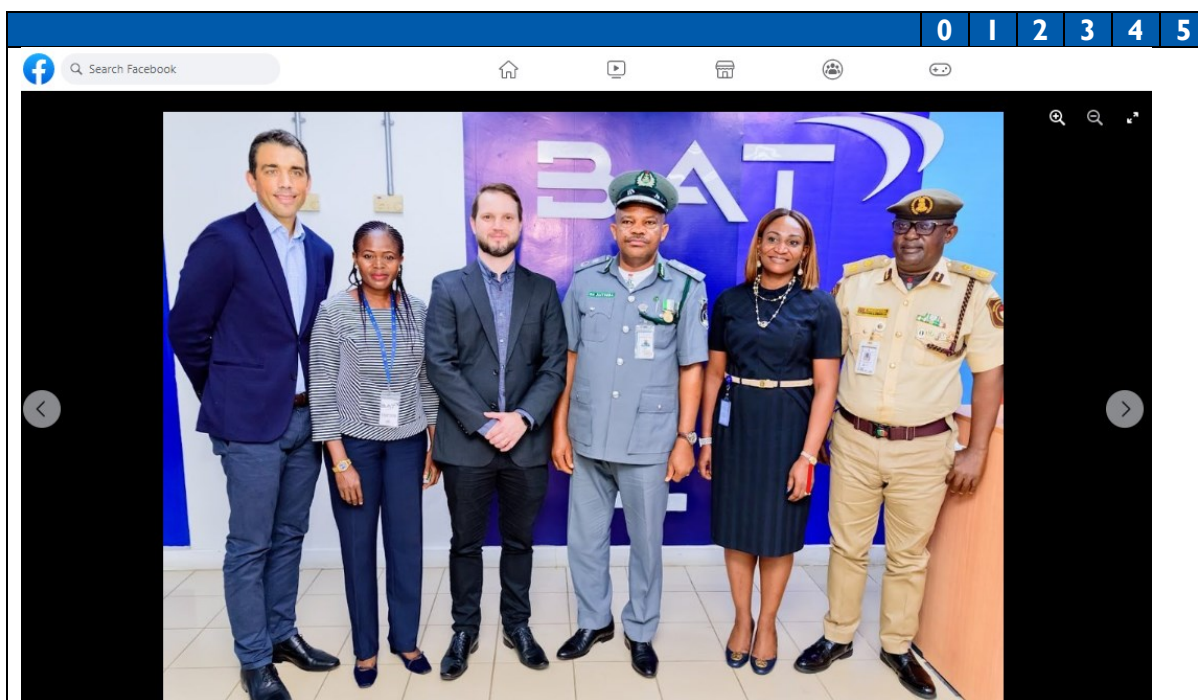
L-R: The Director, Human Resources, British American Tobacco (BAT) West and Central Africa, Sergio Berlanga; the Minister of Labour and Employment, Dr Chris Ngige; the Director, External Affairs, BAT West and Central Africa, Odiri Erewa-Meggison; and the President and Chairman, Nigeria Employers Consultative Association (NECA), Mr Taiwo Adeniyi, during the maiden Nigeria Employers Summit 2022 organised by NECA at the Transcorp Hilton Hotel, Abuja. on June 20, 2022.

Photo Sources: Pulse.ng

<p>9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke-free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)</p>	<p>0</p>					
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Though there is no reference to partnerships between the BATN or any tobacco entity and the NCS and the NIS on their websites, both agencies continue to meet with officials of the tobacco company and laud the company’s activities. In 2022 top Customs and NIS officials paid a visit to BATN Ibadan factory and praised BAT’s contributions to the Nigerian economy²³. These comments may seem innocuous but may also indicate that some engagement behind the scenes may be happening.

²³ British American Tobacco West and Central Africa Area, June 3, 2022
<https://www.facebook.com/batwestcentralafrica/photos/a.2352258364812584/5463676640337392/?type=3>



L-R Pat Rich, Legal Director, BAT WCA, Mrs. Bolanle Emmanuel, Trade Advisor, Oyo State Office of the Nigeria Export Promotion Council, Alberto Kauer, Operations Director, BAT WCA, B.A Jaiyeoba, the Customs Area Controller for Oyo/Osun Command, Odiri Erewa-Meggison, External Affairs Director, and I. A. Dansulaiman, Comptroller of Immigration Service, Oyo State Command during a recent visit and tour of our state-of-the-art factory in Ibadan

10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.						4
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Like the NYSC which is a federal scheme, the Nigeria Meteorological Agency (NiMET) is also in partnership and signed an MOU with BATNF²⁴ to provide weather information to its farmers.

INDICATOR 5: Transparency

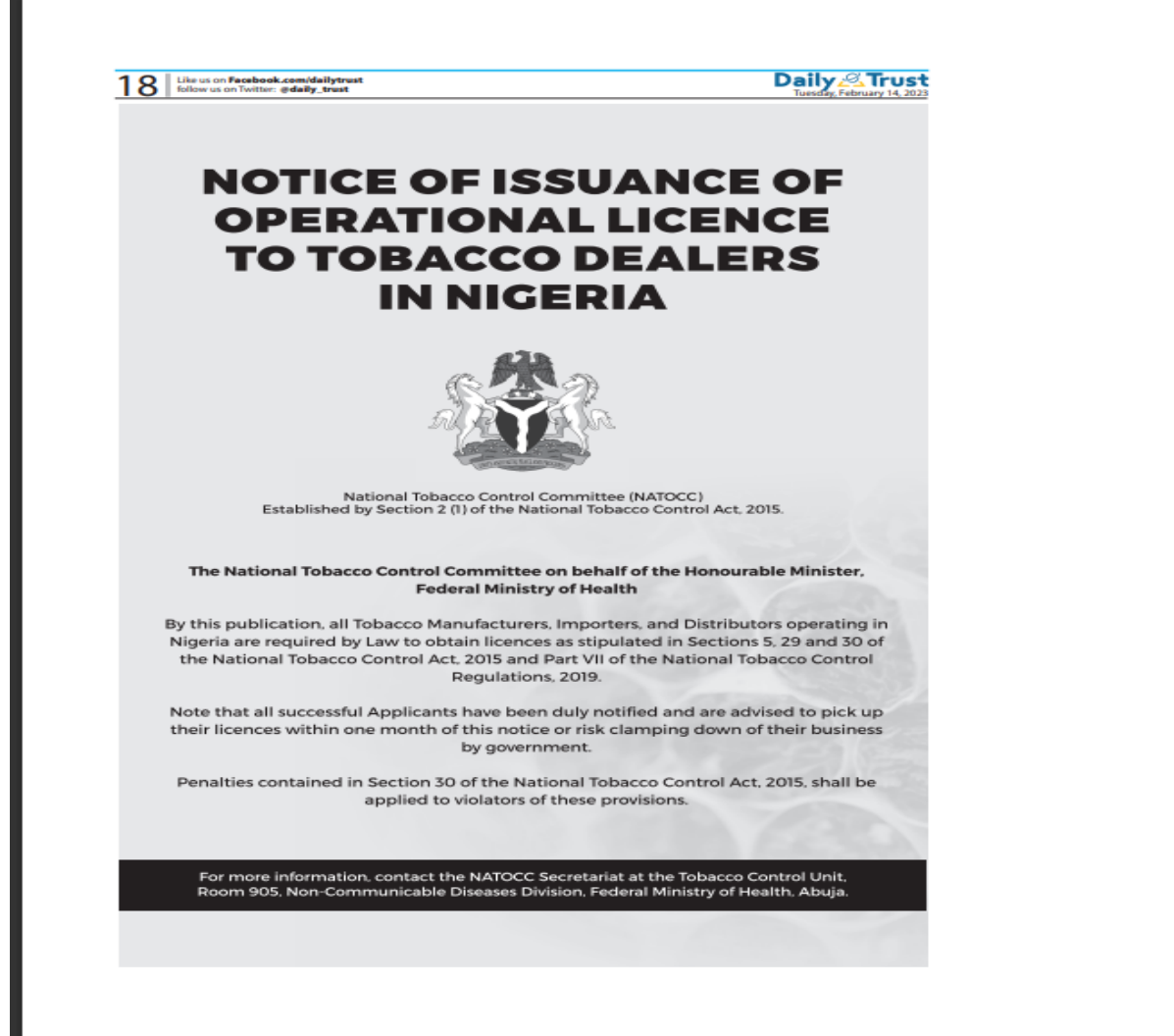
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						4
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Section 25 of the National Tobacco Control Act 2015 stipulates transparency, openness and publicly available records of meetings and all interactions with the tobacco industry. Unfortunately, this section is not implemented. Most government ministries, unwilling to disclose information, introduce bureaucratic processes and sometimes, refer to the Official Secrets Act which prohibits what any branch of government classifies as unauthorised information to justify withholding information.

12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						3
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²⁴ The Guardian: How PPP in weather information boosts food production, by Daniel Anazia, March 18, 2019 <https://guardian.ng/features/how-ppp-in-weather-information-boosts-food-production/>

The National Tobacco Control Regulations 2019 Section 7(g) 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 in February 2023. Other category of affiliates of the tobacco industry are not covered by the law.



Public notice on page 18 of Daily Trust Newspaper dated Tuesday, February 14, 2023, announcing the commencement of a licensing regime for tobacco manufacturers, importers, and distributors as a way of monitoring and tracking records of tobacco industry in Nigeria.

INDICATOR 6: Conflict of Interest

<p>13. 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. (Rec 4.11) / Never 5 Yes</p>		1				
<p>Section 27 of the National Tobacco Control Act 2015 disallows the funding of political parties by the tobacco industry but there is no way of ascertaining if there is a breach of this law as funding of political parties in Nigeria is shrouded in secrecy.</p>						
<p>14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)</p>						5

	0	1	2	3	4	5
<ul style="list-style-type: none"> • Former President of the Nigerian Senate (2015-2019), Dr. Bukola Saraki is alleged to have links with Orion Agro Industries Nigeria Limited, manufacturing cigarettes in Ilorin Kwara state. • Chief Kola Jamodu the current Chairman of BATNF was formerly a Minister of Trade. BATNF is known for appointing former top Government officials as chairmen. • Mr. Aminu Bashir Wali, Minister for Foreign Affairs 2014-2015, Chairman International Tobacco Company. 						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
There is no information suggesting that current government officials are holding any position in the tobacco business in Nigeria.						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes, and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
The National Tobacco Control Act 2015 says that the Minister of Health shall prescribe such measures but unfortunately, this has not happened. Members of the National Tobacco Control Committee (NATOCC), an advisory body to the minister, also mention it in their quarterly meetings but no document/prescription has been made to the agencies and departments.						
<ul style="list-style-type: none"> • The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i> 			2			
<p>Section 27 of the National Tobacco Control Act 2015 prohibits the tobacco industry from offering any donation to any Government entity. Section 27a of the same Act forbids any public official from accepting or soliciting contributions from the tobacco industry.</p> <p>Section 28 of the Act provides for prevention and management of conflict of interest in dealings between public officials and the tobacco industry. That section also recommends full disclosure of existing or prior affiliation with the tobacco industry.</p>						
17. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues, and any other activity, including lobbying, philanthropy, political contributions, and all other activities. (5.2)						4
<p>Section 18 (1) of the National Tobacco Control Regulations 2019 requires the tobacco industry to submit reports on tobacco and tobacco products every year. However, there are no records to show that the tobacco companies have submitted any of the reports. Added to this, Section 18 (2) of the law is ambiguous as it states that the Minister may make information from these reports not accessible to the public. Currently, there is no information in the public domain to show that the tobacco industry has been requested to or has been making these details available periodically.</p>						

	0	1	2	3	4	5
18. The government has a program/system/plan to consistently ²⁵ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
The National Tobacco Control Strategic Plan is supposed to address this issue. Unfortunately, the plan is yet to materialize.						
19. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)		1				
Sections 27 and 28 of the National Tobacco Control Act 2015 are explicit in disallowing contributions and gifts from the tobacco industry to government, its agencies, officials, and their relatives.						
TOTAL SCORE					60	

²⁵ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	British American Tobacco	78.6%	Dunhill, Benson & Hedges, Rothman, Target Menthol, Forum Regular, St. Moritz, Consulate, London Kingsize, Sweet Menthol, Royal Standard, Excel, and Three Rings	https://customs.gov.ng/?page_id=3137
2	Black Horse	3.0%	Black Cigarettes, Pine Menthol, Pine Classic, Esse Compact Silver, Esse Special, Radford Snuff Tobacco, Esse Edge Menthol and Fine Blue Cigarettes.	https://www.facebook.com/people/Black-Horse-Tobacco-Limited/100068031451726/
3	Philip Morris International Nigeria Limited	1.1%	Marlboro Gold, Marlboro, Chesterfield Blue, Chesterfield Mint Burst, Bond Street Blue.	
4	International Tobacco (Ilorin)	Not known	Target Filter, Green Spot, Forum Menthol	https://customs.gov.ng/?page_id=3137
5	Orion Agro Industries Limited	Not known		https://dailypost.ng/2019/05/10/anti-corruption-group-makes-damning-allegation-saraki-cigarette-company/
6	Greg Jane International Limited	Not known	Oris Kingsize Switch, Oris Slims, Oris Cigarette, Oris Pulse, Oris Nano	https://www.gregjaneintl.com/about_us

	TOP MEDIA/ NEWSPAPERS	URL
1	ThisDay Newspaper	https://www.thisdaylive.com/
2	Daily Sun Newspaper	https://sunnewsonline.com/
3	Vanguard Newspaper	https://www.vanguardngr.com/
4	New Telegraph	https://www.newtelegraphng.com/
5	The Pulse	https://www.pulse.ng/
6	The Guardian	https://guardian.ng/
7	Daily Sun	https://sunnewsonline.com/

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	Manufacturers Association of Nigeria	Lobby Group	https://www.manufacturersnigeria.org/
2	Nigeria Employers' Consultative Association	Lobby Group	https://neca.org.ng/
3.	The Nigerian Association of Chambers of Commerce Industry Mines and Agriculture	Lobby Group	https://naccima.com/



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Lagos Office: 1A, Adekunle Owobiyi close,
Off Oladele Kadiri, Off Nob Oluwa Street, Ogba,
Lagos State, Nigeria. **Tel:** +2348029301614

Abuja Office: House 4, Cowries Estate, Off
Emmanuel Mbaka Boulevard, byVON, Lugbe,
Abuja, Nigeria.
Tel: +2347085915879

Email: info@cappaafrica.org

Website: www.cappaafrica.org