



Tobacco Industry Interference in implementation of the TC Act, 2015

Made by

Mable Kukunda – UNHCO

At the training of UAPA members

24th September 2024

At Kampala Kolping Hotel

Presentation outline.....

CAMPAIGN
for
TOBACCO-FREE
Kids



- Introduction
- Why tobacco business is treated differently
- Previous tobacco industry (TI) interference in Uganda
- Anticipated TI interference in implementation of TC Act
- Guarding against TI interference in implementation of the TC Act



Introduction.....

- Globally, tobacco kills 6 million people annually, with potential to rise to 8 million deaths by 2030.
- Of the 193 member states of the United Nations, 180 have so far ratified the WHO FCTC.
- The FCTC outlines evidence-based policies required to reduce tobacco use.
- The convention has driven policy implementation internationally, but progress remains slow.
- Parties to the treaty identified industry interference as the greatest impediment to progress in tobacco control.
- Understanding, exposing, and addressing tobacco industry interference is key to any progress TC.



Introduction Contn.....

- BATU has been the main driver of tobacco industry in Uganda since 1920s
- By 2011, BATU's share of the cigarette market in Uganda was estimated to be 85% (WHO, 2011)
- Tobacco companies recognize the impact of TC measures in WHO FCTC
- Globally, tobacco companies spend billions of dollars working to defeat implementation of tobacco control laws
- TI uses any means necessary - legal or illegal to fight such laws to maintain corporate profits
- The industry uses very similar strategies and tactics globally – in both arguments and actions

Why tobacco business is treated differently.....

CAMPAIGN
for
TOBACCO-FREE
Kids

- TI business is built on lies and manipulation
- The interest of tobacco industry conflict with public health goals
- Tobacco products kill it's consumers when used as intended by the manufacturer and kills a person next to the user
- There is an international treaty (WHO FCTC) which was explicitly created to reduce tobacco use
- Tobacco companies have sought to meet with government decision-makers to dilute, delay and defeat TC legislation





Previous TI Interference in UG

Same Story, Different Context

- Intimidating the mover of TC bill & supportive policy makers
- Secret meetings with MPs and other key decision makers
- Submitting misleading arguments against the TC Bill
- Influence peddling through letters to Government institutions (MoFPED, Parliament) and meetings (MoTIC, MAAIF, PSFU)
- Media manipulation by secretly organizing media w/shops, stage managing media dialogues and talkshows
- Petitions through seemingly independent groups e.g. KACITA, UTGA, ULS
- Threatening to “Take Business Elsewhere”
- **Bribery**

CAMPAIGN
for
TOBACCO-FREE
Kids

26 WEDNESDAY, JULY 15, 2015

business

The aim. The Bill seeks to control the sale and consumption of tobacco products.

BY ISMAIL MUSA LADU
isladu@dailynewsonline.com

KAMPALA. Parliament is expected this week to debate and pass the Tobacco Control Bill 2014, but Uganda Law Society has warned that the proposed law in its current form, infringes on the rights of people.

In its submission to the Parliamentary Committee on Health, Uganda Law Society wondered why legally licensed businesses were being subjected to harassment. "What do you do to adults who want to smoke, who are estimated to be 800,000? Why do you subject a legal business to harassment?"

The Bill moved by a private member, Dr Chris Earyomusa, who first introduced it in Parliament in December 2011, seeks to heavily control the manufacture, sale, promotion and use of tobacco products. According to Uganda Law Society the Bill generally contradicts the Constitution, since it infringes on the right of smokers and legally licensed businesses.

Uganda Law Society also said some of the provisions in the Bill, such as banning advertisement as well as corporate social responsibility, among others are an infringement of the law.

However, Parliament's Health Committee in its report, said the Bill is meant to mitigate the negative public health consequences of tobacco use and exposure.

Mr Dudson Mwaaura, the British American Tobacco Uganda cigarette director, said they were not against being regulated but this should be done fairly.

Parliament warned on Tobacco Control Bill



Cigarette related diseases are the leading cause of death. PHOTO BY FARWAL HADJIT.

"We are not against being regulated, internally, we are already doing that. What we are asking for is fairness and a regulation that is fact-based," he said.

In an earlier interview, Mr David Kamukama, the corporate relations director at Leaf Tobacco and Commodities, said the problem of illicit tobacco trade could be worsened because of unprogressive legislations.

TOBACCO AND RISKS

The risk. Tobacco is the leading cause of preventable death in the world accounting for over 5.2m deaths per year which is more than the death toll due to malaria, HIV/AIDS and tuberculosis combined.

Daily Monitor
www.monitor.co.ug

BASF AFRICA SECURITIES ALIST

USE	NSE	DSE	RSE
ALGI	M/O	MBASIA	4,067
	+1.27%	+1.40%	+0.9%
			-0.4%

BOU forex exchange

July 14	USD	PG	EURO	KSH
BOU POWEX	Buy	3,299	5,054	3,585
	Sell	3,296	5,053	3,581

UGANDA STOCK EXCHANGE

Daily share report, July 10

Security	Share traded	Current	Share Price	Market Cap (USh)
1 BDTU	-	8,529	8,529	418.41
2 Bank of Baroda	3,001,260	142	13	388.00
3 Dflu Group	11,000	507	000	450.00
4 EA Breweries	-	9,248	9,574	7,313.08
5 Equity Bank	-	1,432	1,561	5,303.3
6 Jubilee Ins.	-	17,884	79,420	1,072.16
7 HQ	-	224	246	335.21
8 KCB	-	1,760	1,891	5,252.00
9 NIC	-	19	19	27.54
10 NBS	-	6,144	6,000	1,156.40
11 New Vision	240,000	005	000	46.28
12 Standard	1,272,121	33	33	1,669.23
13 Uganda Cops	-	16	16	14.40
14 UCC	-	1,900	2,168	1,305.00
15 Unens	1,090,099	507	503	613.76
16 Uchumi	-		293	295

Compiled by KOTI HADJI

advert

Daily Monitor
www.monitor.co.ug



PRESS RELEASE

Private Sector calls for adoption of sensible tobacco regulations

The Tobacco Control Bill was tabled in Parliament on March 6th 2014 for First reading. The Parliamentary Committee on Health recently tabled its report in the House paving way for 2nd reading.

While we support evidence-based and balanced regulation, our concern is that some of the provisions in the tobacco bill are unlikely to succeed in addressing public health objectives and will simply edge out legitimate players in favour of the expansion of the illegal black market which actually negates the objectives of this bill.

counterfeit and genuine tobacco products before making a purchase; Making it easier for unscrupulous retailers to mix illicit 'under-the-counter' tobacco products with legitimate stock; and blurring the distinction between legitimate and illicit products, which would all be 'under cover', making it harder to reinforce public appreciation that smuggling and counterfeiting are crimes.

3. **Balanced regulation:** Non-smokers should not be



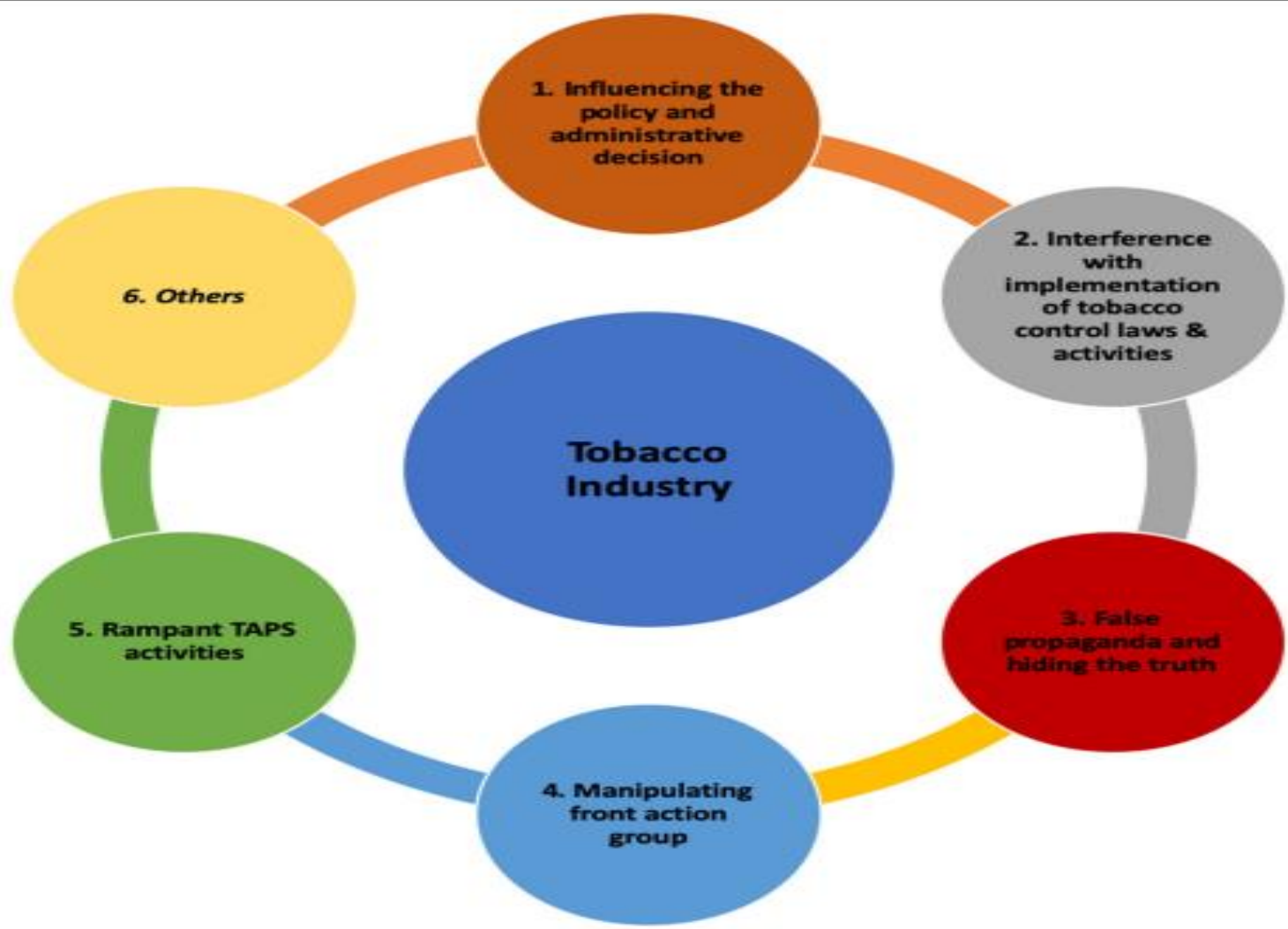
Anticipated TI interference in implementation of TC Act

- Litigation – TI is seeking to overturn the law in court
- Securing representation of TI or it's coalition partners on the TCC
- Building and managing coalitions to provide alternative and more credible platforms for their misleading arguments
- Proposing amendments to weaken the TC law
- Lobbying key decision makers and influencers – information management and direct involvement/influence
- Misinformation campaigns through media and meeting editors, managers to cage out TC stories
- Exaggerating potential costs of the law and dismissing potential benefits of the law
- Financial incentives to key decision makers
- Regulatory/policy avoidance through noncompliance, circumventing the law
- Collecting information on key decision makers, TC activists, and opinion leaders



- Exaggerating the economic importance of the industry: GDP, employment etc
- Misuse of corporate social responsibility, eg school buildings, HIV awareness, drilling of boreholes, elimination of child labour, COVID donations.
- Inventing so called “novel less harmful tobacco products”
- Non-compliance with the law and misinterpretation of law
- Fighting tax increases, tax evasion, illicit trade e.t.c

Thematic diagram showing various tactics used by tobacco industry for survival



Thematic diagram showing various tactics used by tobacco industry for survival

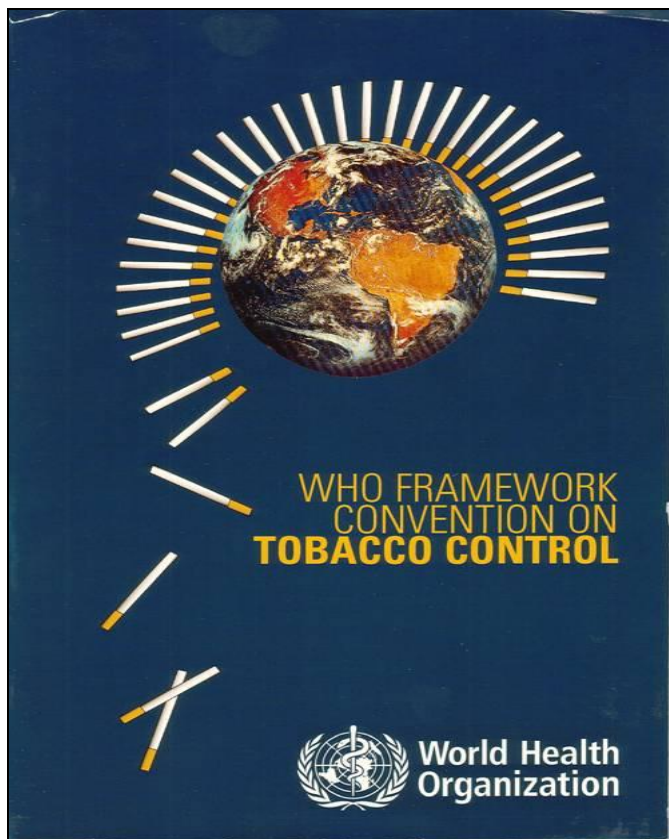
The cigar ambassador: how Snoop Dogg uses Instagram to promote tobacco use

Amanda Richardson,^{1,2} Ollie Ganz,¹ Donna Vallone^{1,2}

23 million likes on FB
10 million Twitter followers



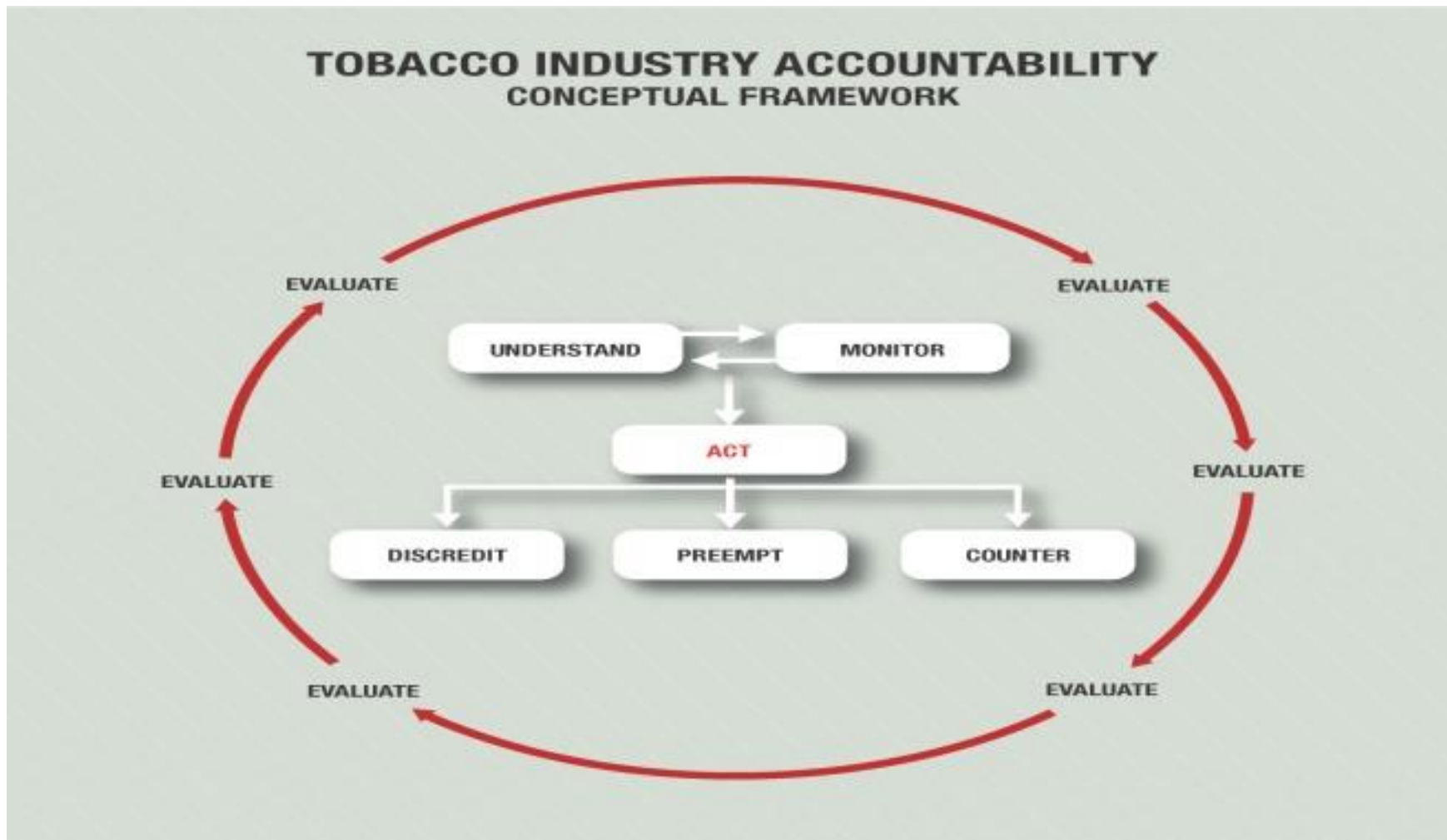
Guarding against TI interference.....



Use **WHO FCTC Article 5.3:**
“In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national laws.”



Guarding against TI interference.....





Guarding against TI interference.....

Evoke TC Act, 2015

- *Part 8 sec 21-24 of the Tobacco Control Act 2015 of Uganda is compliant with the FCTC Art 5.3*
- Requires Government to protect tobacco control policies from TI influence and interference (**Sec 19**)
- Restricts government interactions with the TI (**Sec 20**)
- Prohibits partnerships and endorsement of TI (**Sec 21**)
- Prohibits voluntary contributions from the TI (**Sec 22**)
- Prohibits incentives or privileges to tobacco businesses (**Sec 23**)
- Prevention and management of conflict of interest (**Sec 25**)
- Prescribes strong penalties for contravention (**Sec 24 and 25 (7,8)**)



Learn from other countries experiences

"We have succeeded to prove at the International Centre for Settlement of Investment Disputes that our country, without violating any treaty, has met its unwavering commitment to defend the health of its people... From now on, when tobacco companies try to undermine the regulations adopted in the context of the framework convention on tobacco control with the threat of litigation, they (countries) will find our precedent."

President Tabaré Vázquez of Uruguay



Conclusion

- The tobacco industry tactics are aggressive
- The tobacco industry exaggerates its contribution to economies;
- Revenue from the tobacco sector is short term; the damage caused by tobacco use is unaffordable;
- The tobacco industry is the main barrier to achieving full implementation of the WHO FCTC and reaching its health and socio-economic goals



Key Messages

- Ban interaction with the tobacco industry or do it only when strictly necessary to effectively regulate the tobacco industry **with full transparency.**
- Reject partnerships and non-binding agreements with the tobacco industry.
- Reject any assistance or policy drafted by or in collaboration with the Tobacco Industry.
- Prohibit Tobacco Industry involvement in any youth, public education, or other tobacco control initiatives



Key Messages

- Prevent tobacco-related conflicts of interest for government bodies,
- Require the Tobacco Industry to publicly report on their practices including lobbying, political contributions, philanthropy.
- Prohibit privileges or exemptions for the Tobacco Industry.



THANK YOU



Beware of the wolf in sheep's clothing!