



For Africa to breathe freely

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Press Release

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The tobacco industry's actions to interfere with government policies to fight against smoking in the ECOWAS area

Niamey, 8 September, 2014

The OTAF is now undertaking a major action to alert the [ECOWAS](#) states' governments against the serious attempt to interfere with public policies, recently launched by the tobacco industry led by the multinational company British American Tobacco (BAT). The tobacco multinational company is currently conducting an aggressive campaign of disinformation, intimidation and blackmail to the governments of the regional bloc, in order to dissuade them from their obligations regarding the WHO [Framework Convention on Tobacco Control](#) (FCTC) they have all ratified. In this international treaty, the Parties acknowledge that "the **tax and financial measures** are an effective and important means to reduce tobacco consumption for various segments of the population, especially the youth." **The increase in tobacco taxes** is the most effective measure for reducing the scourge of smoking.

Is it still necessary to remind that smoking causes huge health and social costs in our countries, undermines their development and is a significant poverty factor? In Africa smoking has killed 5.2 million people since 21 May, 2003.

For over three years, ECOWAS and [UEMOA](#) are working on a process geared towards raising the tobacco tax in close collaboration with WHO and the [Consortium for Social and Economic Research](#) (CRES), an independent institution based in Dakar specializing in social and economic research on tobacco with the participation of all other relevant organizations including the [Center for Tobacco control in Africa](#), and the [Tobacco Observatory in Francophone Africa](#) (OTAF). This fruitful and harmonious government / civil society collaboration is a model of its kind and is based on Article 4.7 of the FCTC, which states that "The civil society participation is essential for achieving the objective of the Convention and its Protocols."

Two draft guidelines were developed after more than three years of consultations, consultation and expertise meetings at all levels in order to develop effective instruments to implement the FCTC within ECOWAS and [WAEMU](#), with the aim of protecting the health of populations in the two areas. Both drafts were unanimously approved by all parties involved. They are now being examined and are following the required steps for adoption by the two bodies.

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Predicting that this development was threatening their specific interests, (which indirectly is an acknowledgement of the effectiveness of the proposed measures), tobacco companies led by BAT are trying to interfere with the ongoing process in order to torpedo it. BAT has sent letters to the government bodies of the countries of the two Communities in an attempt to denigrate the excellent work done by both commissions, uttered unfounded accusations and introduced distorted notions of the truth, repeating the fallacious arguments, when they are not utterly inaccurate, of the propaganda they are accustomed to spreading.

It is important that governments be watchful and not let themselves be seduced and / or intimidated by these arguments, accusations and threats by tobacco companies, which, when they are closely examined, do not hold water. The tobacco industry is only favorable to tax increases below 10% because they know that these do not have a significant effect on consumption and that they are consequently ineffective in terms of public health. These small increases serve as screens behind which tobacco companies hide the increase in their profit margins, and they rely on the complicity of governments (such profits are naturally exported to go swell the pockets of wealthy Western shareholders). The OTAF has posted on their website (www.otaf.info) a detailed analysis of the reaction of the tobacco industry especially that of BAT, to the ECOWAS draft guideline.

If the ongoing maneuver by the tobacco industry, especially by BAT, was to be successful and managed to convince some governments to adopt the "light" guidelines in the West African region, this would threaten the overall public health policy of the countries in the region and allow this harmful industry to get back into the saddle to sabotage all financial laws being adopted in the countries of the West Africa subregion. This could also facilitate attempts by tobacco makers to weaken the strong laws adopted by Niger, Togo, Senegal, which are making their legislation consistent with the requirements of the FCTC, but which are coming up against the barriers imposed by ECOWAS and UEMOA when it comes to implementing tax increases on tobacco with a true public health impact.

To challenge this great danger and defeat the tobacco industry, especially BAT, in its attempt to interfere with the public health policy, OTAF is determined to alert governments so that do not fall in this trap.

That is why the Tobacco Observatory in Francophone Africa:

1. Recalls that by ratifying the WHO [Framework Convention on Tobacco Control](#) (FCTC) the ECOWAS member states have formalized their commitment "to protect present and future generations from the devastating health, social, environmental and economic effects of tobacco consumption and the exposure to tobacco smoke by providing a framework for the implementation of tobacco control measures by the Parties at the national, regional and international levels in order to continually and substantially reduce the prevalence of smoking and exposure to tobacco smoke"(FCTC Art 3.)
2. Recalls again that ECOWAS member states, "while defining and implementing their public health policies with respect to tobacco control," pledged to "ensure that these www.otaf.info email: sp@otaf.info Phone Contact: +22671414379

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policies are not influenced by commercial and other interests of the tobacco industry"(FCTC, Art.: 5.3);

3. Ultimately recalls that ECOWAS member states adopted with all FCTC Parties the [Guidelines for the application of Article 5.3 of the WHO Framework Convention on Tobacco Control pertaining to the protection of public health policies regarding tobacco control from the commercial and other interests of the tobacco industry](#), which "aim to assist Parties in complying with their legal obligations under Article 5.3 of the Convention "(Guidelines, Point 6);
4. Invites ECOWAS and its member states to constantly keep in mind the first Guiding Principle of the Guidelines: "There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and those of public health." This principle was endorsed by all United Nations member states during the adoption in September, 2011 of [the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases](#), in which they acknowledge that "there is a fundamental conflict of interests between the tobacco industry and public health" (Political Declaration, Point 38);
5. Invites ECOWAS and its member states to strictly follow, among others, the following requirements of the Guidelines for the implementation of Article 5.3, noting that the application of these is inter-sectoral and not limited only to public health ministries:
 - a. "Adopting measures to limit interactions with the tobacco industry and ensuring transparency for those which take place."(Guidelines, 17.2)
 - b. "Rejecting non-binding or not legally binding partnerships and agreements, with the tobacco industry."(Guidelines, 17.3)
 - c. "Avoiding conflicts of interest among government officials or employees."(Guidelines, 17.4)
 - d. "Demanding transparency and accuracy of information provided by the tobacco industry."(Guidelines, 17.5)
 - e. "Parties should have interaction with the tobacco industry only when necessary and they should be strictly limited to what is necessary to enable them to effectively regulate the tobacco industry and tobacco products."(Guidelines, 20.2.1)
 - f. "When interactions with the tobacco industry are necessary, Parties should ensure that they take place in a transparent manner. Whenever possible, interactions must take place in public, e.g. through public hearings, public notices, or by disclosing to the public the documentation for these interactions."(Guidelines, 20.2.2)

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6. Vehemently denounces and condemns the current intrusion of the tobacco industry in the adoption of the draft community guidelines on tobacco taxation;
7. Commends the efforts made by ECOWAS and UEMOA which are harmonizing tobacco taxes in West Africa and invites them to remain vigilant against the tobacco industry and take all necessary steps to implement the much needed guidelines;
8. Solicits from the ECOWAS Commission and all its member states to make the draft guidelines a priority for their adoption and effective implementation in West Africa to protect the people.
9. Calls upon all international organizations fighting against tobacco, primarily the WHO and all other bodies and networks to consequently mobilize to defeat this new interference of the tobacco industry within the ECOWAS and UEMOA, as well as the governments of the Member States.
10. Makes a final appeal to the ECOWAS and UEMOA parliamentarians to once again support the draft guidelines in order to mark their commitments to the health of the ECOWAS and UEMOA people.
11. Finally, the Tobacco Observatory in Francophone Africa will undertake all necessary actions to support the adoption of this guideline.

Made in Niamey 8 September, 2014

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