

Botswana



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

There is no evidence of tobacco industry (TI) participation in policy development on tobacco control for the period assessed. Business Botswana, the voice of the TI in Botswana, has accused the Government of failing to consult the industry on the impact of the new law on the informal sector during the debate on the adoption of the Tobacco Control Act (TCA 2021). Part 10 of the TCA, section 58, prohibits government partnerships and endorsements of the TI. Business Botswana does indirectly sit on some of the government's high-level committees, such as the High-Level Consultative Council, and therefore can provide input on key policy issues affecting the business environment in Botswana - including the tobacco business.

2. INDUSTRY CSR ACTIVITIES

There is no evidence of government agencies or their officials endorsing, supporting, forming partnerships, or receiving Corporate Social Responsibility (CSR) contributions from the TI or those working to further its interests during the pandemic in 2021 to date.

3. BENEFITS TO THE INDUSTRY

The new TCA (section 60) prohibits any incentives or privilege to any person to establish or run a tobacco manufacturing or wholesale operation. It further prohibits any incentive or privilege related to any phase of the production or marketing of tobacco products or growing tobacco.

The new law is not yet into force despite its passing in 2021. This delay directly benefits the tobacco industry. Contrary to the law explicitly prohibiting tobacco displays,

stores in Botswana still display tobacco products; including at a point of sale. The new law further prohibits the sale of single cigarette sticks and smoking in public places. Both of these activities continue unchallenged due to lack of implementation and enforcement of the law.

4. UNNECESSARY INTERACTION

There is no documented evidence of unnecessary interaction between the government and the TI. If interactions occurred, they were not publicly disclosed or documented. The TCA, passed in 2021, prohibits such interactions and makes them illegal. Proper implementation of the new law will protect public health policy.

5. TRANSPARENCY

As prescribed by the TCA, the new government policy requires meetings between tobacco companies and government officials be held in public. The minutes of such meetings must also be recorded and made available to the public.

In addition, the TCA requires the disclosure or registration of TI entities, affiliated organizations, and individuals acting on their behalf; including lobbyists. These provisions are designed to increase transparency and accountability in the interactions between the TI and government officials, as well as prevent undue influence by the TI on tobacco control policies.

These provisions have not yet been implemented, pending the development and adoption of new regulations. Whilst it is acknowledged the development or regulations may take time due to consultation processes, it is imperative that the Government fast tracks their adoption to facilitate clear procedures that will guide in preventing TI interference.



6. CONFLICT OF INTEREST

The TCA clearly stipulates and prohibits contributions from the TI or any associated entity working to further its interests to political parties, candidates, or campaigns. The Act requires political parties, candidates, and campaigns to disclose all contributions made to them by any person, including TI entities and affiliates. There is no evidence of senior government officials forming part of the TI, nor current government officials or relatives holding positions in the tobacco business.

7. PREVENTIVE MEASURES

Through the TCA the government has put in place procedures for disclosing records of TI interactions. In the new Act, meetings between tobacco companies and government officials must be held in public, and the minutes of these meetings must be recorded and made available to the public. This includes meetings related to developing, implementing, or enforcing tobacco control policies. Additionally, Section 20(4) of the Act requires the minutes of these meetings

be recorded and made available to the public. The minutes should include the date, time, location, attendees, and a summary of the discussions and any decisions.

Although there is no provision in the TCA that specifically outlines a code of conduct for public officials with regard to their interactions with the TI, the Act contains several provisions aimed at reducing the influence of the TI on public policy. These include the regulation of industry activities, the prohibition of industry interference in the development of public health policies, and the establishment of a transparent process for interactions between government officials and the TI. The Act presents a framework for transparent and accountable interactions between the government and the TI, which could indirectly serve to guide the conduct of public officials in this regard.

Botswana's TCA requires the TI to periodically submit information on various activities, including production, manufacture, market share, marketing expenditures, revenues, lobbying, philanthropy, political contributions, and all other tobacco-related activities for tobacco control purposes.