

Nigeria



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

In Nigeria, the tobacco industry (TI) still participates in policy development. The TI was invited to and participated in federal government discussions, including a public hearing on the National Tobacco Control Regulation 2019. The TI is consistently invited to meetings of the Standards Organization of Nigeria, where classified resolutions on standards are discussed, and agreements are reached.

2. INDUSTRY CSR ACTIVITIES

The government still endorses the TI's so-called CSR activities in various sectors. Many of these engagements are promoted in the media and on social media. BAT Nigeria Foundation is prominent and vocal in its sponsorship of agricultural programs that have the endorsement of state governments across the country. In 2021, BAT Nigeria Foundation partnered with the National Youth Service Corps – a federal government youth program that aims to financially empower young agricultural entrepreneurs. To be eligible for the program, candidates must be young with a viable agri-business plan and a strong love for agriculture.

3. BENEFITS TO THE INDUSTRY

BAT Nigeria is known to have benefitted from the Export Expansion Grant Scheme initiated by the Nigeria Export Promotion Council (NEPC) until it ended in 2013. In 2022, the same NEPC, 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 on 26 November 2022. The award denotes some form of behind-the-scenes engagement between the agency and the TI.

4. UNNECESSARY INTERACTION

There is evidence of unnecessary interaction between the TI and public officials, particularly 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.

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 TI. Section 25 of the National Tobacco Control Act stipulates that all meetings involving government and the TI 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 TI 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 TI. The National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 clearly outline ways to handle such conflict of interest.



7. PREVENTIVE MEASURES

Preventive measures are provided for in the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019. However, the measures are either partially implemented or not implanted at all. For instance, while the Act prescribes that the TI 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

1. 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 TI can exploit to interfere in public health and other policies of the government.
2. Ensure transparency in the enforcement of the National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 by providing information on dealings, interactions, economic incentives, and benefits that the TI receives from the government.
3. Ensure there is synergy between the federal and state governments in putting in place processes for full disclosure of minutes and proceedings of meetings and interactions with the TI.
4. Ensure ministries, departments, and agencies consistently update their websites and other information platforms for easy information dissemination, and transparency.
5. 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.