

South Africa



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry (TI) indirectly influenced decision making and policies by partnering with non-governmental bodies that worked closely with the government.

In November 2021, the government excluded the TI from the delegations to the WHO FCTC Conference of the Party (COP 9) meeting and the Meeting of the Parties (MOP 2) to the Protocol to Eliminate Illicit Trade in Tobacco Products.

2. INDUSTRY CSR ACTIVITIES

Multiple CSR activities involving the TI were recorded, including non-health related activities such as support for veterinary vaccinations, stock theft prevention and environmental conservation. The TI also partnered with non-governmental organizations that worked with the government. These activities involved a food program, sponsorship for academic scholarships and monetary contributions for research and events. The funds for one event and the research were later returned to the TI by the respective agencies following objections from civil society organizations.

3. BENEFITS TO THE INDUSTRY

The 10-year delay (2013 – 2023) in ratifying the Protocol to Eliminate Illicit Trade in Tobacco Products has worked in favor of the TI. The tender on a Track and Trace (T & T) system was cancelled, and the current self-reporting system (from the TI) on tobacco production is open to potential TI manipulation.

The four-and-a-half-year delay in the introduction of the new tobacco bill to parliament allowed for the continued use of

existing loopholes in the current legislation. The unregulated use of electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS and ENNDS) in the country allowed the TI to market these devices and products under the guise of harm reduction.

4. UNNECESSARY INTERACTION

The TI interacted with government officials at corporate social responsibility events and through its front groups. Some senior politicians and the state president appeared on social media with the TI representatives which reflected a proximity between high-level politicians /government and the TI.

5. TRANSPARENCY

There is no government policy that requires the disclosure of meetings and/or interactions with the TI. The government indirectly accepted assistance from the TI through involvement with front groups.

6. CONFLICT OF INTEREST

In 2022 political parties publicly disclosed the sources and amounts of private funding received for the first time in accordance with the Political Party Funding Act. A handful of parties disclosed having received large donations. The TI is not required by current law to disclose their political donations and the potential conflict of interest exists, since some political parties are known to have close relationships with the TI.

A former judge of South Africa is a member of the council of PMI-IMPACT that oversees the funds for projects against illicit trade.



7. PREVENTIVE MEASURES

There is no government policy that requires TI interactions with the government to be recorded. The TI provides information to the Minister of Health and to South African Revenue Services (SARS) as per the current

tobacco legislation. SARS introduced two measures to limit duty losses in the TI which fall short of the supply chain provisions of the Protocol to Eliminate Illicit Trade in Tobacco Products. There is still no code of conduct for WHO FCTC Article 5.3 for government officials and politicians.

Recommendations

1. Ratify the Protocol to Eliminate Illicit Trade in Tobacco Products.
2. Finalize and implement a code of conduct for WHO FCTC Article 5.3 for government officials and politicians.
3. Fast track the passing of the new Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022] inclusive of a ban on all forms of contributions (CSR and political) from the TI.
4. Limit and ensure transparency of all interactions between TI representatives and government.
5. Develop and implement a policy for government officials and politicians with protocols and procedures to record interactions between government and the TI.
6. Develop and implement a comprehensive awareness campaign for government officials, decision-makers, and politicians on the obligations of the WHO FCTC with a special focus on Guidelines on Article 5.3, tobacco industry tactics and tobacco CSR activities.