SENEGAL

NOM DU PAYS

# FOREWORD

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The survey conducted in Senegal in search of tobacco industry interference in the definition and implementation of health policies revealed that the government has indeed taken adequate and correct legislative and regulatory measures to protect public health policies.

In fact, despite the difficulties noted in accessing information, due to the lack of an inherent law making it mandatory to provide information to citizens, this survey allowed us to take stock of the progress and delays recorded in the implementation of the provisions of the WHO Framework Convention on Tobacco Control (FCTC) in Senegal.

This survey on the tobacco industry interference index in Senegal is part of the initiative to establish a global tobacco industry interference index. It is a global survey of how public health policies are protected and the tobacco industry's efforts to influence them in order to preserve its industrial and commercial interests.

This report is written by Baba Gallé Diallo, communication officer of the National Tobacco Control Program (PNLT), tobacco control expert and Djibril Wélé Executive Secretary of the Senegalese League for Tobacco Control (LISTAB), tobacco control expert with the technical assistance of Léonce Sessou Executive Secretary of the African Tobacco Control Alliance (ATCA).

# Introduction

With an area of 196,722 km, Senegal is located at the westernmost point of the African continent in the Atlantic Ocean, at the confluence of Europe, Africa and the Americas, and at the crossroads of major maritime and air routes. It is bordered to the north by Mauritania; to the east by Mali; to the south by Guinea and Guinea Bissau; to the west by the Gambia, and by the Atlantic Ocean on a 500 km frontage.

According to the 2020 Report of the National Agency for Statistics and Demography (ANSD), the population of Senegal is 16 million 705 thousand 608 inhabitants. Women represent 8 million 391 thousand 358 inhabitants, or 50.2% of the population, while men represent 8 million 314 thousand 250 inhabitants, or 49.8% of the population.

In 1981, following the World Health Assembly, Senegal adopted Law 81-58 of November 9, 1981 prohibiting tobacco advertising and the use of tobacco in certain public places. Four years later, law 85-23 of February 25, 1985 was adopted amending the law 81-58 on the prohibition of advertising for tobacco and its use in certain public places. There are no restrictions on the sale of single cigarettes or small packets of cigarettes.

Senegal has two tobacco factories who are local affiliates of international transnational tobacco companies: the West African Tobacco Factory (*Manufacture Ouest africaine de tabac -MTOA*) and Phillip Morris Manufacturing Senegal. Between 1989 and 1996, MTOA's turnover increased from 8 to 20 billion FCFA. It is 97% owned by Bolloré Technologies, Seita and Coralma International, and 3% by Senegalese.

On September 30, 2006, tobacco giant Philip Morris Manufacturing International ended its partnership with MTOA, causing a 50% loss in sales. In 2007 Philip Morris, with the support of the Senegal Investment Promotion Agency (APIX) started its own production of cigarettes.

However, Philip Morris business in Senegal has grown. National production of cigarettes has grown steadily, from US$ 126 million in 2012 to US$ 172.4 million in 2015, a 36.8 percent increase. Export of tobacco products from Senegal to other African countries has also grown following processing of the imported raw tobacco[[1]](#footnote-1).

In 2005, Senegal ratified the WHO Framework Convention on Tobacco Control (FCTC). And in 2014, nine years later, Senegal adopted Law 2014-14 of March 28, 2014 on the manufacture, packaging, labeling, sale and use of tobacco. In 2015, consecutively, the National Tobacco Control Committee (CNLT) was established and in the same year, the National Tobacco Control Program (PNLT) was created by ministerial order.

The creation of the CNLT with its regional and departmental members, chaired respectively by the governors and prefects, was a decisive turning point that irreversibly set in motion the process of decentralization of tobacco control in Senegal.

The paradox is that, despite the presence of the tobacco industry, Senegal has made significant progress in legislative measures to prevent tobacco industry interference. The analysis of the interference the tobacco industry 2020, gives an overview of the progress made in the implementation of articles 5.1, 5.2, 5.3 of the FCTC and the limitations in addressing the influence from the tobacco industry.

This Tobacco Industry Interference Index uses the questionnaire developed by the Global Center for Good Governance in Tobacco Control (GGTC). Evidence used in this questionnaire is limited to only publicly available information. To assess implementation scores are applied where the scores range from 0 to 5. The lower the score is, the better compliance to FCTC Article 5.3 Guidelines.

# Summary of findings

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## TOBACCO INDUSTRY INVOLVEMENT IN POLICY DEVELOPMENT

According to Article 1 of Law No. 12/2014 of March 28, 2014 on the manufacture, packaging, labeling, sale and use of tobacco[[2]](#footnote-2), the State formally prohibits any interference by the tobacco industry in national health policies. Therefore no offer of assistance and support from the tobacco industry in the definition or implementation of public health policy, especially in the fight against tobacco use has been recorded.

## TOBACCO INDUSTRY CSR ACTIVITIES

In 2020, the Mauritanian businessman Mohamed Ould Bouamatou, an importer of cigarettes, released 1 billion CFA francs ($1.6 million) to Senegal as part of the Force Covid-19 fund set up by President Macky Sall to address the epidemic[[3]](#footnote-3).

## BENEFITS TO THE TOBACCO INDUSTRY

An investment code has been established to attract foreign investors. The tobacco industry as a company, has benefited from the same conditions of favors related to the establishment of business, to found itself in Senegal.

Under Articles 410 and 433 of the General Tax Code (CGI), the tobacco industry benefits from an exemption from specific taxes on the export and resale of raw tobacco, smoking tobacco, chewing tobacco or snuff, cigars, cigarettes and other tobacco that have actually borne the specific tax in Senegal on the following bases tobacco received in bulk, in sleeves or in sheets when it is intended to be used in Senegal for the production of cigars, cigarillos, cigarettes, smoking tobacco and other tobacco, including chewing tobacco and snuff.

## UNNECESSARY INTERACTIONS

The tobacco industry is a member of the Senegalese national employers' organization. As such, there are some administrative interactions but no evidence of this with several sectors of the government, including the Ministries of Economy and Finance, Industry and Trade. Etc.

To the best of our knowledge, there is no evidence of unnecessary interactions of the tobacco industry with the public authorities.

## TRANSPARENCY

The tobacco industry in 2017, sent a letter dated January 27 to the Minister of Health, requesting the postponement of a period of six months in relation to the affixing of health warnings on cigarette packs sold in Senegal, contrary to the provisions set out in Articles 6, 7, 8,9, 10 and 11 of Decree 2016-1008 implementing Law No. 12/2014, relating to packaging and labeling. Negotiations respecting the rules of transparency have prevented a conflict and resolved the problem.

Senegal does not have a code of conduct for government officials vis-à-vis the tobacco industry.

## CONFLICTS OF INTEREST

Naturally, there is a conflict of interest between the government Senegal, responsible for the health of the population, and the tobacco industry, enemy of public health. By signing the FCTC, Senegal has laws and regulations to prevent and manage conflicts of interest with the tobacco industry.

Furthermore, to our knowledge, there is no tangible evidence of conflict of interest between government agencies and the tobacco industry.

## PREVENTIVE MEASURES

The tobacco control law 2014 -14 of March 28, relating to the manufacture, packaging, labeling, sale and use of tobacco and tobacco control regulations of Senegal contain effective preventive measures against the tobacco epidemic.

# Recommendations

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In order to accelerate the implementation of the WHO Framework Convention on Tobacco Control in Senegal, the following recommendations are made:

* Legislate to make access to information mandatory for all citizens, without any form of restriction;
* To make public the information related to the interactions of public authorities with the tobacco industry in accordance with the WHO Framework Convention on Tobacco Control (FCTC);
* Develop a regulatory text for interactions between relevant government officials and the tobacco industry;
* Sensitize the Government's sectoral ministries (Ministries of Economy and Finance, Trade and Industry) to update their websites to facilitate access to information and ensure informational transparency.

# 2021 Tobacco Industry Interference Index

# Findings and Conclusions

|  | **0** | **1** | **2** | **3** | **4** | **5** |
| --- | --- | --- | --- | --- | --- | --- |
|  |
| **Level of Industry Participation in Policy-Development** |
| 1. The government accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests in setting or implementing public health policies in relation to tobacco control (Rec 3.1)
 |  | **1** |  |  |  |  |
| According to Article 1 of Law No. 12/2014 of March 28, 2014[[4]](#footnote-4) on the manufacture, packaging, labeling, sale and use of tobacco, the State formally prohibits any interference by the tobacco industry in national health policies. Therefore, no offer of assistance and support from the tobacco industry in the definition or implementation of public health policy, especially in the fight against tobacco use has been recorded. |
| 1. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)
 |  | **1** |  |  |  |  |
| The Government does not accept, support, endorse or collaborate with the tobacco industry in legislating against tobacco products or setting public health policy. |
| 1. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)
 |  | **1** |  |  |  |  |
| Since 2010, when it had participated in one of the writing workshops of the tobacco control bill that became law 2014-14 of March 28, 2014 on the manufacture, packaging, labeling, sale and use of tobacco, the tobacco industry has not been invited to the table by the public authorities to define the public health policy. |
| 1. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3)
 |  | **1** |  |  |  |
| The government has never nominated or authorized or sponsored the tobacco industry, including its representatives, to be part of the national delegation to meetings of the COP or its subsidiary bodies (COP 4 & 5, INB 4 5, WG). |
| **INDICATOR 2 : Tobacco related CSR activities** |
| 1. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in activities of the tobacco industry described as socially responsible. (Rec 6.2)

B. The government (its agencies and officials) receives CSR contributions (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests. (Rec 6.4)  |  |  |  | **3** |  |  |
| A. Since 2009, governments are no longer publicly involved in the tobacco industry's activities.B. In 2020, as part of the Force Covid-19 fund set up by President Macky Sall to fight the COVID 19 epidemic, the government received a donation of about 1 billion CFA francs ($1.6 million) from Mauritanian billionaire Mohamed Ould Bouamatou, who made his fortune selling cigarettes,In 2018, Phillip Morris International (PMI) donated US$53,000 to build new classrooms for an elementary school in a rural area through the Augustine Foundation.[[5]](#footnote-5)  |
| **INDICATOR 3 : Benefits to the Tobacco Industry** |
| 1. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)
 |  | **1** |  |  |  |  |
| In August 2017, as part of the implementation of health warnings, the tobacco industry had requested a six (6) month delay to make the necessary changes in its production tools in order to be able to technically meet the injunction of the law. |
| 1. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)
 |  |  |  |  | **4** |  |
| In Senegal, the tobacco industry benefits from an exemption from specific import taxes. Based on articles 410 and 433 of the General Tax Code (CGI) are exempt from specific taxes: exports and resales in the state of raw tobacco, smoking tobacco, chewing or snuff tobacco, cigars, cigarettes and other tobacco having actually borne the specific tax in Senegal on the following bases: tobacco received in bulk, in manoques or leaves when intended for use in Senegal for the production of cigars, cigarillos, cigarettes, smoking and other tobacco, in particular chewing or snuff.International travelers entering Senegal can bring in duty free 200 cigarettes or 50 cigars or 250 grammes of tobacco or tobacco products.[[6]](#footnote-6) |
| **INDICATOR 4 : Forms of Unnecessary Interaction** |  |  |  |  |  |  |
| 1. Top level government officials (such as President/ Prime Minister or Minister) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)
 |  |  | 2 |  |  |  |
|  |
| 1. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)
 | **0** |  |  |  |  |  |
| The government has never accepted the tobacco industry's offer to help enforce the law, fight smuggling, or implement tobacco control policies, let alone ban tobacco sales to minors.Also, the government has not received any financial contribution from the tobacco industry to implement the above activities. |
| 1. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1)

NOTE: This should not include CSR, law enforcement activities, or tobacco control policy development, as these are already covered by the previous questions. | 0 |  |  |  |  |  |
| The government of Senegal does not accept, support, or partner with the tobacco industry |
| **INDICATOR 5 : Transparency** |
| 1. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)
 |  |  |  |  |  | **5** |
| Information on meetings with the tobacco industry is not made public by the government. |
| 1. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)
 |  |  |  |  |  | **5** |
| Governments have not yet put in place rules to make available and communicate information about the licensing of tobacco entities, their affiliated organizations, and the individuals who act on their behalf, including media groups. |
| **INDICATOR 6 : Conflict of Interest** |
| 1. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)
 |  |  |  |  |  | **5** |
| The government does not prohibit the tobacco industry or any entity that promotes its interests from making contributions to political parties, candidates, or political companies and does not require full disclosure of the details of such contributions.Tobacco Control Law 2014-14 of March 28, 2014, on the manufacture, packaging, labeling, sale, and use of tobacco did not include this prohibition. In addition, Senegal does not have a law regulating the financing of political parties. |
| 1. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)
 | **0** |  |  |  |  |  |
| At present, there is no evidence that a senior official such as former Prime Minister or a former Minister or a head of department works for any of the tobacco companies in Senegal. |
| 1. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)
 | **0** |  |  |  |  |  |
| There is no evidence that current officials and their relatives hold positions in any of the tobacco companies in Senegal, including consulting positions. |
| **INDICATOR 7 : Preventive Measures** |
| 1. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)
 |  |  |  |  |  | **5** |
| At present, there is no procedure for disclosure of documents relating to interactions with the tobacco industry. |
| 1. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry.
 |  |  |  |  |  | **5** |
| Currently, the government has not yet developed, adopted and implemented a code of conduct for government officials (civil servants and non-civil servants) that sets out the rules to be followed in their interactions with the tobacco industry. |
| 1. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities.
 |  |  |  |  |  | **5** |
| Today, there is very little information on the existence of any directive requiring the tobacco industry to periodically provide information on tobacco production, manufacture of tobacco products, market share, marketing expenditures, revenues including lobbying activities, charitable activities, political contributions and any other activities.What is certain is that the government is passive and silent when it comes to requesting the tobacco industry to periodically submit the above-mentioned information especially on lobbying activities, political contributions. |
| 1. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)
 |  |  |  |  |  | **5** |
| At present, the Senegalese government has no program, system or plan to systematically sensitize its political departments to the guidelines of Article 5.3 of the FCTC |
| 1. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (Rec 3.4)
 |  |  |  |  |  | **5** |
| Currently, the public authorities in Senegal has no policy in place to prohibit the acceptance of any form of contribution/gift from the tobacco industry (financial or otherwise, including offers of assistance, policy projects or invitations to study tours given or offered to the government) its agencies, officials and their relatives. |
| **TOTAL** | **54** |

## ANNEX A: Sources of information

**TOBACCO INDUSTRY ACTIVITY**

 **LOCAL TOBACCO COMPANIES**

|  |  |  |
| --- | --- | --- |
| Top Tobacco Company | Market Share and Brands | Source |
| MTOA Impérial Tabacco | 2020 Market Share not available  | https://bit.ly/37166cp |
| Phillip Morris Manufacturing Sénégal | 2020 Market Share not available | https://bit.ly/3iUFiAihttps://bit.ly/3iNLNVt |

Market power appears to be different depending on whether the manufacturer produces luxury cigarettes or economy cigarettes[[7]](#footnote-7). Philip Morris Senegal (PMMSN), which produces luxury cigarettes, sees its demand increase when its price rises, whereas the opposite is true for MTOA, which produces economy cigarettes. In addition, the cigarette market in Senegal is estimated at 2 million units per year, worth approximately 60 billion CFA francs. PMMSN exports to 13 countries in West Africa (75 percent of PMMSN production volume).[[8]](#footnote-8)

TOBACCO FRONT GROUPS

|  |  |  |
| --- | --- | --- |
| Top Tobacco Industry Representative | Type (Front Group/ Affiliate/ Individual) | Source |
| Association des fumeurs du Sénégal | Ally | https://bit.ly/3l0Wjv4https://bit.ly/3zDr7WK |
| Lead Africa Francophone | Front Group | https://bit.ly/2V9zr1C |
| Association REJOINT | Ally | https://bit.ly/36YDuR2 |
| ALLAFRICA  | Ally  | https://bit.ly/3i6EQQg  |

**News Sources**

|  |  |
| --- | --- |
| Top 5 Newspaper/Dailies | Source |
|  | https://bit.ly/36Z0eR5 |
| L’Enquête  | https://bit.ly/3iRFVKC |
| Kéwoulo  | https://bit.ly/2TBab3T |
| Sénéweb | https://bit.ly/3x6HUjw |
| Dakar actu | https://bit.ly/3x0lf8x |

1. World Bank Group. Confronting illicit trade: A global review of country experience, Senegal. <https://bit.ly/3sA360z> [↑](#footnote-ref-1)
2. Law N°12/2014, March 28, 2014.<https://bit.ly/2UFNEnf> [↑](#footnote-ref-2)
3. Baba Gallé Diallo. Lutte contre la COVID19 : Le Sénégal aurait pu se passer de l’argent du milliardaire mauritanien Mohamed Ould Bouamatou. 19 Juillet 2020. <https://bit.ly/2VaZqpB> [↑](#footnote-ref-3)
4. Law N°12/2014. March 28, 2014.<https://bit.ly/2UFNEnf> [↑](#footnote-ref-4)
5. Philip Morris International. 2018 Charitable Contributions at a glance. <https://bit.ly/2Xxdtqp> [↑](#footnote-ref-5)
6. #  Travel Centre. Senegal Customs, Currency & Airport Tax regulations details. <https://bit.ly/3ssSYXj>

 [↑](#footnote-ref-6)
7. Consortium pour la recherche économique et sociale (CRES) [↑](#footnote-ref-7)
8. Philip Morris Senegal. <https://www.pmi.com/markets/senegal/en> [↑](#footnote-ref-8)