



**BRITISH AMERICAN
TOBACCO
NIGERIA**

Increasing aggressive propaganda against the Tobacco Industry

British American Tobacco Nigeria (BATN) is greatly disturbed by the increasing aggressive propaganda against the Tobacco Industry by certain non-governmental organisations (NGO's) operating within the country.

This propaganda is not limited to smear campaigns, dissemination of unfounded information but also includes aggressive lobbying of several stakeholders within the country to:

- (i) Exclude the company from making inputs into the development and implementation of policies which will affect the industry
- (ii) Stop the industry from engaging on pertinent issues that are likely to affect the legal entities operating within the country and open doors for illegal entities to operate.

It is important to note that the industry has on several occasions stated that it is not averse to a balanced, fact-based tobacco regulation, which is enforceable and will not lead to unintended consequences such as tobacco smuggling.

We are therefore worried and concerned about the recent spate of events where several foreign-funded NGOs have continued to use emotional and exaggerated information which is not backed with data to lobby key stakeholders in the country. This is an extremely dangerous trend which may lead to inappropriate decision making and should be stopped.

Consultations for policy formulation must have extensive reach. Such consultations should involve all stakeholders who are concerned and will be affected by such policies. This is a basic principle for every legislative or policy formulation process that should be adhered to at all times.

It is therefore imperative that tobacco control policies be developed in an open, transparent and consultative manner, involving all the stakeholders including the tobacco industry.

Consultations with the tobacco industry are a matter of good governance and such consultations are strongly encouraged by the Organization for Economic Cooperation and Development (OECD) in its Guiding Principles for Regulatory Quality and Performance. These principles call on governments to "Consult with all significantly affected and potentially interested parties, whether domestic or foreign, where appropriate at the earliest possible stage while

developing or reviewing regulations, ensuring that the consultation itself is timely and transparent, and that its scope is clearly understood."

Stakeholder consultation and participation in public policy is global best practice typical of democratic countries in Europe, America, Canada, Australia, New Zealand and Nigeria. In the United States of America, the process is called "Public Notice and Comment". The United Kingdom has its "Code of Practice on Consultation" and "Consultation Principles Guidance". In Parliamentary parlance, it is called "Public Hearing".

It is therefore strange, to read and hear of agitations and proposals that seek to bar an entire legal industry from policy input, stakeholder engagements and partnerships.

Section 39 (1) of the 1999 Nigerian Constitution as amended, guarantees that every person "shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."

Section 40 of the 1999 Nigerian Constitution as amended, guarantees that every person "shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests."

It is important to note that the Framework Convention on Tobacco Control (FCTC) itself calls for extensive consultations amongst key stakeholders including the tobacco industry. These consultations must be open and transparent.

The industry is and must be part of the solution

- It is important to note that Tobacco is a legally-traded product and as such must be given due consideration and accorded its legal status.
- It is the Tobacco industry that has in the last decade, in partnership with several government agencies, ensured that the level of regulatory trends within the industry is stronger than the existing tobacco control act.

Signed:

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