

Challenges and Implications of Implementing AfCFTA on Tobacco Control Policies: A Case of East Africa Countries



Executive Summary

This research investigates the challenges and implications of implementing the African Continental Free Trade Area (AfCFTA) in tobacco control policies in East Africa, focusing on six countries: Rwanda, Kenya, Uganda, Tanzania, Burundi, and South Sudan. This research is crucial because of the potential conflict between AfCFTA's trade liberalisation objectives and public health priorities concerning tobacco control. This study provides insights into the current landscape of tobacco control policies, the potential impact of AfCFTA on tobacco trade and consumption, and the challenges and opportunities for harmonising regulations and strengthening enforcement mechanisms.

This study employs a mixed-methods approach, combining in-depth interviews, surveys, and desk reviews to gather data from various stakeholders, including policymakers, industry representatives, and civil society organisations. The desk review and stakeholder mapping revealed that, while East African countries have made strides in tobacco control, challenges persist, including illicit trade, industry interference, weak enforcement, and a lack of public awareness. These challenges could be exacerbated by AfCFTA's trade liberalisation if not accompanied by robust and harmonised tobacco control measures.

This study highlights several key aspects of tobacco control efforts, noting both progress and persistent challenges. Despite advancements have been made, issues such as illicit trade and industry interference continue to undermine public health goals. Discrepancies in tobacco control policies and enforcement capacities across the EAC expose gaps that hinder regional harmonisation efforts and create vulnerabilities that the tobacco industry can exploit. Economic and cultural factors also complicate enforcement as conflicting interests and norms often work against strict regulations. Additionally, limited resources and capacity pose substantial barriers to effectively implementing and enforcing tobacco control measures. The tobacco industry, alongside the prevalence of illicit trade, remains a significant threat, undermining policy efforts and impeding public health objectives across the region.

The study recommends strengthening the enforcement of existing laws, increasing tobacco taxes and tariffs, implementing plain packaging and comprehensive bans on advertising, investing in cessation programs, and enhancing regional collaboration. To further understand the context of this study, the following section provides background information on the AfCFTA and its potential implications for tobacco control in East Africa

Keywords: AfCFTA, Tobacco control, East African countries, trade liberalisation, industry interference, regulatory harmonisation.

1. Background

The implementation of the African Continental Free Trade Area (AfCFTA) presents a significant opportunity for economic growth and development. AfCFTA aims to establish a single continental market, promote intra-African trade, and facilitate the movement of goods and services across the continent. However, concerns have arisen regarding the potential impact of AfCFTA on public health, particularly tobacco control (Samunderu, 2024).

East African countries have made significant strides in implementing tobacco control policies aligned with the World Health Organization's Framework Convention on Tobacco Control (FCTC), including measures such as tobacco taxation, smoke-free environments, and restrictions on advertising (Melamed et al., 2021). However, challenges remain, particularly with illicit trade and the emergence of novel tobacco products (Paraje et al., 2022). The illicit trade not only provides access to cheaper, unregulated tobacco but also undermines existing control measures (Uzomah & Abdullahi, 2023). The implementation of AfCFTA, while promoting trade, has the potential to exacerbate these challenges by increasing the flow of tobacco products, making enforcement of regulations and protection of public health more difficult (Samunderu, 2024). The infographics below follow the discussion of the background of tobacco control in East Africa and the potential implications of AfCFTA. The text highlights the need to understand the current landscape of tobacco control and stakeholders' familiarity with the relevant frameworks.

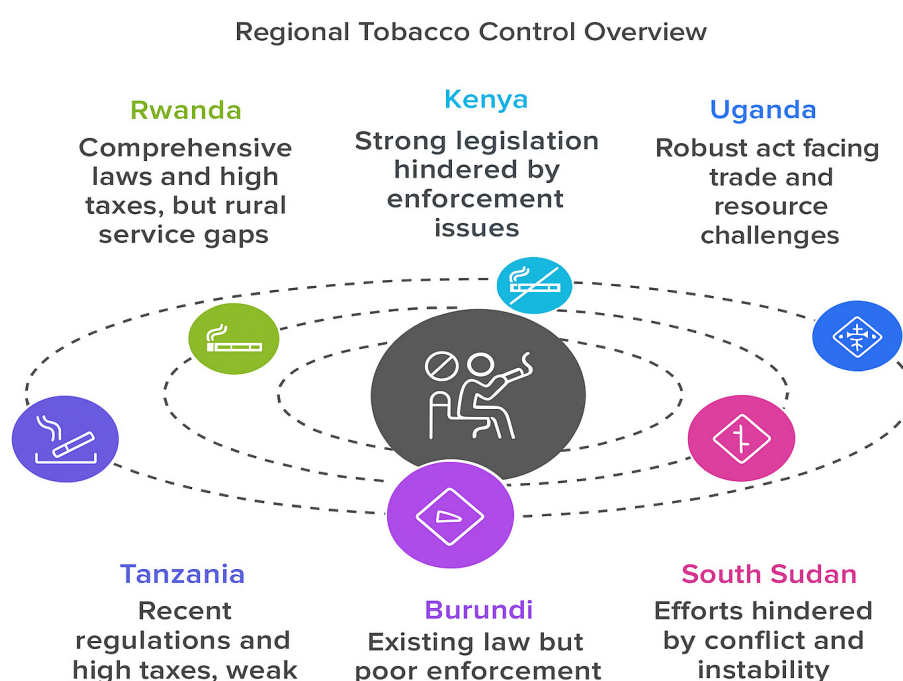


Figure 1: Tobacco Control Landscape in East Africa: A Country-Level Overview

The infographic above provides a concise overview of the diverse tobacco control landscape in East Africa. While countries like Rwanda have strong laws and high taxes, they face challenges in service provision, particularly in rural areas. Kenya and Uganda have robust legislation but struggle with enforcement and resource constraints. Tanzania grapples with weak enforcement despite

recent regulations and high taxes. Burundi’s existing laws are hindered by poor enforcement and economic dependence on tobacco farming, while South Sudan’s efforts are hampered by conflict and instability. These varying landscapes underscore the need for tailored approaches to tobacco control within the region. To gain deeper insights into the specific challenges and opportunities presented by the African Continental Free Trade Area (AfCFTA) for tobacco control in East Africa, the subsequent sections delve into the findings of stakeholder surveys and desk reviews.

2. Familiarity of AfCFTA Negotiations on Tobacco Control in East Africa Among Key Stakeholders

2.1 Stakeholder Awareness of AfCFTA and Tobacco Control

This study assesses the status of African Continental Free Trade Agreement (AfCFTA) negotiations concerning tobacco control in East Africa based on survey responses from stakeholders in the region. The survey revealed a mixed level of familiarity with AfCFTA and the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) among East African countries. While a considerable number of respondents indicated familiarity with both AfCFTA and WHO-FCTC, a significant proportion remained unfamiliar or only somewhat familiar with these agreements (Muhirwa et al., 2024). This highlights the need for greater awareness and understanding of these frameworks among East African stakeholders.

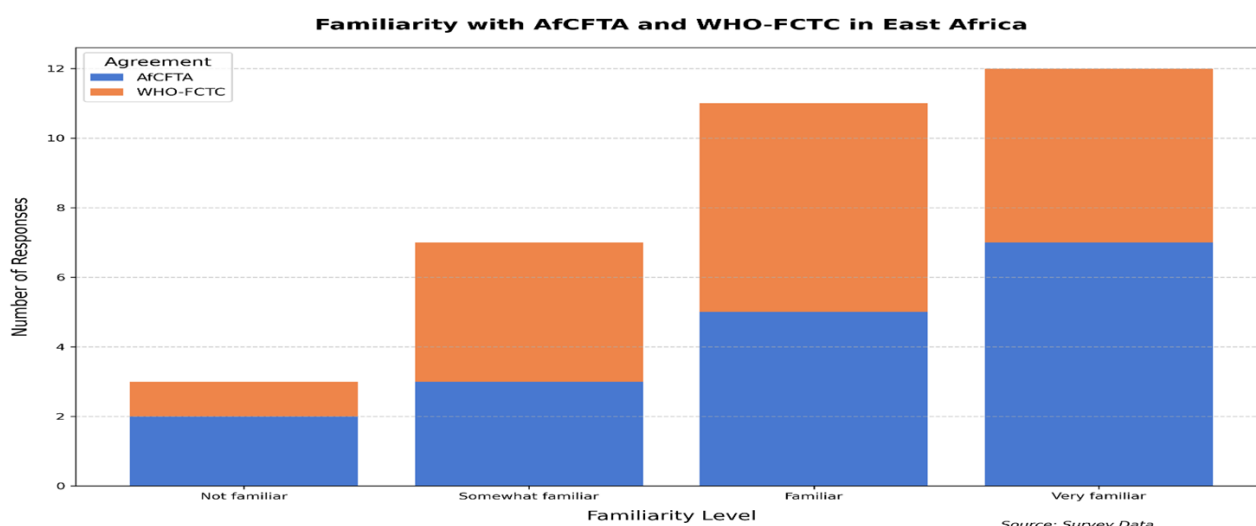


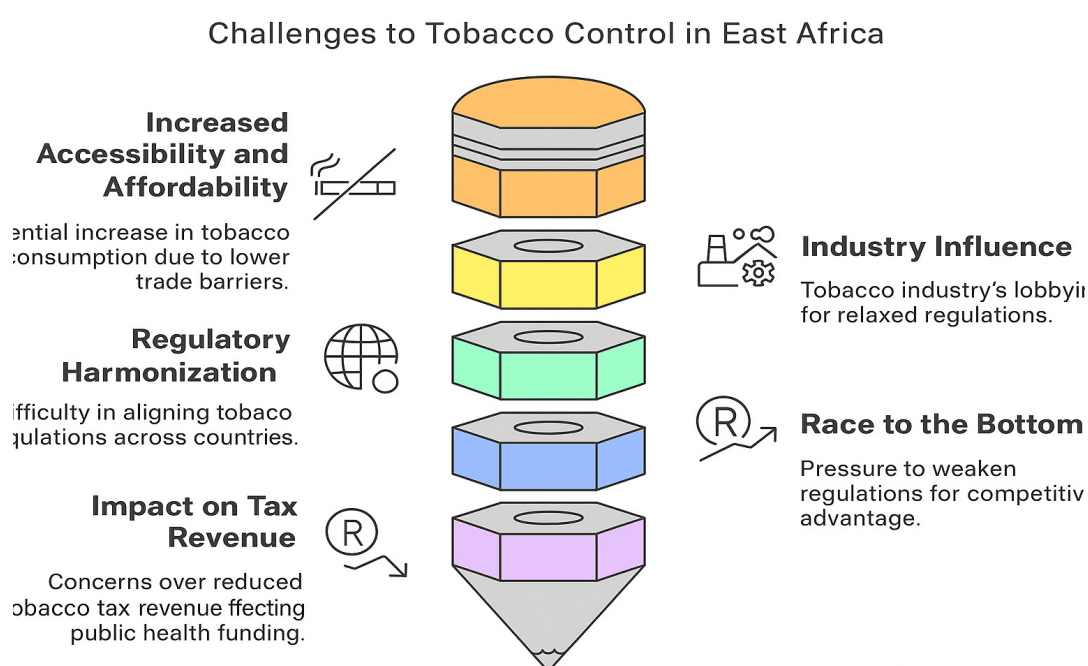
Figure 2: Familiarity with AfCFTA and WHO-FCTC in East Africa

Figure 1 reveals a mixed level of familiarity with AfCFTA negotiations and WHO-FCTC among stakeholders in East Africa. While a considerable number of respondents indicated familiarity with both AfCFTA and WHO-FCTC, a significant proportion remained unfamiliar or only somewhat familiar with these agreements. This highlights the need for greater awareness and understanding

of these frameworks among East African stakeholders, particularly policymakers and industry representatives, to effectively address the challenges and opportunities of tobacco control under AfCFTA. To further explore the challenges and opportunities associated with implementing AfCFTA on tobacco control policies in East Africa, the following section presents the findings of a survey conducted among key stakeholders in the region.

2.1 Challenges to Tobacco Control under AfCFTA in East Africa

The implementation of the African Continental Free Trade Area (AfCFTA) presents various challenges to tobacco control in East Africa. These challenges are visually summarized in the infographic below.



The infographic above highlights four key areas of concern:

- 1. Increased Accessibility and Affordability:** The potential for increased tobacco product accessibility and affordability due to lower trade barriers is a significant concern. This could lead to higher consumption rates, particularly among price-sensitive populations like young people and low-income individuals.
- 2. Industry Influence:** The tobacco industry's lobbying efforts to relax tobacco control regulations pose another challenge. Increased trade liberalization under AfCFTA could provide the industry with more opportunities to influence policymaking, potentially undermining public health objectives.
- 3. Regulatory Harmonization:** Harmonizing tobacco control regulations across borders is crucial for effective regional tobacco control. However, achieving this harmonization under AfCFTA can be challenging due to varying levels of commitment to tobacco control, national laws, and enforcement capacities across different countries.

- 4. Impact on Tax Revenue:** Concerns exist regarding the potential impact of AfCFTA on tobacco tax revenue. Lowering tobacco taxes to remain competitive could reduce government revenue, which is often used to fund public health initiatives, potentially hindering tobacco control efforts.

These challenges underscore the need for comprehensive and coordinated strategies to mitigate the potential negative impacts of AfCFTA on tobacco control in East Africa. Policymakers and stakeholders need to work together to ensure that trade liberalization does not compromise public health objectives.

3. Desk Review

This section provides a content analysis of the desk review conducted on existing literature and policy documents related to tobacco control in East Africa. This review focuses on identifying common challenges, policy gaps, and potential implications for the implementation of the African Continental Free Trade Area (AfCFTA).

The analysis highlighted key themes and trends across different countries in the region, providing a comprehensive overview of the current tobacco control landscape.

3.1 Challenges

Resource and Capacity Limitations: Many East African countries face resource constraints and capacity limitations in implementing and enforcing tobacco control measures (Alonso & Cohen, 2024). This is evident in the weak enforcement of tobacco control laws and limited access to cessation programs, as highlighted in various studies (Habiyaemye et al., 2019; Male et al., 2022).

Conflicts between Economic Interests and Public Health: Tobacco farming is a significant source of income in some East African countries, creating conflicts between economic interests and public health objectives (Habiyaemye et al., 2019). Balancing the economic benefits of tobacco farming with the need to reduce tobacco consumption is a challenge, especially in countries like Kenya and Tanzania, where tobacco export values have been increasing (Clay & King, 2019).

Illicit Tobacco Trade: Porous borders and inadequate enforcement make East Africa susceptible to the illicit tobacco trade (Egbe et al., 2022). The document highlights that illicit trade is a major challenge in the EAC, undermining tax revenues and control efforts (Paraje et al., 2022). The liberalization of trade under AfCFTA could exacerbate this issue if not addressed proactively (Egbe et al., 2022).

Tobacco Industry Interference: The tobacco industry has a history of interfering with tobacco control policies through lobbying and legal challenges (Tumwine, 2011). The document notes that industry interference is a common challenge across EAC countries (Lencucha et al., 2018). AfCFTA's trade liberalization raises concerns about increased industry influence, potentially undermining public health objectives (Lencucha, 2024).

3.2 Implications

Increased Tobacco Accessibility and Affordability: The implementation of AfCFTA could lead to reduced tariffs and trade barriers, resulting in an influx of cheaper tobacco products (Egbe et al., 2022). This increased accessibility and affordability could lead to higher rates of tobacco consumption, particularly among vulnerable populations (Egbe et al., 2022).

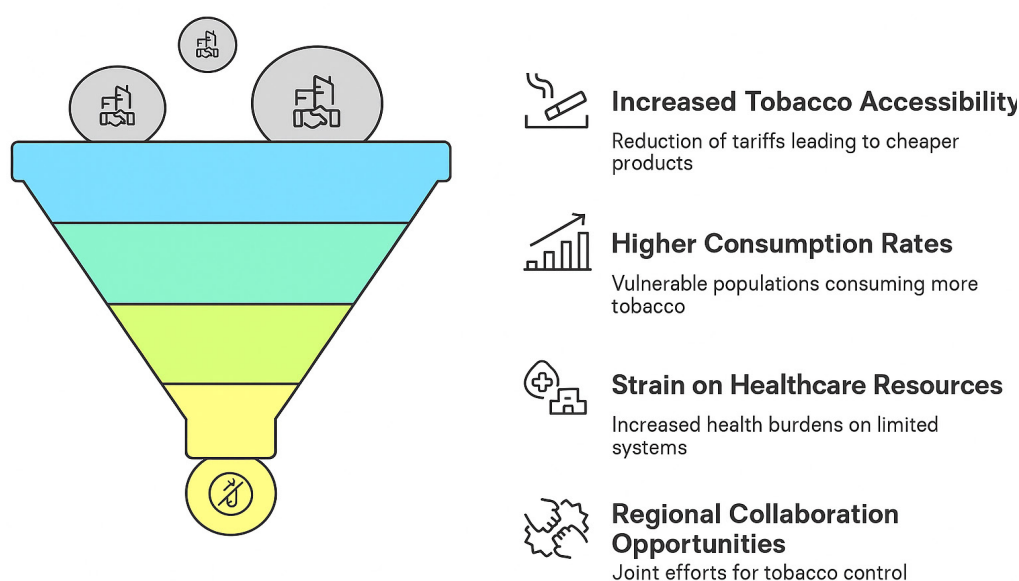
Pressure on Limited Resources: The potential increase in tobacco consumption and associated health burdens could strain limited healthcare resources in East Africa (Habiyaremye et al., 2019). The document highlights that many EAC countries already face challenges with limited resources and capacity for healthcare (Baumann et al., 2019).

Potential for Regional Collaboration: Despite the challenges, AfCFTA presents opportunities for regional collaboration on tobacco control (Egbe et al., 2022). The EAC has demonstrated commitment to regional cooperation through initiatives like the East African Community Customs Union Protocol. Collaborative efforts under AfCFTA could enhance the effectiveness of tobacco control measures and address cross-border challenges like illicit trade (Egbe et al., 2022).

3.3 EAC-Specific Considerations

- 1. Varying Tobacco Control Policies:** The EAC countries have varying levels of tobacco control policies and enforcement capacities. Harmonizing these policies and strengthening enforcement across the region will be crucial in the context of AfCFTA.
- 2. Cultural Acceptance of Tobacco:** In some EAC countries, tobacco use is culturally embedded, making it challenging to shift public attitudes. Culturally sensitive interventions and public awareness campaigns will be needed to address this issue.
- 3. Economic Dependence on Tobacco:** Some EAC countries rely heavily on tobacco farming and exports for economic revenue. Balancing economic interests with public health priorities will be a key challenge in implementing effective tobacco control measures under AfCFTA.

Perceived Impact of ACTA on Tobacco Consumption



Elaborating on the Perceived Impacts

These findings highlight several key concerns regarding the potential impact of AfCFTA on tobacco control.

1. **Increased Accessibility and Affordability:** Stakeholders perceive that AfCFTA could lead to increased accessibility and affordability of tobacco products owing to reduced trade barriers and tariffs.
2. **Industry Influence:** There concerns that AfCFTA could amplify the tobacco industry's influence on policymaking, potentially undermining public health objectives.
3. **Regulatory harmonisation:** Stakeholders recognise the challenges of achieving regulatory harmonisation across borders under AfCFTA, which could lead to inconsistencies and loopholes exploited by the tobacco industry.
4. **Potential 'Race to the Bottom':** There is a concern that AfCFTA could trigger a 'race to the bottom' in terms of tobacco control regulations, as countries might compete by lowering tariffs and weakening public health measures.
5. **Impact on Tobacco Tax Revenue:** Stakeholders worry that AfCFTA could negatively impact tobacco tax revenue because countries might lower taxes to remain competitive, potentially hindering tobacco control efforts. Overall, the infographic and accompanying text emphasize the potential implications of AfCFTA for tobacco control in East Africa, highlighting both the challenges and opportunities. While the agreement could lead to increased tobacco accessibility and consumption, it also presents opportunities for regional collaboration to strengthen tobacco control efforts.

To further explore the potential impacts of AfCFTA on tobacco control, the following section presents an analysis of the specific challenges and opportunities for each country in the East African Community (EAC).

Table 1: Tobacco Control Landscape in East Africa: A Country-Level Analysis

Country	Policy Strengths	Policy Weaknesses	Implementation Challenges	Opportunities under AfCFTA
Rwanda	Comprehensive tobacco control law (2013)	Limited access to cessation services, particularly in rural areas	Illicit trade, industry interference	Regional harmonization, maintain high taxes, leverage opportunities to strengthen tobacco control
Kenya	Comprehensive Tobacco Control Act (2007)	Weak enforcement, industry interference	Illicit trade, aggressive marketing tactics targeting vulnerable groups	Harmonize policies, strengthen enforcement, resist industry pressure
Uganda	Strong Tobacco Control Act (2015)	Illicit trade, industry interference	Limited resources, capacity constraints, emerging novel products	Strengthen border control, regulate novel products, regional collaboration
Tanzania	Tobacco Products Regulations Act (2019), high taxes on cigarettes	Implementation and enforcement are lacking	Industry influence, sociocultural acceptance of tobacco use	Regional collaboration, address industry influence, culturally sensitive interventions
Burundi	Law on tobacco control (2016) with provisions for smoke-free environments and restrictions on advertising and promotion	Implementation and enforcement are weak	Limited resources, socio-economic dependence on tobacco farming	Regional collaboration, balance economic interests with public health
South Sudan	Efforts to implement tobacco control measures, including a ban on smoking in public places	Limited tobacco control efforts due to conflict and instability	Legislative challenges, illicit trade, socioeconomic factors	Address legislative gaps, combat illicit trade, consider socio-economic context

Content analysis reveals a complex interplay of trade liberalisation, public health, and regulatory frameworks in the context of AfCFTA and tobacco control in the EAC. This document emphasises the importance of robust tobacco control policies, targeted interventions, strong enforcement mechanisms, and regional cooperation to mitigate the potential negative impacts of AfCFTA on public health. This analysis highlights the need for a nuanced and context-specific approach to tobacco control, considering the diverse economic interests, tobacco use prevalence, and regulatory landscapes across East African countries.

4. Policy Recommendations

Based on the findings of this study, several key recommendations have emerged for policymakers and stakeholders involved in tobacco control in East Africa. These recommendations address the challenges and opportunities presented by the AfCFTA and aim to strengthen tobacco control efforts in the region. The following information provides a visual overview of these recommendations.

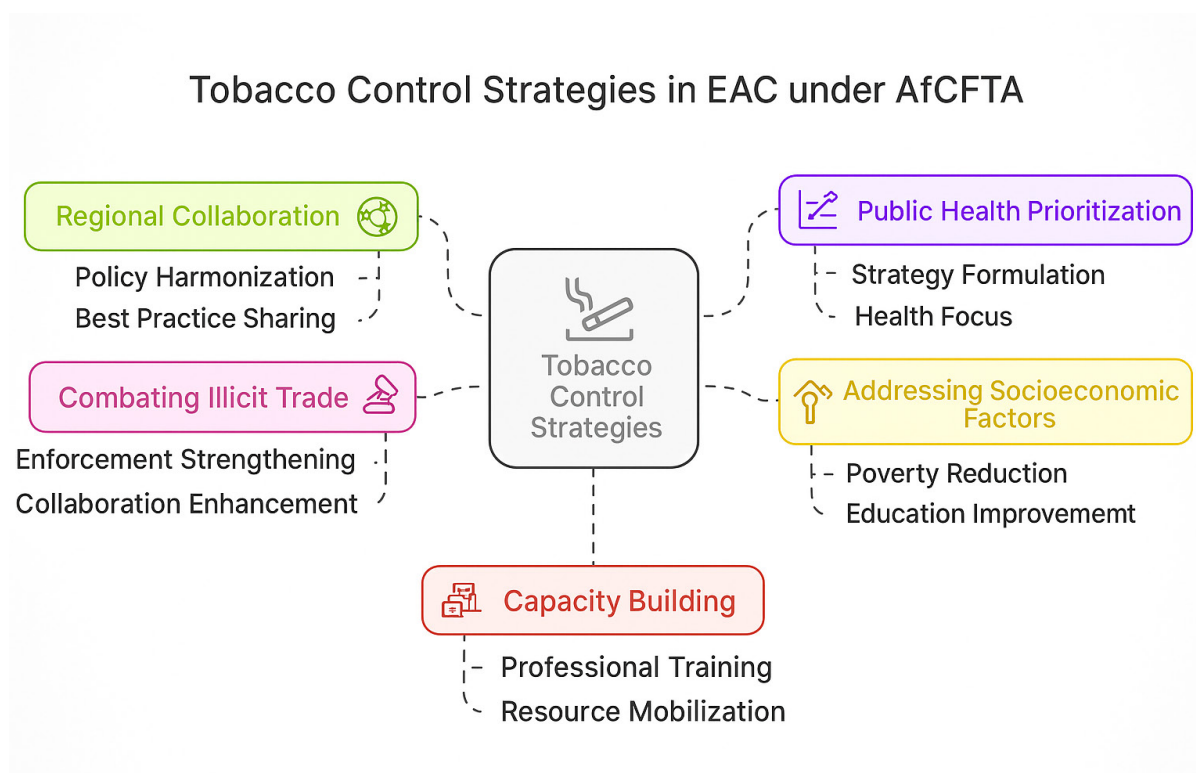


Figure 5: Tobacco Control Strategies in EAC under AfCFTA

- 1. Strengthening Regional Collaboration:** The EAC should leverage AfCFTA as a platform for regional collaboration on tobacco control, including harmonising policies, sharing best practices, and strengthening enforcement mechanisms.
- 2. Prioritise Public Health:** Policymakers in EAC countries should prioritise public health over industrial influence when formulating tobacco control strategies under AfCFTA.

3. **Address Socioeconomic Factors:** Comprehensive tobacco control strategies should address the socioeconomic factors that contribute to tobacco use, such as poverty and education levels.
4. **Combat Illicit Trade:** Strengthening enforcement and cross-border collaboration are crucial to combat illicit tobacco trade, which can be exacerbated by increased trade flows under AfCFTA.
5. **Invest in Capacity Building:** EAC countries need to invest in capacity building and resource mobilisation to strengthen their tobacco control efforts, including training healthcare professionals, enhancing regulatory oversight, and developing effective public awareness campaigns.

4.1. Strengthen Enforcement of Existing Tobacco Control Laws

Despite laws such as Kenya's Tobacco Control Act (2007) and Uganda's Tobacco Control Act (2015), illicit trade and underage smoking have persisted. A 2022 report by the World Health Organization found that 13% of boys and 9% of girls aged 13-15 in Tanzania used tobacco.

1. **Increase Funding:** Kenya could emulate Rwanda, where 2% of tobacco tax revenue is allocated to the Tobacco Control Unit.
2. **Train Enforcement Officers:** Partners with international organisations such as the WHO to provide specialised training on identifying counterfeit tobacco products and enforcing point-of-sale regulations.
3. **Strengthen Penalties:** Increase fines for selling to minors, similar to Uganda's law, which imposes a fine of 40,000 Ugandan shillings or imprisonment for six months, or both.
4. **Public Awareness Campaigns:** Launch campaigns like Uganda's "Kick Tobacco Out of Uganda" to educate the public about the dangers of tobacco use and the provisions of tobacco control laws.
5. **Independent Monitoring:** Establish independent bodies like the Tobacco Control Commission in Malawi to monitor enforcement and publish regular report

4.2 Increase Tobacco Taxes and Tariffs

EAC countries have varying tax structures, which lead to cross-border smuggling. A 2021 study conducted in the East African Journal of Public Health found that a 10% increase in tobacco prices in Kenya could lead to a 4% reduction in tobacco consumption.

1. **Tax Harmonisation:** The EAC should adopt a common excise tax system for tobacco, similar to that proposed by the East African Legislative Assembly in 2019.
2. **Regular Tax Increases:** Implement annual tax increases that exceed inflation, as recommended by the WHO Framework Convention on Tobacco Control (FCTC).
3. **Specific Excise Taxes:** Increase the excise tax component to reduce the price gap between cheaper and premium brands, discouraging downtrading.

4. **Earmark Tax Revenue:** Follow Rwanda's example and allocate a percentage of the tobacco tax revenue to fund public health programs and tobacco control initiatives.

4.3 Implement Plain Packaging and Comprehensive Bans on Advertising

Kenya has banned most forms of TAPS (tobacco advertising, promotion, and sponsorship), but point-of-sale advertising remains prevalent. No EAC country implemented plain packaging.

1. **Comprehensive TAPS Bans:** Implement complete bans on all forms of TAPS, including online advertising and sponsorships, just like Mauritius.
2. **Plain Packaging Legislation:** Enact plain packaging laws, drawing on the experiences of Australia and the UK, which have successfully implemented this measure.
3. **Counter Industry Tactics:** Develop strategies to counter industry legal challenges and lobby efforts against plain packaging, learning from countries such as Uruguay.

4.4 Invest in Tobacco Cessation Programs

Access to cessation services is limited. A 2020 study in Kenya found that only 10% of smokers who tried to quit used any form of cessation support.

1. **Integrate Cessation into Healthcare:** Include tobacco cessation services in national health insurance schemes such as Tanzania's National Health Insurance Fund.
2. **Healthcare Providers:** Train healthcare providers on evidence-based cessation interventions, such as the 5As (Ask, Advise, Assess, Assist, and Arrange).
3. **Establish Quitlines and Support Groups:** Establish toll-free quitlines and support groups, modeled after successful programs in South Africa.
4. **Promote Access to Cessation Medications:** Ensure access to affordable nicotine replacement therapies and other cessation medications such as varenicline.

4.5 Enhance Regional Collaboration

Porous borders facilitate illicit trade. A 2018 report by the International Tax and Investment Center estimated that illicit cigarettes accounted for 21% of the Ugandan market.

1. **Information Sharing:** A regional database was established to track and share information on illicit tobacco trade, similar to the Southeast Asia Tobacco Control Alliance (SEATCA) initiative.
2. **Joint Enforcement Operations:** Conduct coordinated cross-border operations to seize illicit tobacco products, as in Kenya and Uganda in 2019.
3. **Harmonise regulations:** Harmonise tobacco control regulations, including packaging and

labelling requirements, to prevent regulatory arbitrage.

4. **Regional Tobacco Control Strategy:** Develop a comprehensive EAC Tobacco Control Strategy with clear targets and indicators to guide regional efforts.

5. Conclusion

The implementation of AfCFTA presents both opportunities and challenges for tobacco control in East Africa. While the agreement aims to promote regional trade and economic integration, it is essential to ensure that public health priorities are not compromised in the pursuit of economic gains. This study has highlighted the complexities of tobacco control in the region, emphasizing the need for robust policies, effective enforcement, and regional collaboration to mitigate the potential negative impacts of AfCFTA on public health. By addressing the challenges and leveraging the opportunities identified in this research, East African countries can work towards a future where public health and economic growth go hand in hand.

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