

Tobacco was introduced into Uganda in the early 1920's. It has become the second largest cash crop far outstripping the traditional cotton and tea and is grown in 16 districts out of 56 districts. It is a major source of revenue for 11 districts<sup>1</sup>. In Arua District in Northern Uganda, tobacco accounts for 70% of the revenue from agriculture.

## **The Tobacco Industry**

British American Tobacco Uganda Limited ("BAT") is the main player with 92.9% of the 1,703.7 billion sticks per annum market<sup>2</sup>. From its first export of 740 kilos in 1927, the company now exports 19.7 million kilos per annum. In 1999, BAT produced 21,640 tonnes of tobacco. Local consumption accounted for 1,610 tonnes while the rest was exported to Austria, Egypt, France, Germany, Hungary, Holland, UK and Japan<sup>3</sup>. BAT has a leaf threshing plant in Kampala and a cigarette making plant in Jinja. Over the last 4 years, BAT has invested US. \$16.2m, in plant and machinery. The capacity of the leaf threshing plant now stands at more than 25,000 tonnes per season. Other players in the market are Mastermind Tobacco Uganda Limited and Phillip Morris International<sup>4</sup>. A recent entrant into the market following the liberalisation of the industry is Park Afric.

BAT now ranks as the second largest taxpayer in Uganda. It contributed approximately 7% of the tax collected in 1998 and in 1999 its tax payments were approximately Ug. Shs. 46, 994, 000,000<sup>5</sup>. In 2000 the tax payments from tobacco increased to Ug. Shs. 52, 104,530,397<sup>6</sup>. (US. \$1= Ug. Shs. 1780). In June 2000 as part of the privatisation process, BAT Uganda put on offer 4,907,984 shares (approximately 10%) at an offer price of Uganda Shillings 1,000 per share (about US cents 65). Among the risk factors listed in the prospectus are legislative action (adverse anti-tobacco legislation) and a product liability case, which the Plaintiff valued at US \$10 million<sup>7</sup>. A first dividend of Ug. Shs. 3,900,000,000 ( Ug. Shs. 79 per share) has recently been declared<sup>8</sup>.

It is estimated that over 600,000 people derive their livelihood directly or indirectly from the tobacco industry in Uganda<sup>9</sup>. This includes an estimated 50,000 families who grow tobacco<sup>10</sup>.

## **Prevalence and health**

According to a study carried out in 1995 in four districts, 20.9% of the 1309 persons interviewed were current smokers and 19.6%

were ex-smokers. 52% of the male respondents were either current or ex-smokers compared to 17.6% of the female respondents. The most common form of tobacco consumption was found to be cigarette smoking, with current smokers consuming up to 29 cigarettes per week<sup>11</sup>. In December 2000, BAT estimated that cigarette consumption had gone down from an average of 15 cigarette sticks per person to 12<sup>12,13</sup>. Between 1995 and 1997 consumption grew by 5%<sup>14</sup>. A UNDP report stated that in 1997, Ugandans spent a staggering US \$75,000,000 on tobacco and US \$105,000,000 on alcohol<sup>15</sup>.

A researcher on the trends in cancer incidence in Uganda concludes that Uganda has been spared the epidemic of tobacco-related cancer<sup>16</sup>. However a Professor of Surgery, now Director General of Medical Services in the Ministry of Health reports increasing cases of cancer of the mouth and nasal passages, cancer of the oesophagus, and blocked blood vessels in legs and toes<sup>17</sup>. He cites the deaths of a cabinet minister, two managing directors of parastatals and civil servants at permanent secretary level, as being attributable to tobacco<sup>18</sup>. According to the Department of Pathology incidence of lung cancer has increased from nine people per million in 1954-1960 to 15 people per million in 1991. The incidence of cases of cancer of the oesophagus rose dramatically from 18 people per million in 1954-1960 to 130 people per million in 1991<sup>19</sup>.

In the middle of all this His Excellency Yoweri Kaguta Museveni who has just won another five-year term after fifteen years in office, has expressed doubt on the tobacco-cancer link citing the experience of his own tribe where people smoked but lived to be over 90 years. The President expressed ignorance of cancer among his people despite their long tradition of smoking<sup>20</sup>.

## **Tobacco, poverty and the environment**

In Uganda, tobacco is grown on smallholdings. It is a labour intensive crop involving even the women and children. The labour demands leave the women little time to tend to other crops or to their families. The little land they hold is more devoted to tobacco growing than to food crops<sup>21</sup>. Many of the farmers are under contract to BAT, which provides them with free agricultural extension services and interest free loans. <sup>22</sup>In return the farmer must sell his crop to BAT, which then recovers the loan from the proceeds of sale. In 1990,

Angiepabo a 24 year old farmer, sold 200 kilos of his crop to BAT. After paying the Union dues and deduction of the BAT loans and offsetting the cost of the wood fuel he was left with approximately \$1.00 to carry home. Maybe my daughter or son will one day win a BAT scholarship is the answer Angiepabo gives as to why he keeps growing tobacco<sup>23</sup>.

Out of a forest cover of 31,000 square kilometres in 1900, less than 6 000 square kilometres remain<sup>24</sup>. It is estimated that the area of planted forests in Uganda has been reduced more than 50% since the early 1970's. In West Nile, deforestation has caused the wells and streams to dry up<sup>25</sup>. The search for wood for curing the tobacco and for home use takes people further and further away from home each day, eating into valuable production time. Mzee Dramadri a 60-year-old tobacco farmer travels over 17 kilometres to find enough wood for his barn<sup>26</sup>. A report by the National Environment Management Authority estimates that it takes between 10-40 tonnes of dry wood to cure one tonne of processed tobacco<sup>27</sup>. BAT claims the current wood consumption rate is 1.4 cubic metres of wood per kilogram of tobacco and that The ideal ratio yet to be achieved is 1 cubic metre of wood per kilogram of tobacco<sup>28</sup>.

BAT claims that the wood used for tobacco curing only accounts for 2% of the total fuel wood consumption<sup>29</sup>. A 1996 World bank/ UNDP report estimates the wood used for tobacco curing at 63 tonnes accounting for 5.3% of the deforestation<sup>30</sup>. BAT boast a successful reforestation project over the last 13 years with over 23 million trees planted<sup>31</sup>. This same boast of 23 million trees was made in 1995 in the BAT Chairman's annual statement<sup>32</sup>, indicating a lack of significant reforestation activity ever since 1995. A farmer has to show that he has planted 200 trees for every half-acre of tobacco planted, as a condition of the BAT growers contract<sup>33</sup>. This reforestation project has been criticised on the basis that the species planted are eucalyptus, which is used only for barn construction and not for the more wood consuming tobacco curing process, for which the farmers prefer the indigenous species<sup>34</sup>. The indigenous species, including the shea butter tree, whose seeds produce cooking oil used locally throughout northern Uganda, have virtually disappeared and have been replaced by eucalyptus and grasses<sup>35</sup>. The eucalyptus tree is thirsty and anti-social. Its fast growth rate places great demand on soil water and nutrients while its shed leaves do not permit growth of any other vegetation around the tree.

With the loss of forest cover comes soil erosion. Sheet erosion is now very evident in central and north of Arua district where the topsoil has been washed away leaving a hard pan on the surface<sup>36</sup>.

Although pesticides are widely used in tobacco growing in Uganda, neither the Ministry of Agriculture nor the National Environment Management Authority had any data on the chemicals being used.

A study on noise pollution revealed that the noise levels in the cigarette making plant exceeded even BAT's own standards and that there was a real risk to the health of the workers<sup>37</sup>. Another study found that the emissions of dust and common pollutants were below typical emission limits but that under certain adverse meteorological conditions, low levels of tobacco odours could propagate beyond the site boundary<sup>38</sup>. A separate study noted that the odours were readily detectable in areas near the site<sup>39</sup>.

### **Advertising, sponsorships and promotions**

On World No Tobacco Day in 1995, the Ministry of Information announced a ban on tobacco advertising on state media (television and radio)<sup>40</sup>, the only nation wide media channels. The restrictions however do not apply to the state owned newspaper, the New Vision nor to the more popular private newspapers, television stations and the FM radio stations. It is interesting to note that one of the members of the Board of Directors of BAT also serves as a Senior Presidential Advisor on the media<sup>41</sup>.

Tobacco adverts are run on private television and radio stations<sup>42</sup>. The adverts feature typically glamorous scenes of young people in sport or music scenes. BAT also sponsors music broadcasts on the radio stations. BAT claims loudly that it does not advertise before 9.00 p.m. BAT has also sponsored big music concerts like the "Wicked & Wild Street Bash", which it has done twice in the space of less than a year<sup>43</sup>, and the Golden Tones Concert" both of which promoted its Benson & Hedges brand. At the last street bash, young ladies dressed in Benson & Hedges brand coloured t-shirts offered packets of cigarettes for sale and offered to light them for the customers. A lot of branded items like headscarves, flashlights and wristwatches were given out. BAT makes a big point about restricting entry to these concerts to persons above 18 years.

BAT's involvement in sports dates back to 1928. It has been involved in sponsorship of cricket, darts, table tennis and fishing<sup>44</sup>. They currently sponsor a football league, Kakungulu Sportsman's Cup and an annual golf tournament in two leading golf clubs. The new market entrant Park, upon arrival in Kampala was a part sponsor of the region's top football event, the East and Central Africa Challenge Cup (CECAFA).

BAT recently relinquished the main sponsorship of an annual sportsman's gala. This was a function organised by the Uganda Sports Press Association to crown the best sports personalities of the year. The sponsorship was dropped after pressure by anti-tobacco activists. BAT maintain that it is preposterous to link BAT's sponsorship to smoking initiation" which they attribute to peer and family influence<sup>45</sup>. They maintain that their products are not intended for persons below the age of 18 and on this basis have twice refused to award prizes to event winners.

BAT is also a large sponsor in the motor rally field. It sponsors a team called "Sportsmans" and its members are required to wear the brand colours of Sportsman". Brand names like "Sportsman", "Champion" and "Supermatch" all seek to build on the false association between sporting ability and smoking that the tobacco industry has tried to foster. Sportsman features a jockey and a horse's head while Champion depicts a man holding a trophy above his head. Supermatch takes it closer to home and shows a man dribbling a ball with the false legend "the winner's choice".

Several sporting associations and notably the Uganda Amateur Boxing Federation, decline to accept sponsorship from BAT.

BAT also sponsors an annual agricultural and national trade fair held in Jinja.

BAT's vast distribution network also promotes their products. From the ordinary street vendors selling single sticks to BAT's own vendors with smart display cases to the distributor cyclists clad in red on red painted bicycles to painted store fronts. BAT also uses the upmarket retail outlets of the oil companies Caltex, Shell and Total to sell their products. In one outlet the display reads "*cigarettes and sweets*". Many restaurants feature the trademark red cigarette stands behind their display counters. BAT also uses billboards, clock faces and road name signs dotted all over the country.

## **Tobacco control measures**

Poor health facilities, lack of epidemiological data and lack of consumer awareness make it very difficult to make tobacco control a health issue. Compared to the revenue generated from tobacco, Uganda spends only 4.1% GDP on health, out of which public expenditure accounts for 35.1% only<sup>46</sup>. This is estimated at US \$44 per person per annum only<sup>47</sup>.

The more visible tobacco revenues rob the Government of any commitment to tobacco control. President Yoweri Kaguta Museveni places economic development of the country very high on his list of priorities. At the commissioning of a new US \$4.5m leaf threshing plant by BAT last year, His Excellency defended cigarette makers and blamed Ugandans for copying European habits badly. He stated that the problem was not with cigarettes but “how people smoke”. He stated further;

*“People should smoke, but they should not swallow the smoke. Smoking while swallowing the smoke is a European practice. May be the problem is with the way you smoke. Although I don’t smoke you could possible hire me as a consultant on smoking”<sup>48, 49</sup>*

Speaking on the same occasion, the 2nd Deputy Prime Minister and Minister of Trade and Industry, while referring to the revenues generated by BAT described it as “the best milk producing cow in Uganda”<sup>50</sup>. More recently the same Deputy Prime Minister while showing around delegates from BAT China stated;

*“Really nobody is forced to smoke. But if you do, then we welcome you because we shall get taxes from you. It is optional to smoke. Smoking is like drinking alcohol or travelling by air. Everything in this world is risky.”<sup>51</sup>*

He stated further that Government was not bothered with the tobacco industry because it creates employment and generates revenue, which is used to fund other social services. More statements by high-ranking Government officials continue to demonstrate the Government’s lack of commitment to tobacco control. The State Minister for Tourism, Trade and Industry Akaki Jovino speaking at the launch of “Courtesy of Choice” on the eve of world no tobacco day, revealed that a ban on smoking in the hospitality industry would cause a drop in revenue and profits of up to 20%. He stated;

*"I am sure the Minister will not announce a ban on smoking in his message on no tobacco day.....Government is aware of the health problems related to smoking. We will inform the population what dangers exist and leave each person to make a choice"<sup>52</sup>*

The Honourable Minister's optimism is probably well founded. In an interview published to mark world no tobacco day 2000, the Ministry of Health official in charge of tobacco stated that the Ministry had not done much because the health policy did not have many activities funded in this area<sup>53</sup>. While not banning smoking in the hospitality industry as predicted, the Minister did declare the Ministry of Health headquarters a smoke free zone.

The Ministry of Health has no full-time staff working on tobacco control. The recently donor reviewed Health Sector Strategic Plan for 2001-2005 hardly mentions tobacco. Tobacco control activities are therefore with little or no budget at all.

"Courtesy of Choice" is featured in prime hotels<sup>54</sup>. It was launched in Kampala in the presence of the President of International Hotel and Restaurant Association Robert Lees, in conjunction with the Hotel and Catering Association of Uganda. The launch was sponsored by BAT. In one establishment, the Grand Imperial Hotel, the distance between smoking and non-smoking tables is less than two metres apart. The Manager stated that they had had special training on how to select and space the different tables.

The High Court of Uganda at Kampala bears large no smoking signs in English and Swahili. The offices of the Ministry of Lands also bear large no smoking signs. The Uganda Taxi Operators and Drivers Association (UTODA) and bus operators have had a ban on smoking in passenger vehicles<sup>55</sup>. A popular coffeehouse Ban Café has a strict no smoking policy. Some landlords also post no smoking signs in the common areas of their buildings. The cinemas and theatres are also non-smoking although patrons are allowed to smoke in the lobby areas. However, these are all individual initiatives and there is no national policy on smoking in public places. In this light the action of the Ministry of Health in declaring its own premises a no smoking zone is almost selfish.

Cigarettes manufactured in Uganda carry a health caution "*Smoking can be harmful to your health*" which is attributed to the Ministry of Health. The caution is carried on the side panel of the packet and is mentioned at the end of every radio and television advertisement of a tobacco product. There is no legal requirement for this measure and it was reached by negotiation between the tobacco companies and the Ministry of Health. The same health caution has been running since 1989.

During the negotiations on the health warning, the Managing Director BAT wrote to the Ministry of Health. He expressed the concern that any health warning would have to attributed to the Ministry of Health because "BAT did not believe that cigarette smoking is harmful to health" and that an unattributed warning might expose BAT to liability<sup>56</sup>. In a separate letter the same BAT Managing Director resisted a stronger health warning on the grounds that it would encourage youth to smoke<sup>57</sup>.

In neighbouring Kenya the warning reads "*Cigarette smoking is harmful to your health*". This same caution was used in the United States of America in 1965 and in Thailand in 1974 and abandoned. Despite the outdated warning, it is reported that there was a decline in cigarette sales following the introduction of the caution.<sup>58</sup>

Cigarettes rank as among the highest taxed products in the country, with an excise duty of 122% (132% for imported cigarettes), 15% import duty (6% for COMESA countries) and 17% VAT<sup>59</sup>. The Government has moved these taxes up and down for different reasons unrelated to public health. In 1993, a tax hike of 45% in excise/sales tax saw Government revenue increasing from Uganda shillings 25 billion in 1992 to over Uganda Shillings 30 Billion in 1993<sup>60</sup>. Until the privatisation, the Government also earned sizeable dividends as a shareholder in BAT. Despite the high taxation rates an imported packet of Marlboro costs less than US \$2.

There is no law on tobacco control in Uganda. The only legislation touching on tobacco governs the marketing of leaf tobacco and matters incidental thereto<sup>61</sup>. BAT is however lobbying Parliament to incorporate the BAT voluntary code of practice covering advertising, marketing and promotional activities into any tobacco control legislation. This code is based on the ICC Codes governing marketing and

advertising and is completely inapplicable in respect of such a dangerous product as tobacco.

In 1990, Uganda issued anti-smoking stamps featuring Donald Duck and Mickey Mouse.

Traditionally smoking was an activity carried on by old people using pipes or hand rolled cigarettes. Smoking by the youth and especially young ladies was frowned upon. There lies in this some gem to discourage youth smoking.

## **Smuggling**

BAT officials have led the fight against smuggling of cigarettes in Uganda. According to one official, *"20 million sticks of cigarettes enter the country each month. Nobody seems to do anything about it in spite of the massive loss in government revenues"*<sup>62</sup>. Mastermind had their factory shut down when it was discovered that between 1998-2000, 19,657 cartons their cigarettes, worth Ug. Shs. 1.3 billion were not declared<sup>63</sup>.

## **Litigation**

There have been two attempts at suing the tobacco industry for injury claims by smokers. Thomas Okumu filed suit<sup>64</sup> on his behalf and on behalf of all cigarette smokers and nicotine dependent persons. He prayed court to order 1% of the profits of BAT and Supermatch be paid into a Medical Health fund to treat smokers. The Judge found that the Plaintiff, "a modern day Alice in Wonderland" had failed to comply with the law in putting his "philanthropic ideas in motion". He had not sought a representative order and that none could in any case be given for an unnamed group of persons. Accordingly his "legal activism" would be "put on hold"<sup>65</sup>.

In a second action<sup>66</sup>, the Plaintiff Vincent Oribi, claimed the health warning on cigarette packets misled him into starting to smoke. BAT applied to have the suit struck out on the grounds that the Plaintiff in starting to smoke had assumed a dangerous risk and could not be heard to complain. The Judge ruled that it could not be determined without evidence whether the danger of smoking was so great that the Plaintiff was so foolhardy and unreasonable to expose himself to it.

He commented that the Plaintiff's action in starting to smoke in face of the health warnings showed he had "more guts than brains"<sup>67</sup>. The action was allowed to proceed to trial and is still pending.

## **Framework Convention on Tobacco Control**

Uganda supports the development of the Framework Convention on Tobacco Control and has a representative on the Intergovernmental Negotiating Body<sup>68</sup>. The Government's position is that because of the economic plight of many developing countries Uganda should be left to introduce a tobacco control regime suited to its own realities and contexts<sup>69</sup>. There is very little effort by the Government in creating local awareness on the FCTC.

## **Conclusion**

Uganda still has a long way to go in the fight for tobacco control. Research is sorely needed to collect epidemiological and econometric data that can be used to demonstrate the dangers of tobacco and to galvanise action for tobacco control. The eyes of the government and the public need to be opened to the reality of the tobacco epidemic before it is too late.

About The Environmental Action Network (TEAN)

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52 The Monitor 1st June 2000 Govt won't ban smoking by Sylvia Jjuko P. 14

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65 Ruling by Justice J.B.A Katutsi in Misc. Application No. 569 of 2000 delivered on 24th  
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66 High Court Civil Suit No. 207 of 2000 VICENT ORIBI -V- BRITISH AMERICAN TOBACCO

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68 Dr. Ned Kanyesigye; Director of Human Resources, Ministry of Health. He is also the  
Chairperson of the Tobacco or Health Forum and author of several articles on tobacco  
control in Uganda.

69 Presentation by Hon. Dr. Timothy Mutesasira at the WHO Tobacco Policy & Programming in  
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Chairman of the Parliamentary Social Services Committee.