

CASE STUDY: TOBACCO CONTROL POLICY ADOPTION AND IMPLEMENTATION IN SENEGAL

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ACRONYMS

ACBF: African Capacity Building Foundation

CTFK: Campaign for Tobacco Free Kids

CFA: Communauté Financière d'Afrique

CRES: Consortium pour la Recherche Économique et Sociale

FCTC: Framework Convention on Tobacco Control

GHW: Graphic Health Warning

LISTAB: Ligue Sénégalaise contre le Tabac

MoH: Minister or Ministry of Health

NTCC: National Tobacco Control Committee

NTCP: National Tobacco Control Program

PMI: Philip Morris International

PROVALAT: Projet de Vulgarisation de la loi anti-tabac du Sénégal

USD: U.S. Dollar

WAEMU: West African Economic and Monetary Union

WHO: World Health Organization

INTRODUCTION

Many countries in Africa and across the world are seeking to adopt, implement and strengthen their tobacco control policies and programs to prevent tobacco use and encourage smokers to quit. The adoption and implementation of Senegal's 2014 Tobacco Control bill has emerged as a potential model for replication by other countries. This case study identifies critical factors and turning points that led to Senegal's success, major challenges faced, and other distinguishing factors, to provide insight and information for governments, civil society organizations, and donors to consider as they determine how to invest in and support strong tobacco control programs.

Major elements of Senegal's tobacco control success:

- Adoption and implementation of Senegal's strong tobacco control bill (2014), followed by:
 - Adoption of decrees to implement graphic warning labels and smoke-free public spaces requirements (2016)
 - Launch of the National Tobacco Control Program (NTCP) and National Tobacco Control Committee (NTCC) (2016)
 - Adoption of a "super-decree" covering several regulations (2016)
 - Implementation of graphic warning labels (GHW)(2017)
- Significant high-level and multi-sectoral political will.
- Institutionalization of tobacco control across government led by the Ministry of Health (MoH) and with multi-sectoral support.
- Strong alignment and partnership between the Ministry of Health, Parliament and civil society.
- Deep technical expertise across government (at the national and sub-national levels) supported by a cadre of highly influential and visible civil society organizations and individuals.
- Preemptive and close monitoring of all tobacco industry actions to undermine the policy process.

Key building blocks that could be replicated in other countries:

- Support the Ministry of Health to lead in building political will and developing a governance structure to institutionalize tobacco control within government.
- Encourage the Ministry of Health, Parliament, other ministries and civil society to develop clear roles and responsibilities enabling them to advance and align supportive campaign strategies.
- Support civil society to have a longstanding, critical and consistent role in maintaining momentum for tobacco control amidst changes in government administrations, government priorities and funding for tobacco control.
- Support civil society to identify and cultivate a range of champions in government (at the Presidential level, Parliament, across ministries), faith based institutions, medicine, civil society, and academia, etc.
- Identify and deliver the right data and messages, at the right time, and with the right messengers.
- Recognize that tobacco control policy adoption and implementation is a process that is influenced by many factors including a supportive political and policy environment and requires a flexible strategy that evolves with changes on the ground.

BUILDING THE FOUNDATION FOR STRONG TOBACCO CONTROL ACTION

Senegal's tobacco control journey began in 1981 with the passage of the first tobacco control bill which prohibited tobacco advertising and required some smoke-free public places. In 1985, momentum was undermined with the passage of a new and weaker tobacco control bill; the consequence of a lack of political will for tobacco control, a diverting focus on raising awareness of the harms of tobacco (instead of maintaining policy momentum), and tobacco industry interference.

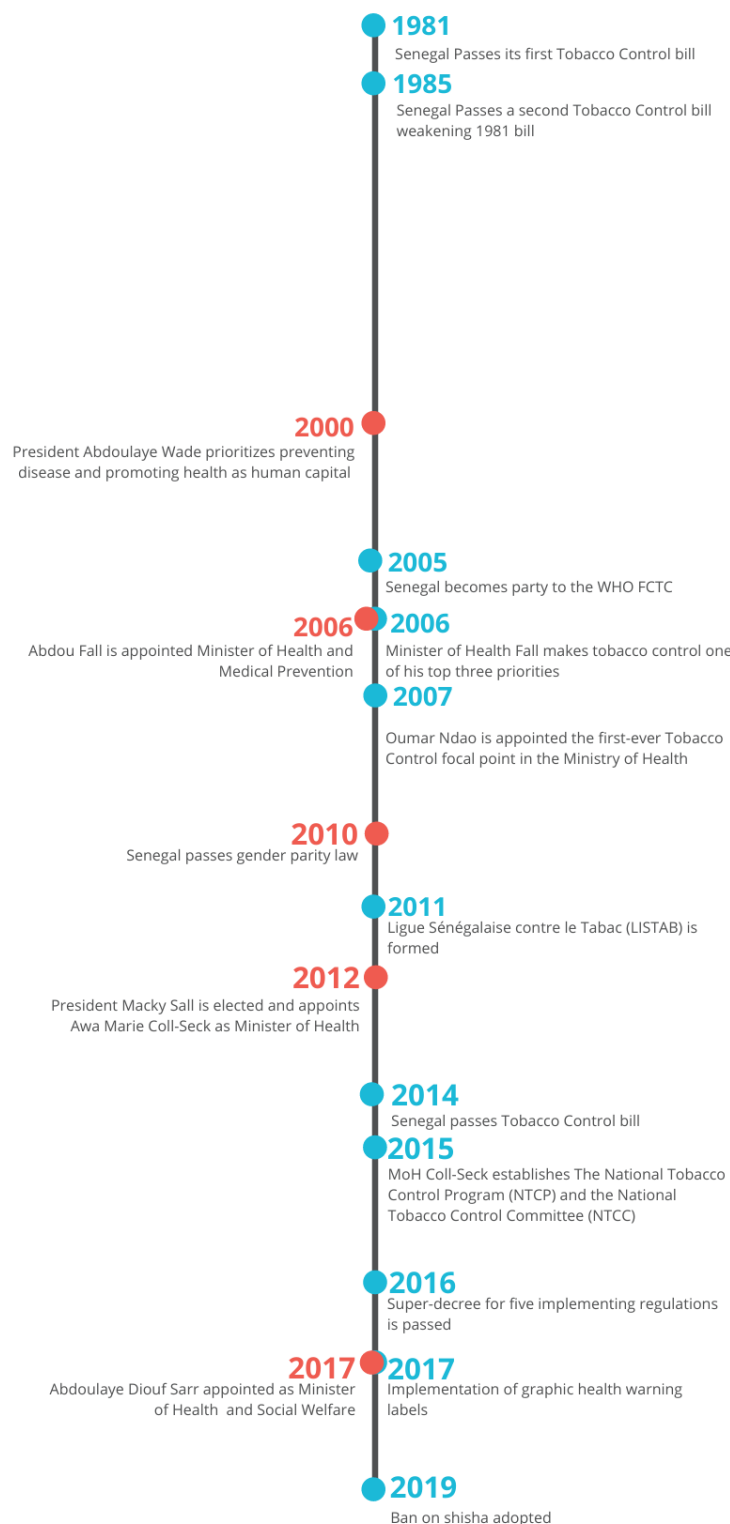
2000-2005: Government prioritizes prevention in health

In 2000, under President Abdoulaye Wade's administration (2000-2011), the government shifted its health policy focus to preventing disease and promoting health as human capital, as opposed to treating disease; this laid the foundation for disease prevention policies. Abdou Fall was appointed Minister of Health and Medical Prevention (2002 and 2007). Despite this positive paradigm shift, President Wade's priority was opening markets which led to Philip Morris International's (PMI) entrance into the country in 2003. PMI's first factory was built in 2005, the same year that Senegal became party to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC), a global treaty that compels its 181 signatory countries to meet minimum standards in tobacco control measures (tobacco tax, advertisement bans, smoke-free spaces, and graphic warning labels).

2006-2010: The Ministry of Health (MoH) allocates first human and financial resources for tobacco control

In 2006, MoH Fall, a smoker at the time, read about the harmful impact of tobacco and made tobacco control one of his top three priorities. In 2007, MoH Fall appointed Oumar Ndao, a strong advocate and educator who was involved in the negotiations that led to Senegal becoming party to the WHO

Key Tobacco Control policy and political milestones



FCTC, as the first tobacco control focal point within the MoH. The President and Prime Minister agreed to provide budget lines for non-communicable diseases which provided critical human and financial resources to begin institutionalizing tobacco control within the MoH and carry out tobacco control activities. Armed with Senegal's obligation to domesticate the WHO FCTC, their deep expertise, and unique credibility and influence, Oumar Ndao and Dr. Abdoul Azziz Kasse, a well-known cancer doctor, tobacco control champion, and public health leader, set-out to sensitize high-level government officials, including then-Prime Minister Macky Sall on tobacco control. They sought to expose the truth that tobacco isn't just a health issue, but an economic, social, and environmental issue. While their advocacy was well received, it was not gaining the multi-sectoral support necessary to move tobacco control policy forward. Around the same time, civil society organizations were supporting Oumar Ndao to draft a tobacco control law; however due to a lack of political will and heavy tobacco industry interference including influencing the bill's tobacco control policy language, the tobacco control law was weakened and didn't move forward.

2011: Civil society organizations form a coalition with a unified voice

In 2011, Oumar Ndao and leading tobacco control advocates concluded that to be successful at tobacco control, they needed a strong law, and to get a law they needed a strategy that united advocates. Advocates needed to speak with one voice and identify the effective voices to deliver the right messages and generate broad based political will. With these goals in mind, they formed Ligue Sénégalaise contre le Tabac (LISTAB), a broad coalition of 30 deeply committed civil society organizations representing health, youth, sports, environment and other sectors, under Dr. Kasse. Dr. Kasse's political savviness, influence, strategic thinking and charismatic leadership were instrumental in ensuring LISTAB coalesced around a shared vision for tobacco control and strengthened their impact and influence as a coalition. LISTAB provided ongoing tobacco control and advocacy training to member organizations which would not have been available otherwise due to the lack of funding.



2012: Prior to being elected President, Macky Sall commits to support a tobacco control law

In 2012, Dr. Kasse and LISTAB recognized that to move tobacco control forward, they needed high level political support. They sent letters to every presidential candidate asking for their support of a national tobacco control law in return for public endorsement. Among the 10 candidates, only former Prime Minister and 2012 presidential candidate Macky Sall responded and agreed to do so. He was ultimately elected to the Presidency, and followed through on his promise asking newly appointed MoH Awa Marie Coll-Seck to execute his tobacco control vision. With the support of President Macky Sall and MoH Coll-Seck, who held the first and third most powerful positions in government respectively and essentially ensured that other ministerial

leaders would follow their lead, a new era of political will was ushered in and changed Senegal's trajectory.

2013: Advocates broaden and deepen support for tobacco control

With the support of President Macky Sall and MoH Coll-Seck, advocates launched a sophisticated and well-coordinated campaign to engage key stakeholders and broaden support for tobacco control in 2013. Central to that campaign was reminding policymakers of Senegal's international obligation to domesticate the FCTC, the relevance of tobacco control to their specific policy agendas, and the importance of acting urgently to protect the people of Senegal –particularly women and youth – from an epidemic of tobacco use. Key components of the strategy included:

- ***Engaging religious leaders, especially from the smoke-free city of Touba***, to speak of their rejection of tobacco products which were viewed as evil and would lead to death.
- ***Identifying a nucleus of 10 Parliamentarians--including champion Madame Dione and a cohort of early adopter female Parliamentarians (the result of the 2010 gender parity law¹)--to draft a FCTC compliant tobacco control law and drive demand for tobacco control.*** Through Madame Dione's tireless efforts to engage her colleagues, including the nucleus of 10 Parliamentarians, and Dr. Kasse's TV and radio appearances, all 150 Parliamentarians participated in a three day advocacy training. Ongoing training to continually build and strengthen the capacity of Parliamentarians to champion tobacco control was essential.



- ***Ensuring Parliamentarians and civil society advocates created a sense of urgency by highlighting new tobacco use data*** in technical committee debates, plenary sessions, and in media to highlight alarming increases in youth and female tobacco use, and the tobacco industry's focus on youth as replacement smokers.
- ***Designing a campaign that supported Senegalese youth in realizing they were the target of the tobacco industry and supporting youth to use their voice to advocate for change.*** This campaign identified and tapped into youth's increasing concern for their health and wellbeing, and their desire to increase their political engagement and voice. The campaign, launched just prior to the law's debate in the National Assembly leveraged social media, garnered 147,000 followers, and mobilized hundreds of youth to send tweets and Facebook messages directly to politicians in support of tobacco control. The campaign gained international media attention.
- ***Engaging a range of civil society advocates and champions*** including former bureaucrats, cancer doctors, religious leaders, tobacco control experts, women, youth

¹ In 2010, Senegal became the second African country to enact a gender parity law (Rwanda was first), which required political parties to ensure that at least half their candidates in local and national elections are women. As a result of this law, the proportion of seats held by women in national parliament increased from 19.2% in 2001 to 39% in 2012 and 43% in the 2017 elections.

and journalists who were always just one phone call or text away from decision-makers. They were (and are) the indispensable advisers and technical backstops; providing decision-makers with the data (the explosion of tobacco use, examples of international and regional best practices, policy efficacy, etc.), research and talking points to be well-informed, take action and make the most compelling case for tobacco control.

- ***Developing targeted messages to engage and call key constituents to action, including:***
 - “Senegal is obligated to domesticate the WHO FCTC”
 - “Among girls aged 13 to 15, 10% smoke. One quarter of boys use tobacco. If a quarter of young boys under aged 15 smoke, the scourge of tobacco use is gaining ground in Senegal”
 - “#Dafa Jot!” (#It’s time!) to adopt a FCTC compliant law in Senegal
 - “#Legui Nak?” (#What’s next?) to support the adoption of regulations and call for full implementation of the law
- ***Continually and consistently reviewing, analyzing and evolving the campaign strategy to address critical challenges and obstacles, including:***
 - The tobacco industry’s consistent efforts to delay, interfere, and undermine strong policy action.
 - The lack of high-level, broad based and multi-sectoral political will.
 - The lack of a unified voice, engagement and alignment among disparate civil society organizations.

2014: With broad political support, Senegal adopted one of the strongest tobacco control bills in Africa

In March 2014, three years after advocates began moving in alignment toward their goal, Senegal’s Tobacco Control law was passed by Parliament and signed into law by President Macky Sall. Despite a concession to the hospitality industry granting an exception to smoke-free public places, the law was the strongest in Africa.

That same year, on World No Tobacco Day, British American Tobacco issued a press release calling upon the World Health Organization and governments to adopt low-harm tobacco products for a more modern approach to tobacco control. Phillip Morris International also reduced the price of Marlboros by one-third to circumvent the recent tax increase and provided a \$200,000 USD grant in the cultivation area of Niayes to empower 1,000 women farmers through an agricultural project.



The Ministry of Finance's engagement in tobacco control

Between 2014 and 2018, Senegal raised its tobacco tax from 45% to 50% and then to 65% with ongoing technical support, tax simulation data, and research from the World Bank, World Health Organization and the Consortium pour la Recherche Économique et Sociale (CRES). The initial tax increase was absorbed by the tobacco industry and had no impact on prices. The 65% tax on tobacco products was the highest allowed tax rate under the West African Economic and Monetary Union (WAEMU) directive and raised the price of Marlboro packs from \$1.50 to \$2.00. Senegal has the highest tobacco tax rate in WAEMU and has made efforts to reach the FCTC-recommended tax rate of 70% per pack but is limited by the WAEMU directive. The Ministry of Finance is currently working with the WHO on a progressive tobacco tax, which is expected in 2020.

STRONG MULTISECTORAL SUPPORT IS ESSENTIAL

After the tobacco control law was passed and amidst continued pressure from religious leaders, influential tobacco control advocates, civil society, and the public, President Macky Sall asked MoH Coll-Seck to expedite implementation of the law with a super-decree. The super-decree, which included five decrees, avoided slowing progress which would have come with passing the decrees individually. That same year, acknowledging that a coordination mechanism was a requirement of the WHO FCTC and critical for institutionalizing tobacco control across the government (not just within the MoH), MoH Coll-Seck made two administrative orders establishing The National Tobacco Control Program (NTCP) and the National Tobacco Control Committee (NTCC). MoH Coll-Seck nominated all ministries with interest in tobacco control to the NTCC obligating their participation. Despite this significant progress, passage of the implementing regulations, and operationalization of the NTCP and NTCC were stymied by a lack of funding and staff (only one of five essential roles, the Program Coordinator, had been filled by mid-2016). Later that year, MoH Coll-Seck requested direct funding to support implementation of Senegal's law.

To support the significant tobacco control progress in Senegal and respond to the strong political will and leadership of President Macky Sall and MoH Coll-Seck, the African Capacity Building Foundation (ACBF) invested in the MoH and NTCP in 2016.

2016-2019: The NTCP ensured momentum for tobacco control, institutionalized tobacco control across the government and showed progress

With the additional funding, the MoH and NTCP were able to put additional resources behind the law, hire the requisite staff and build their capacity to develop, implement and monitor tobacco control in Senegal. The NTCP and NTCC developed operational guidelines, clarified roles and responsibilities, planned and prioritized activities (including assembling related committees to lead the work). They identified funding mechanisms to sustain the tobacco control program and developed a five-year costed strategic plan.

The NTCP also supported the NTCC, the coordinating mechanism comprised of various ministries, Parliament, religious leaders, researchers, media, civil society and student representatives, with the critical mandate of coordinating tobacco control activities and making strong tobacco control policy recommendations. Annual trainings provided by the NTCP with support from civil society on the WHO FCTC, Senegal's tobacco control law, the regulatory framework, and their roles and responsibilities generated increased buy-in as ministry participants began to see the relevance and importance of tobacco control to their work and to Senegal's development priorities. Ministries also increasingly found value in the NTCC to understand what their counterparts in other ministries were doing. This mechanism has strengthened relationships and alignment between key stakeholders, particularly at the national level, and ensured a unified front in addressing tobacco industry interference.

As a result, the NTCP with endorsement from the NTCC succeeded in demonstrating progress:

- Passing, implementing and developing new tobacco control regulations. In an unprecedented strategic move, the graphic health warning (GHW) regulations were signed by the Prime Minister without notifying the tobacco industry. Imperial Tobacco had previously tried to delay GHW implementation by engaging a human rights group in denouncing the GHW as a “violation of human dignity and a violation of property rights”.
- Generating evidence to support further tobacco policy action, including a report on the illicit trade of cigarettes that led to Parliament ratifying the Eliminate Illicit Trade in Tobacco Products.
- Ensuring compliance with the law.
- Testing tobacco product contents.

Civil Society maintained pressure in the years following the law's passage

Even after the law was passed, civil society maintained pressure on government to inform the public and enforce the law employing many of the same tactics including providing essential training and technical backstopping to decision-makers. Civil society launched and continued several campaigns including “No Smoke Revolution,” “Projet de Vulgarisation de la loi anti-tabac du Sénégal (PROVALAT),” and the “Nicoteen” candy campaign to keep tobacco control front of mind. The latter campaign marketed a fake nicotine product with clear youth appeal that shocked the public, especially when they found out the product wasn't real, and drew on increasing concern that youth were being targeted by the tobacco industry. The campaign resulted in the public calling for implementation of Senegal's tobacco control law. Two weeks later, the super-decree was passed.



2020: STATUS OF TOBACCO CONTROL IN SENEGAL

The NTCP's operational budget was reduced from 50 to 25 million CFA (~\$44K USD) given the need for widespread budget cuts. As a result, the majority of the NTCP's activities have ceased. Civil society organizations, including LISTAB, Prevenir and Campaign for Tobacco Free Kids (CTFK), continue to support tobacco control activities and provide critical support to the government, and enforcement of the law is expected to continue to grow. Looking ahead, Senegal is working to adopt decrees on tobacco licensing, strengthen the current law to 100% smoke-free public spaces, and sustain the tobacco control program through a 2% increase in the tobacco tax. Maintaining stakeholders' capacity to advocate will be critical for sustaining tobacco control in Senegal, in addition to addressing current challenges, including:

- Senegal's smoke-free public spaces law is not fully 100% smoke-free/FCTC-compliant and is difficult to implement.
- The majority of activities have focused at the national level and in Dakar; there is a need to implement the law across Senegal and at the local level.
- Funding shortfalls and short-term project based funding that continue to limit tobacco control programs and activities.
- The tobacco industry continues to be present and interfere with the policy process.

Organizations that have made investment to support the advancement of tobacco control include the African Capacity Building Foundation, American Cancer Society, Bill & Melinda Gates Foundation, Bloomberg Philanthropies, Campaign for Tobacco Free Kids, International Development Research Center, World Bank, and World Health Organization.