



Tobacco Control Capacity Programme

Stakeholder Engagement Meeting | 26 December 2021



“A contradiction between our state and the tobacco company”: Conflicts of interest and institutional constraints as barriers to implementing Article 5.3 in Bangladesh

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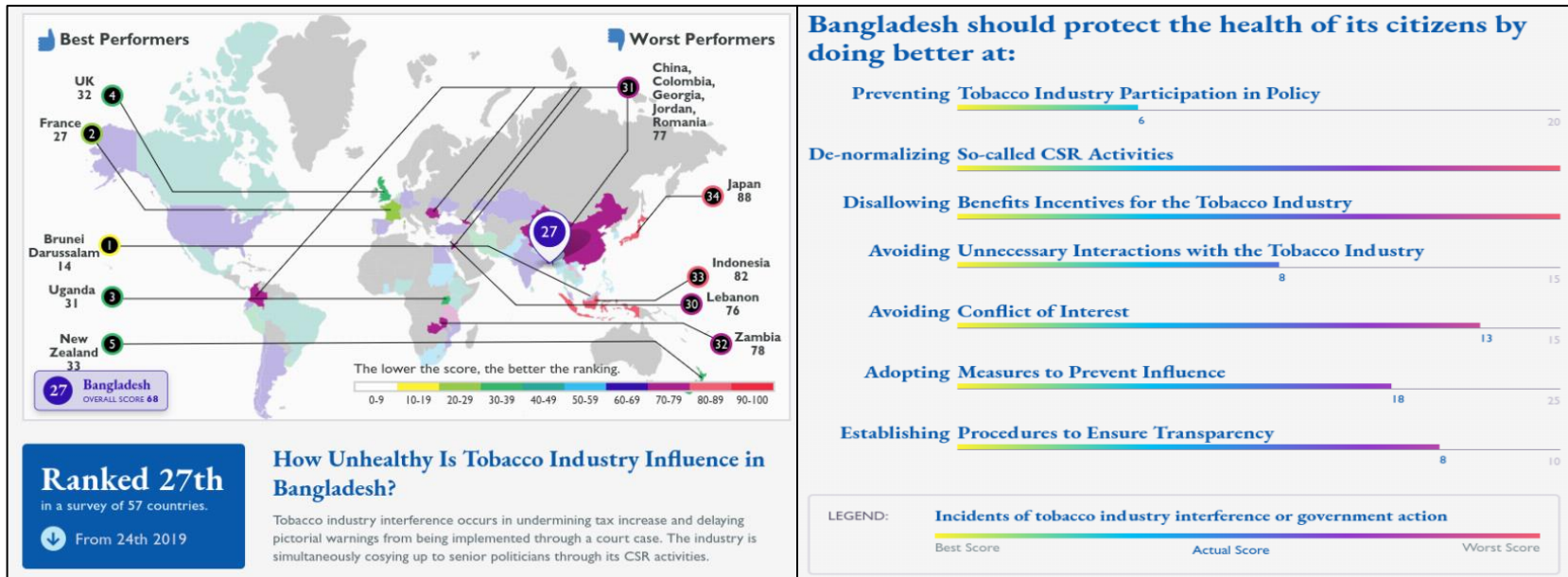


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Research Context



Source: Global Tobacco Index 2020, Bangladesh Fact Sheet, <https://reports.globaltobaccoindex.org/>

- Industry Inteference intensified in Bangladesh during COVID 19
- Top tobacco companies went through several exploiting activities by lobbying govt. bodies to response in favor of them.
- Under the veil of CSR, which on the other hand is publicised for image development, tobacco companies continued their business activity during pandemic.
- Involvement of govt. officials as “Non Executive Directors” in one of the top tobacco companies. Such appointment continued even during pandemic.

Research Context

Bangladesh Government is in distinguished commitment for making the country tobacco free by 2040

Yet

1. High levels of industry interference in policy making which have intensified in COVID-19 pandemic

- *Current Status in TII 2020*
- *State Ownership in Tobacco Companies*
- *Interaction among Tobacco Industry and NBR*

2. British American Tobacco Bangladesh lobbied Ministry of Industries to continue production during lockdown

- *Essential Commodity Act 1956*

and

Interaction between the tobacco industry and government officials

3. Persistent delays in implementing Article 5.3



Objective and Analytical Method

- **Objective** - This paper examines barriers to minimising industry interference in a context of close relationships between government officials and tobacco companies.
- **Analytical Method:** Used '3 Is' framework developed within the political sciences, emphasizing the interactive role of *ideas*, *interests*, and *institutions in policy change*.
 - ✓ **Ideas and Interest** - we focus specifically on the significance of conflicts of interest, exploring how policy contexts are shaped by their operation both at individual level (where, for example, primary obligations as a civil servant may conflict with secondary objectives as a tobacco company director)
 - ✓ **Institution** - characterised by tensions between governmental commitments to health goals and close relationships with, and investments in the tobacco industry.
 - ✓ **Policy Change** - assess the institutional position of the NTCC, characterised by limited resources, capacity and authority, and consider how such constraints interact with conflict of interest to impede progress on Article 5.3



Qualitative Interview and Implementation

- **Qualitative Interview:** 15 in-depth, semi-structured interviews
 - ✓ Govt. officials from the Ministry of Health and Family Welfare, Ministry of Finance, and Ministry of Commerce
 - ✓ Representatives from civil society, think tanks, media organisations and academic researchers with experience of tobacco control debates
- **Topic Guide:** 4 dedicated sections
 - ✓ Section A: FCTC Article 5.3 and the development of policies for its implementation
 - ✓ Section B: Interaction between government and the tobacco industry
 - ✓ Section C: Coordination on tobacco control between different ministries
 - ✓ Section D: Tobacco industry activities during COVID-19



Qualitative Interview and Implementation

- **Interview Time:** February – July 2020 and April – May 2021 (This extended period of fieldwork reflects the impact of the COVID-19 pandemic and mitigation measures, including lockdown and travel restrictions)
- **Duration:** Interviews varied between 40 – 66 minutes (averaging 55 minutes)
- **Software and Process:** All interviews were conducted in Bengali, transcribed and anonymised, and then translated to English. Interview transcripts were analysed in NVivo 12 using a thematic coding framework that was developed iteratively through descriptive and then conceptual coding. Interview transcripts were dual coded by researchers at ARK Foundation and the University of Edinburgh



Results

Article 5.3 and its ideas: limited awareness of protecting against industry interference

- Familiarity with Article 5.3 and its constitutive idea of protecting public health policy making from tobacco industry interests was limited to the Ministry of Health, and that detailed knowledge was concentrated in the NTCC
- Officials in other ministries were seen as either being completely unaware of Article 5.3 or else having very limited knowledge.

“[It] is a matter of the whole state and it needs a comprehensive effort to control it, they don’t understand this thing. They know [little] about Article 5 and they think it seems to apply to the Ministry of Health, not to them. [...] There is a lack of knowledge and they don’t know clearly about the obligations they have”



Results

Conflicts of interest: individual and institutional

- A representative highlighted tensions between the government's stake in BATB and its obligation under Article 18 of the Bangladesh constitution to improving nutrition and public health as the primary duties of the state (and specifically to “adopt effective measures to prevent the consumption ... [of] drugs which are injurious to health”)

“[You] have to prohibit harmful things. [...] As tobacco is harmful so according to constitutional obligation the government will regulate that. So, when the government is part of that, it doesn't matter whether it's 10 percent or 1 percent. [...] That is conflicted with the constitution.”

- Several interviewees stated that industry interference ***“can only be stopped when the government withdraws the company's shares”*** and many others cited government shares among the ***“many big barriers here, [and] these have to be overcome”***



Results

Institutional Constraints and the NTCC

- Interview data suggests that the ability of the NTCC to address issues of tobacco industry interference is heavily circumscribed by inter alia limits in its resources and authority, and its isolation from other ministries.
- Although mandated by the tobacco control law, interview data consistently indicates that the NTCC does not have the authority or influence necessary to effect change.

“[t]hey do not have the capacity to work at the policy-making stage. Therefore, they do not have the capacity to implement what they know.....They have knowledge but they have no chance to practice it.”

- The NTCC is viewed as being comparatively isolated within the MoHFW, and therefore restricted in its capacity to drive broader engagement with Article 5.3 ideas across the government, as might be expected of an institution mandated to serve as the national coordinating mechanism in accordance with the FCTC.
- Interview data suggests that the inability to make progress towards approving the draft code of conduct and Article 5.3 implementation guideline is entangled with broader difficulties in advancing a national tobacco control strategy.



Results

- The policy-making process and outcome in the specific context of a COVID-19 lockdown highlights the broader challenges of seeking to make progress in managing tobacco industry interference in Bangladesh.
- This account of barriers to securing **approval for the NTCC's draft code of conduct** and a guideline for Article 5.3 implementation demonstrates how limited progress in establishing norms and practices can be explained via extensive conflicts of interest and the institutional constraints within which the NTCC operates.
- In terms of the '3 Is' framework, the inability to effectively establish the *idea* of protecting public health policy making from tobacco industry interests reflects the interplay of powerful *interests*, operating via key individuals and across key ministries and agencies, and imbalances of power, authority and resources across key *institutions*.

Interest-based and institutional factors have constrained the impact of ideas on tobacco control policy change in Bangladesh.



Summary and Reflections

- High levels of tobacco industry interference in policy in Bangladesh have been reported, but efforts to advance Article 5.3 implementation have not previously been analysed.
- Close relationships between the government and the tobacco industry are epitomised by the presence of senior government officials on the board of BAT Bangladesh and by the state holding shares in the company. Associated conflicts of interest present significant barriers to advancing tobacco control, particularly with regards to Article 5.3.
- The National Tobacco Control Cell is mandated to act as the national coordinating mechanism for tobacco control in accordance with the FCTC. Its capacity to fulfil this role is restricted by limits in its resources, capacity, authority, and engagement with other ministries.
- Advancing the work of the NTCC (such as finalizing the Code of Conduct) towards implementing Article 5.3 in Bangladesh is essential to advancing both tobacco control and sustainable development.



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STATUS	ID	TITLE	CREATED	SUBMITTED
EPA: Galano, Mary Ann	tobaccocontrol-2021-057142.R1	"A contradiction between our state and the tobacco company": Conflicts of interest and institutional constraints as barriers to implementing Article 5.3 in Bangladesh View Submission Submitting Author: Wagner-Rizvi, Tracey Cover Letter	30-Nov-2021	09-Dec-2021
<ul style="list-style-type: none">Accept as Supplement (10-Dec-2021)				
<input checked="" type="checkbox"/> Contact Journal				





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