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POLICY BRIEF

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USING EVIDENCE FOR TOBACCO CONTROL IN WEST AFRICA

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SUMMARY & KEY MESSAGES

The marketing of tobacco products in poor countries is intensifying. This case study focuses on the application of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) in the 15 countries that make up the Economic Community of West African States (ECOWAS). It demonstrates how the use of action research to generate evidence and the creation of consensus between the different stakeholders involved in tobacco control can change policy.

The process was supported through an action-research process led by the Consortium for Economic and Social Research (CRES) based in Senegal, working closely with ECOWAS. Key messages are: (1) Undertaking a *situation analysis* at the beginning was important. The situation analysis revealed the multidisciplinary aspect of the tobacco issue and identified key stakeholders; (2) a *participatory approach* which included all stakeholders from the beginning of the process created a real synergy between the actors allowing everyone to drive the fight that was needed; (3) a *credible research centre* generating evidence in a high-quality process is necessary to build the confidence of stakeholders; (4) *good understanding of the functioning of government* (and, in this case, regional institutions) is important if research partners are to contribute effectively to policy processes; and (5) bringing together a *multi-stakeholder partnership* including champions from non-state actors and government can lead to a powerful coalition to promote change.

Background

Tobacco control is a global public health priority. Smoking kills more than five million people per year worldwide (WHO, 2015). More than 40% of these deaths occur in developing countries (Goodchild et al., 2018) while strong tobacco control policies are leading to a decline in consumption in developed countries (Chaloupka et al., 2010). Under the aegis of the World Health Organization (WHO), the international community has decided to take action through the Framework Convention on Tobacco Control (FCTC) which was signed in 2003. Article 6 of this convention encourages the use of taxation in comprehensive strategies for tobacco control as the most effective way to reduce tobacco use. All West African countries have ratified this framework convention.

Despite these countries' commitment to the FCTC, they were still far from having a legislative environment conducive to tobacco control. National tobacco control laws were either non-existent, incomplete or not enforced. Tax policies were far from sufficient to reverse the trend of increasing tobacco consumption or to control tobacco use. This was due to the tobacco industry's lobbying to counter or circumvent any laws or regulations made by states and the states' lack of knowledge about the use of tax policy as an effective means of tobacco control.

Fifteen of the states are members of the Economic Community of West African States (ECOWAS). One of the roles of ECOWAS is to harmonise economic policies, including tax policies. In 2009, the ECOWAS Council of Ministers adopted a directive on the harmonisation of excise duties. This directive proposed uniform tax rates for many products including cigarettes and tobacco. However, these cigarette and tobacco tax rates were not designed with a view to combating tobacco consumption and no specific study had been conducted to set these rates. To fill this gap and permit an effective tobacco taxation policy, from 2011 to 2017 the 15 countries supported an action-research process to design taxation reform, led by the directorate in charge of customs and tax matters, and with the action-research process led by the Consortium for Economic and Social Research (CRES),[1] based in Senegal.

This case provides a valuable example of a research organisation leading an action-research process with strong institutional partners and how this can generate substantial policy changes.

1 Consortium pour la Recherche Economique et Sociale

The journey

The process started in 2006 with the participation of CRES in an African tobacco situation analysis (ASTA),[2] which used a political mapping approach to understand the factors that determine success in tobacco control in some African countries. The results revealed a lack of data on tobacco taxation and lack of synergy between different stakeholders in tobacco control in West Africa. CRES decided to widen its scope and look at more effective taxation on tobacco products across the region as a key control measure. As tax policy for the region is governed by ECOWAS, another action-research project in West Africa on tobacco taxation was funded, again with CRES as the project manager. Key stakeholders were identified and brought into the project, notably the chairman of the Customs Commission of ECOWAS.

In 2011, CRES organised a meeting in West Africa at which ECOWAS was invited to share its experience on combating tobacco consumption. It became clear that ECOWAS did not have a policy for combating tobacco consumption and that it needed one to coordinate and lead in this fight against the heavy consumption of tobacco products. The most effective solution appeared to be to increase tobacco prices through taxation. To implement this solution the member states had to support changing the 2009 legislation. Two resolutions were taken at this meeting: (1) ECOWAS included in its medium-term work programme a project to develop and adopt tax regulations that comply with WHO requirements and which allow member states to have uniform legislation that combats heavy tobacco consumption; (2) CRES was to develop scientific arguments to convince member states of the need to adopt new tobacco legislation.

All ECOWAS member states participated in an information and awareness meeting in 2012 in Ouagadougou, including a health expert, customs expert, tax expert and researchers. Focal points were established which would work with CRES to conduct studies in the 15 states. A multidisciplinary research team was set up in each of the 15 countries to draft country profile documents on the economy of tobacco. Each team included an academic researcher, an official from the tax administration, an official from the customs administration and a statistician. The teams coordinated the research and ensured the consistent application of methodologies for the collection of data and drafting of country profile documents, including conducting a survey in all ECOWAS countries to determine the evolution of cigarette prices in the retail trade. Several other research studies were produced during the process.

A conference of decision makers was held in Ouagadougou, Burkina Faso, in November 2012, to make decision makers aware of the similarities and differences in tobacco taxation policies and practices in the West African region and determine ways in which they can use the economic unions to harmonise policies and practice. The conference recommended moving towards the adoption of new regional directives on the taxation of tobacco products. The ECOWAS and West African Economic and Monetary Union (WAEMU) Commissions provided guidance on the procedure. The procedure required a technical committee of experts from member countries to draft guidelines and submit them to the Council of Ministers. CRES then developed a position paper to support a change in tobacco taxation in the ECOWAS region. This advocacy paper drew from the country profiles and compared the tax situation in ECOWAS countries with the tax situation in other countries and economic areas around the world (WHO, 2015).

In October 2013, a regional workshop was held to discuss and refine the first draft of the argument, a consolidated document which included an inventory of tobacco consumption in the states and which set out the actions to be taken to reduce tobacco consumption.

Once the document was finalised, a regional conference was organised in Abidjan, Ivory Coast, in February 2014, to share the findings. It was attended by representatives from the tax and customs administrations, ministries of health, parliamentarians from WAEMU and ECOWAS, civil society and international organisations including the WHO and the World Bank. Participants discussed the gap that existed between taxation of tobacco products in West African countries at that time and potential effective taxation. The discussions led to consensus amongst stakeholders on the need to prepare a preliminary draft proposal for a new directive.

In parallel with the conference of technical staff, an advocacy conference was held with parliamentarians from ECOWAS and WAEMU to present them with the arguments in favour of a change of directive and gain support for adoption. The parliamentarians appreciated the initiative and agreed to support the adoption of the preliminary draft directive. Their support was embodied in a signed declaration.

Meanwhile, CRES modelled combinations of tax types and rates that could lead to higher prices, higher tax revenues and lower consumption. It was proposed that the minimum tax rate of 15% of the sale price be increased to 50%, that the maximum rate be removed and, finally, that a specific tax of $0.02 per cigarette be introduced into the system.

A final conference was held in Ouagadougou on 10 and 11 July 2014, devoted to a review and validation of the draft directive on the harmonisation of excise duties. The various articles of the directive were examined and amended. Unfortunately, the final adoption was delayed

2 This focused on undertaking a situation analysis to assess current tobacco use, the dynamics of tobacco farming and existing tobacco control policies (including their level of implementation) in 10 to 14 sub-Saharan African countries. At the same time, it endeavoured to build the technical capacity of African researchers to gather, synthesize and analyse data at the country and the regional level. See https://www.idrc.ca/en/project/african-tobacco-situation-analyses.

by the Ebola epidemic in West Africa, which stopped travel and diverted attention from regional processes. However, the new guidelines were finally adopted in December 2017 by the two sub-regional organisations, ECOWAS and WAEMU.

The statutory organs of ECOWAS include the Committee of Experts, Directors General of Customs, ECOWAS Ministers of Finance, ECOWAS Integration Ministers and the ECOWAS Council of Ministers which takes the final decision. These all successively considered the adoption of the directive. In general, the majority of the states won over the opposition. However, at the final meeting for the adoption of the directive by the Council of Ministers, two countries did oppose the adoption of the directive. However, this did not prevent adoption of the directive.

Constraints during the process

States had to be convinced that increasing taxes on tobacco products would not negatively impact government revenue. Several meetings were organised for this purpose. Countries like South Africa, and European states especially, have been convinced that increasing the price of tobacco products leads to higher, and not lower, tax revenues. The tobacco industry was not directly involved but followed the process and influenced the discussions through their contacts with certain state experts, who tried to prevent the adoption of the reports of the preparatory meetings on the draft .

Use of the evidence

The new directive on tobacco taxation was largely drafted through the action-research process (*instrumental use of evidence*). The action-research process gave stakeholders a much better understanding of the challenges arising from tobacco consumption, the limited benefits to the economy compared to the costs to the state, and possible modalities of taxation (*conceptual use*). This understanding led to the approval of the directive on raising tax rates. As taxation is a regional issue, each country realised that regional tax harmonisation was the only way to control consumption and reduce illicit trade, and that a regional strategy would have more impact.

A continuing form of conceptual use is that local evidence on tobacco use is now produced and disseminated widely which makes it possible to talk about real statistics from the region. In terms of research, we can see a flowering of documents that use the statistics produced by CRES. Countries have also used their greater understanding to inform their participation in international meetings such as the Conference of the Parties to the FCTC. The process also greatly raised the profile of the dangers of tobacco consumption in the region, which helped to counteract the lobbying from the tobacco industry. This is an example of *positive symbolic use*. In terms of *process use*, the establishment of research units in each country led countries to value the evidence process.

The interventions which promoted use of the evidence

An important lever to promote use of evidence was the *process facilitation*[3] role played by CRES and by a key champion in ECOWAS. The director of CRES used his contacts to bring together all the key players in the fight against tobacco. He understood the multidisciplinary aspects of tobacco control, the need to produce relevant rigorous evidence and the need to master the mechanisms for political decision making. He used his relationship with the ECOWAS representative to work on tariffs in ECOWAS. The *key champion* in ECOWAS helped everyone understand the steps to be taken for a change of directive and played a key role in supporting the development of the directive. In order to convince the Council of Ministers to change the tobacco taxation directive, the director of CRES suggested the *inclusion in the process of the technical staff* of ministries in each country, and he was instrumental in mobilising them. These officials had to convince the ministers of the need for this change, and so participated throughout: in the steering committees, in part of the research generation, and in key events organised by the two champions.

A *scientific committee* involving key stakeholders brought together government and non-government stakeholders and helped to build *agreement, commitment* and *trust* in relation to the credibility and importance of the process.

Multidisciplinary research teams ensured rigour in producing the evidence and enabled access to tax and customs data. The recommendations gave decision makers *confidence* in their decision making. These teams increased the *ability* of countries to generate and use evidence, as they undertook much of the research. The composition of the teams made it easier to *access* and collect the required information on each country and strengthened country *ownership* of the data and process.

3 Italics are used to identify key elements from the analytical framework including evidence use interventions (eg workshops), the change mechanisms these stimulated (like agreement, trust, formalising), the immediate behaviour change outcomes in building of capability, motivation and opportunity, and the use of the evidence (instrumental, conceptual etc).

The *workshops and conferences* that brought together the 15 ECOWAS member countries played an important role. All 15 ECOWAS countries were represented by a delegation of at least two people from the tax and customs administrations and the country's ministry of health. The host city for these events was rotated, with workshops and conferences held in Ouagadougou, Dakar and Abidjan. Each of these events was opened by eminent people from the host country, in the presence of high-level representatives from ECOWAS and WAEMU. These events developed and agreed content, built *ownership* and *agreement* at different levels, and fostered *trust* between technical staff, politicians and non-state actors. Getting key decisions from decision makers at these events made it easier to *formalise* decisions later. *Lobbying* of ECOWAS parliamentarians and certain influential member states facilitated decision making during the meetings, and ECOWAS and CRES appealed to parliamentarians to adopt the increased taxation of tobacco products. These actions were amplified by civil society, which played a role of animation and oversight in the different countries. Finally, lobbying experts from Côte d'Ivoire, Nigeria and Ghana were decisive elements in the adoption process.

Use of WHO standards provided an external *benchmark*, for example, in deciding what tax levels could be/should be. This provided some motivation for change as well as *trust* that the proposed recommendations were appropriate.

Critical lessons emerging from the process

The identification and inclusion of all *stakeholders*, through a participatory approach, and from the beginning of the process, is necessary to create a real synergy between the actors, allowing everyone to drive the fight that is needed. It is important to identify those who can be helpful in the process and those who will oppose, and establish strategies to deal with each group.

Change in Africa requires dealing with *leadership*. Without a strong commitment at the institutional level no change is possible. So, advocacy with institutional leaders is important to achieve significant results.

To have the agreement of stakeholders on policy issues you need to have *solid arguments supported by evidence*. Governments often have neither the capacity nor the time to generate this evidence. To address this, governments and regional institutions need to collaborate with non-state actors such as credible research centres with the capacity to generate and share quality evidence. However, researchers need to understand how government and regional institutions function before they can engage effectively with the policy process. This is a big challenge for many researchers who are not interested in the nitty gritty of how the state works. Where this is the case, action-research processes led by credible organisations can be very powerful.

Once you have the evidence, much attention must be given to use interventions and process support. The action-research facilitators must play a *facilitation and knowledge brokering* role, keeping stakeholders interested, active and involved, and committed to acting on the findings. *Piloting* processes in one country can be helpful in supporting application at a regional level, and this can even work across language and cultural divides.

Bringing together a *multi-stakeholder partnership* which includes non-state actors and champions in government can lead to a powerful coalition to promote change if they can develop a common vision, and the process is well supported. This is particularly important in sectors where industry lobbies are powerful, such as tobacco, climate change and mining.

The journey outlined here to adopt a new directive took almost five years. A minimum of three years is necessary to adopt a new policy. It is important to have a *long time horizon* when these types of changes are planned. In this case, it was fortunate that both the institutional champion and the knowledge broker champion remained in their positions throughout the long process.

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ABOUT THE RESEARCH

This brief draws on case study research carried out for the project, 'Evidence in practice: documenting and sharing lessons of evidence-informed policy making and implementation in Africa', supported by the Hewlett Foundation. The case study research was guided by an analytical framework that combines two different frameworks: i) the Science of Using Science's framework that looks at evidence interventions and outcomes from a behaviour change perspective (Langer et al., 2016) and the Context Matters framework that serves as a tool to better understand contextual factors affecting the use of evidence (Weyrauch et al., 2016). The framework approaches evidence use from a policy maker's perspective (i.e. from a demand rather than supply perspective). The framework takes into account contextual influencers and breaks down an evidence journey into the ways in which evidence is generated, the interventions taken in order to ensure evidence use, the change mechanisms that arise as a result and the relationships between the evidence journey and the immediate and wider outcomes that emerge.



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