

**THE ROLE OF STAKEHOLDERS IN NIGERIA'S TOBACCO CONTROL JOURNEY AFTER THE FCTC:
LESSONS FOR TOBACCO CONTROL ADVOCACY IN LOW AND MIDDLE-INCOME COUNTRIES**

Supplementary Materials

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Interview guide

1. Please tell me about yourself, your organization and your work on tobacco control in Nigeria.
2. Who worked to come up with the reconciliation of the three bills which were introduced independently (The House of Rep., House of Senate and Executive bills)?
 - Was there a special committee involved?
 - Set up by who?
3. What happened with the first law which passed through the national assembly in 2011?
 - a. Was there a specific reason given for it not being signed?
 - b. If no, why was it not reintroduced as it was?
 - c. What is your personal take on the 2011 version of the NTCB?
4. What role has the tobacco companies played in the tobacco policy formulation process (before and now)?
5. Which NGOs or civil society groups have been involved in the tobacco policy formulation process **and** which are still currently involved in working with the Federal Ministry of Health (FMoH) in drawing up the regulation?
6. Were there individual interest groups and associations that were opposed to the tobacco policy? Which are they are what role did they play?
7. What in your opinion is/are needed to make the NTCA 2015 an effective policy?
8. What roles will the NGOs or civil society groups play in the implementation process?
9. Roles of other government Ministries (which ministries and what roles?)
10. What role should government play (and at what levels) to make sure the NTCA does not go the way of the Tobacco (Control) Act Decree 20 of 1990?
11. In drawing the regulations to the NTCA 2015, what roles are the public and civil societies playing? Is the tobacco industry involved in any way in this process?
12. At what time do you think the law will fully come into effect? (Completion of the regulations being formulated by the FMoH now and approval of same by the national assembly)?
13. How will you rate the atmosphere for the implementation of the policy at the moment?
14. Do you envisage any activities of the tobacco industry to forestall full its implementation or to weaken the law as they have been found to do in other countries?

Table S1. List of interviewees and date interviewed			
Name	Organization*	Means of interview	Date
Philip Jakpor	ERA/FoEN	Telephone	23 Dec 2015
Anya Okeke	CISLAC	Telephone	19 Jan 2016
Austin Eramah	CISLAC	Telephone	19 Jan 2016
Hilda Ochefu	CTFK	Telephone	19 Jan 2016
Akinbode Oluwafemi	ERA/FoEN	Skype	08 Sep 2016
Cloe Franko	CAI	Telephone	08 May 2017
Tih Ntiabang	FCA West Africa	Telephone	08 May 2017
Laurent Huber	FCA/ASH, US	Face-to-face	01 Jun/2017
Liz Furgurson	FCA, US	Face-to-face	01 Jun 2017
Patricia Lambert	CTFK, US	Face-to-face	02 Jun 2017
Enó Isong	CTFK, US	Face-to-face	02 Jun 2017
Adeola Akinremi	Former FCA/Journalist	Telephone	23 Jun 2017
<p><i>*ERA/FoEN – Environmental Rights Action/ Friends of the Earth Nigeria; CISLAC – Civil Society Legislative Advocacy Centre; CTFK – Campaign for Tobacco-Free Kids; CAI – Corporate Accountability International; FCA – Framework Convention Alliance; ASH – Action on Smoking & Health</i></p>			

Table S2. Positions of attendees at the House of Representatives' public hearing on the National Tobacco Control Bill in July 2014¹

	Organization	Recorded position on Bill	Submission/Recommendations	Assessment of participants' position on the bill
1	Araga Farm Settlement, Epe	Against	i. CSR: If law is passed, it would deprive their community of BATN's poverty alleviation programmes	Against
2	Action Health Incorporated	Supports	Bill should include -public education and sensitization campaign -a multi-stakeholder National Youth Smoking Prevention programme -enforcement of ban on sales to anyone below 18 years of age	Supports
3	Intellectual Property Law Association of Nigeria	Wants some provisions amended	i. Against Health Warnings on tobacco packaging (alters brand expression and trademarks and breaches TRIPS Agreement)	Against
4.	International Tobacco Company Plc.	Wants some sections of the Bill amended	i. Removal of section prohibiting the retail sale of tobacco products (it will not stop youth from using tobacco products) ii. Licencing of tobacco manufacturers should be restricted to the two tobacco manufacturers existing in Nigeria (ITC and BAT) iii. Provision allowing private citizens and government to sue the industry to recover health cost should be removed iv. Bill should allow for DSAs for HORECA (Hospitality industry; Hotels/Restaurants/Cafés) v. Provision for 50% HWLs should be removed (not effective to communicate the risk of smoking) vi. Against ingredient disclosure to the public (are trade secrets) vii. Against test of addictiveness on ingredients	Against
5.	Japan Tobacco International (JTI)	Against	The bill: i. has stricter measures than the FCTC requirements ii. goes against internationally accepted Principles of Better Regulation iii. infringes on the regulatory powers of the National Assembly due to the functions assigned to SON and NATOCC iv. should criminalize purchasing of tobacco products on behalf of minors (proxy purchase) instead of criminalizing parents and legal guardians for knowingly allowing minors in their care to possess tobacco products. v. Remove licencing of tobacco retailers and adopt proxy purchase ban vi. The National Assembly and not the judiciary should regulate tobacco products vii. Tobacco advertising is already banned by APCON viii. Compliance with Tobacco (Smoking) Control Act 2001 should rather be encouraged ix. 50% coverage for HWLs goes beyond the FCTC requirement. FCTC guidelines on implementation are not binding	Against

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			x. Ingredients regulation limits emergence of innovative products for consumer satisfaction and affects product quality	
6.	Coalition Against Tobacco (CAT)	Supports	<ul style="list-style-type: none"> i. Prohibition or restriction on all forms of Tobacco Advertising Promotion and Sponsorship (TAPS) ii. Vigorous implementation of the legislation through Mass media campaign iii. increase in tobacco tax to discourage smoking iv. Fine for defaulting corporations should be increased from N1 million to N5 million v. Lead and supervising agency for implementing this bill should be the FMOH vi. Supports 100% smokefree public places. Against DSAs vii. HWLs on tobacco packs should be increased to 70% coverage viii. Conflict of interest declaration should be required of every member of NATOCC ix. Minimum age for smoking should be increased from 18 to 21 years x. SON and not FMOH should conduct the testing of contents and emissions of tobacco products xi. total ban on CSR 	Supports
7.	Zangon Aya Community of Igabi Local Government Area of Kaduna State	Against banning of CSR activities	<ul style="list-style-type: none"> i. CSR should not be banned (community has benefited from CSR activities of BATN) ii. Nothing wrong with branding CSR products since the tobacco companies are legal 	Against
8.	Standards Organisation of Nigeria (SON)	No position stated*	<ul style="list-style-type: none"> i. FMOH should not handle reports on product content and emission by manufacturers as this is the statutory function of SON ii. HWLs should only be in English language (not in the 3 major Nigerian languages) as is in the Nigeria Industrial Standard under review iii. Contradiction about information disclosure on emissions in two aspects of the bill iv. SON should be mentioned as "the responsible authority" where this phrase is mentioned in the bill v. Non-display of products at points of sale will obstruct SON from doing spot checks for packaging compliance vii. Specify the NSI for Tobacco and Tobacco products as the national standard all products should comply to viii. The FMOH should not be mandated to regulate tobacco products as this is already taken care of by SON in the NSI 	Against
9.	Environmental Rights Action/	Supports	i. Tobacco is a major threat to public health	Supports

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	Friends of the Earth Nigeria (ERA/FoEN)		<ul style="list-style-type: none"> ii. Minister of Health or an appointed representative should chair NATOCC iii. Manufacturer's Association of Nigeria should be excluded from NATOCC since the tobacco industry are members of MAN iv. Outright prohibition of sales of tobacco products in vending machines v. Fine for corporate offenders should be N10 million and/or 2years imprisonment while individual offenders should be fined N100,000 and/or 2months imprisonment 	
10.	Centre for Children's Health Education, Orientation and Protection (CEE-HOPE) and the New Initiative for Social Development	Supports	<ul style="list-style-type: none"> i. Total ban on product advertisement targeting young people ii. Ban on the sale of loose cigarettes iii. Ban on all youth-oriented events organized by the tobacco industry iv. Increase in tobacco taxes v. Use of pictorial warnings on packs 	Supports
11.	Nigeria Tobacco Control Alliance	Supports	<ul style="list-style-type: none"> i. Elongation of implementation period for new packaging requirements from 30days to between 9 to 12months ii. Effects of HWLs increases with size 	Supports
12.	Hajia Mariam Uwais	Supports	<ul style="list-style-type: none"> i. Total ban on advertising ii. Industry violates the Child's Right Act 	Supports
13.	British American Tobacco (Nigeria)	Supports regulation of the industry as long as it does not unjustifiably limit any rights or objectives.	<ul style="list-style-type: none"> i. Harsh tobacco laws have encouraged smuggling of cheaper tobacco products ii. Bill will lead to loss of jobs iii. Bill will lead to loss in government revenue due to illicit trade iv. Some provisions go beyond the FCTC requirements and includes elements from the guidelines to implementation, which are not binding and are unconstitutional v. Printing of HWL on every stick of cigarettes will tobacco products more dangerous to consume vi. Tobacco industry should be granted the right to communicate with its traders, marketers, distributors and consenting adult smokers vii. Ban on retail sale will increase illicit trade viii. 50% HWL is not necessary ix. Ingredients ban should be expunged as nicotine occurs naturally in tobacco x. The Provision on Technical Specification (Made in Nigeria for Export Only) amounts to a breach of ECOWAS regulations xi. Sections allowing for individuals and government to sue the tobacco companies to cover for health costs should be expunged 	Against
14.	Habanera Limited	Supports appropriate, evidence-based and	<ul style="list-style-type: none"> i. Bill goes against principles of "better regulation" ii. Ban on retail sales will negatively impact retailers and employment 	Against

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		proportionate regulation of the tobacco sector.	<ul style="list-style-type: none">iii. Licencing of tobacco retailers is impossible within 3months for 1.2million retailersiv. Tobacco advertising ban is already taken care of by APCON codev. Better to encourage compliance with Nigeria's old tobacco law (Tobacco (Control) Act)vi. Ingredient regulation limits innovation to meet consumer preferences	
15.	Nigerian Tobacco Control Research Group	Supports	<ul style="list-style-type: none">i. Tobacco tax increase of 10% to begin withii. Banning sale of loose cigarettes and mandating minimum number of sticks in a pack to be 20	Supports
16	Ido Community, Ido Local Government Area of Oyo State	Against	<ul style="list-style-type: none">i. Against ban on CSR	Against
17	Nampak Cartons Nigeria	Wants some clauses amended	<ul style="list-style-type: none">i. Bill may promote smuggling, create administrative burdens and reduce export revenueii. Loss in revenue would be more than N350million in VAT paid by Nampak Cartons Nig Ltd	Against
18.	Manufacturers Association of Nigeria	Wants some sections changed	<ul style="list-style-type: none">i. Supports the establishment of NATOCCii. Recommends inclusion of a representative of MAN in NATOCCiii. Bill should have provision to show an intention of a non-absolute ban on promotions	Against
19.	National Tobacco Retailers Association of Nigeria, NTRA	Supports regulation but wants some sections amended.	<ul style="list-style-type: none">i. Ban on retail should be reversed to include only hawkingii. Contradiction between ban on product display and right of buyers to examine the product at points of saleiii. Licencing of retailers should be expunged from the bill	Against
20.	Nigeria Independent Tobacco Association	Against	Nil	Against
21.	Okolemo Community of Ewekoro Local Government of Ogun State	Against banning of CSR activities	<ul style="list-style-type: none">i. Against banning of CSR activities	Against
22.	Campaign for Tobacco-Free Youths Nigeria	Supports	<ul style="list-style-type: none">i. Illicit trade on tobacco should be made illegalii. Recommend allowance for individual litigation against the tobacco companies for health consequences of smokingiii. Encourage alternative cropping for tobacco farmers	Supports
23.	EPISON Epidemiological Society of Nigeria	Supports	<ul style="list-style-type: none">i. Supports disclosure of contents and emission on product packageii. FMOH should be responsible for ingredient regulationsiii. Toxic constituents of products should be labelled as toxic on package	Supports
24.	Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture	Supports the Bill but has concerns on some sections.	<ul style="list-style-type: none">i. Establishment of NATOCC is not necessaryii. inclusion of a clause encouraging effective communication between consumers, Consumer Protection Council, and the Judiciary	Against

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	(NACCIMA)		iii. Export of Nigerian tobacco products should be promoted by the bill	
25.	DAMCO Nig. Ltd	Supports the Bill but wants some amendments made.	i) Section 3 of the Bill should be expunged since tobacco is not an illegal substance	Against
26.	SimmonsCooper Partners	Supports	<ul style="list-style-type: none"> i. Type of retail allowed is not stated in the bill ii. Provision allowing NATOCC to prohibit or not the use of "ingredients of addictiveness" is prone to abuse iii. Allowance for 'duty free products' is prone to encourage air travelers to smuggle tobacco products and evade paying duties and tariffs iv. Bill should criminalize secondhand or passive v. Right to institute legal actions by individuals on behalf of themselves or an affected class of persons 	Against
<p>Note: The FMOH was also represented at the public hearing²</p> <p>References</p> <ol style="list-style-type: none"> 1. Summary of the Public Hearing on A bill for an act to enact the Tobacco Smoking (Control) Bill...held at the Federal House of Representatives, National Assembly, Abuja on July 16, 2014. Received from Campaign from Tobacco-Free Kids2014. 2. Conference of the Parties to the WHO Framework Convention on Tobacco Control. Report of the seventh session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, Delhi, India, 7–12 November 2016. 2016; http://www.who.int/fctc/cop/cop7/FINAL_COP7_REPORT_EN.pdf?ua=1. Accessed November 15, 2016. 				