
Madagascar

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**



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Author: NY SAHY

Acknowledgements:

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Background and Introduction

Madagascar ratified the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) in 2004 and entered into force on February 27, 2005. Since 2003, Madagascar has had an anti-tobacco law with several regulations:

- Inter-ministerial order N°18171 2003 of October 22, 2003, laying down regulations on the industrialization, importation, marketing and consumption of tobacco products in Madagascar.
- LAW N° 2004-029 of September 09, 2004 authorizing ratification of the World Health Organization Framework Convention on Tobacco Control.
- INTERMINISTERIAL ORDER N°14.762/2012 of July 17, 2012 on the packaging and labeling of tobacco products on sale in Madagascar.
- Inter-ministerial order no. 29511/2013 of October 03, 2013 prohibiting smoking in all indoor or enclosed places that constitute workplaces, public places and public transport.
- Law n° 2016-045 authorizing the ratification of the Protocol to eliminate Illicit Trade in Tobacco Products in Madagascar.

In addition, hypertension is one of the major causes of absenteeism in the workplace. In Madagascar, smoking claimed the lives of around 8,300 people in 2017, according to the August 2019 FCTC Investment Model. In the country, 38.7% of men and 14.8% of women aged 15 to 49 use at least one form of tobacco, according to data from the 2018 Multiple Indicator Cluster Survey.

The harms of smoking are not only related to health, but also affect the economy of the country. **As an indication, if we estimate the cost of treating an uncomplicated hypertension in ambulatory and monotherapy with generic drugs at 10,000Ar per month, the annual cost of treating the 2,992,000 potential hypertensives would be 359,040,000,000Ar, or US\$ 179,520,000. This represents about 6 times the annual budget allocated to the Ministry of Health.**

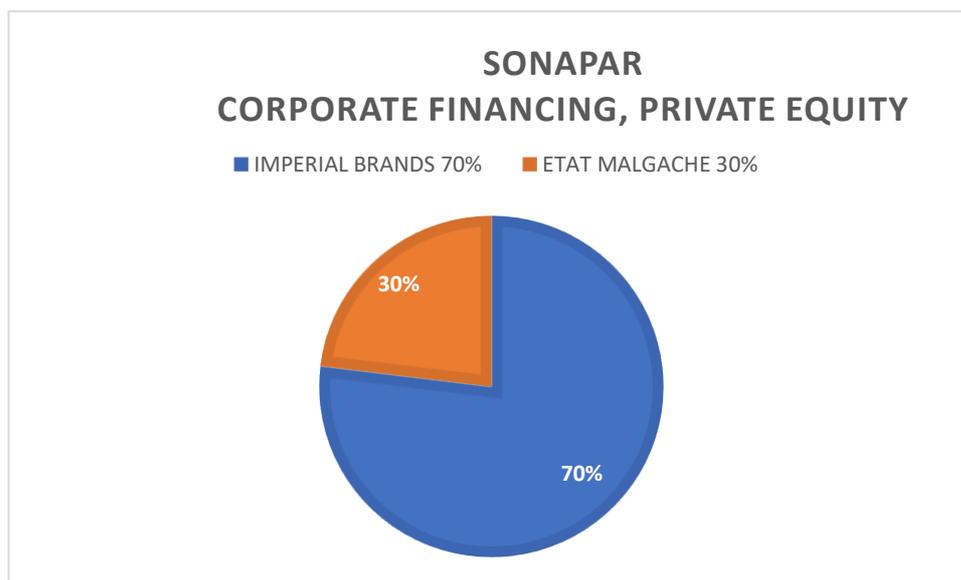
The National Office for Tobacco Control (OFNALAT) was created by Decree No. 2005-554 of August 30, 2005, whose organization and operation are governed by Decree No. 2007-837 of January 22, 2008 (organization and operation of the National Office for Tobacco Control). OFNALAT's mission is to coordinate national multisectoral tobacco control programs.

Madagascar has the Malagasy Tobacco Office, abbreviated as OFMATA, a public establishment of an industrial and commercial nature, with legal status and administrative and financial authority. Its purpose is to ensure, on behalf of the State, the supervision and general control of the qualitative and quantitative promotion of tobacco production across the country. OFMATA is placed under the technical supervision of the Ministry of Agriculture, the budgetary supervision of the Ministry of Budget, and the accounting supervision of the Ministry of Public Accounts.

This survey opens up a lot of possibilities, providing information about the Akbaraly Foundation and other state companies and tobacco companies. We believe that the result of this survey will bring a lot of positive changes for tobacco control in Madagascar.

Madagascar has 2 major groups in the tobacco industry, namely: Imperial Brand and Sipromad Group.

IMPERIAL BRAND¹: The Malagasy State is also an active partner-shareholder in the four subsidiaries of Imperial Brands Madagascar through the companies SONAPAR, FIARO, ARO and OFMATA², which hold more than 30% of the share capital of each of these subsidiaries, generating significant dividends for the Treasury. The group has 4 companies to manage the production and sale of cigarettes: SOCTAM³ which ensures the project of the President of the Republic for the protection of the environment "madagasikarantsika"⁴, SITAM⁵.



¹ Imperial Brand: "A historic player in Madagascar, operating in an integrated value-added industry". Available at: <https://www.imperial-brands.mg/>

² Tobacco industry: generates nearly 300 billion ariary a year for the State. Available at: <http://bitly.ws/GuT5>

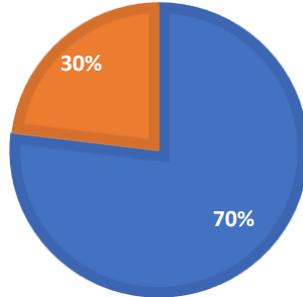
³ Toky RAFALIMANANA. Setting up a management system for tobacco production (the case of SOCTAM). Available at: <http://bitly.ws/Gv7q>

⁴ Madagasikarantsika Project. Available at: <https://imperial-brands.mg/le-projet-madagasikarantsika/>

⁵ Jean Louis Guebourg. Analysis of the Malagasy tobacco industry: from purely state-owned to a mixed company. Available at: https://www.persee.fr/doc/caoum_0373-5834_1997_num_50_199_3655

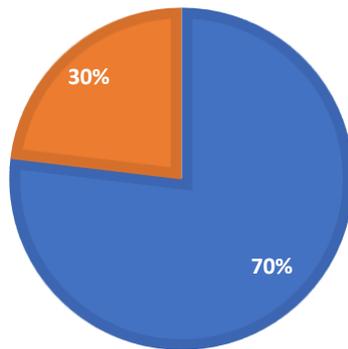
FIARO
MADAGASCAR NATIONAL INVESTMENT
PROMOTION AGENCY

■ IMPERIAL BRANDS 70% ■ ETAT MALGACHE 30%



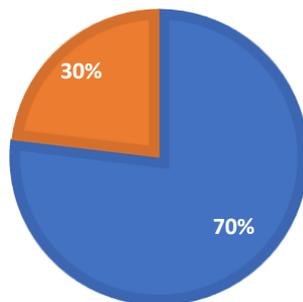
ASSURANCES ARO
INSURANCE REINSURANCE OMNIBRANCH

■ IMPERIAL BRANDS 70% ■ ETAT MALGACHE 30%



OFMATA
COMPANIES PROVIDING FUNDS TO THE
MALAGASY GOVERNMENT

■ IMPERIAL BRANDS 70% ■ ETAT MALGACHE 30%



SIPROMAD GROUP⁶ has several companies: TOURISME ET AVIATION, THOMSON BROADCASTING, MYSTORE, FONDATION AKBARALY.

The tobacco industry has a strong presence and influence in Madagascar. This is reflected in the score of 69 obtained in this survey. In fact, it appears that the Malagasy State lacks rigor in the application of decrees relating to tobacco control. This enables the industry to sign partnerships with local groups, to participate in CSR activities such as the MADAGASIKARANTSIKA project on the environment, the construction of health centers to care for Covid-19 patients⁷, the production of posters for the protection of minors, and others.

This report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA). It consists of 20 questions based on the guidelines in Article 5.3. The information used in this report comes only from the public domain. A scoring system is used to complete the assessment. The score ranges from 0 to 5, where 5 indicates the highest level of industry interference, and 1 indicates little or no interference. Therefore, the lower the score, the better for the country. A score of 0 indicates that there is no evidence or that it is not applicable. The report includes information on incidents that occurred between April 2021 until March 2023, but also on incidents prior to 2021 that are still current.

⁶ SIPROMAD GROUP. Available at: <http://bitly.ws/GvRR>

⁷ Globally Reported Tobacco Industry Interference during COVID-19 Pandemic. Available at: <https://bit.ly/3RE7gBg>

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The National Office of Tobacco Control, which is under the Ministry of Public Health, coordinates the overall tobacco control work of the government with its members as well as the civil society. It does not have a direct or indirect link with the tobacco industry. The members of the National Office of Tobacco Control have developed the tobacco control policies of Madagascar.

2 INDUSTRY CSR ACTIVITIES

Despite the signing of the Framework Convention on Tobacco Control, and the Memorandum of Understanding on illicit trade, on January 8, 2021, Madagascar also signed an agreement for the realization of a major environmental project called Madagasikarantsika⁸: "Madagascar We Belong" with the Imperial Brand as part of its corporate social responsibility⁹. The Akbaraly Foundation¹⁰ supports our government, especially the Ministry of Public Health and the Ministry of Education.

On January 25, 2022, the Akbaraly Foundation made a donation to over 1,000 families affected by the floods that ravaged the capital in January. Those affected received fortifying cereals, cartons of Reeva instant noodles, Iriko soaps and Maronjana candles.

3 BENEFITS TO THE INDUSTRY

The Madagasikarantsika Project¹¹ is growing at the level of the Malagasy State. The project is part of the 10th priority axis of the project of the President of the Republic, so the Imperial Brand Group has become an important partner of the Malagasy State, a partner with a preferred status. The Malagasy State relies heavily on their partners to fulfill its projects for the environment and poverty reduction.

A 2% tax rebate was applied to cigarettes manufactured with 70% or more of tobacco produced in Madagascar.

4 UNNECESSARY INTERACTION

The Malagasy State participates in various tobacco industry projects for which it receives dividends from several companies. Une convention de partenariat was signed between the Ministry of National Education (MNE) represented by the Minister Marie Michelle Sahondrarimalala and the Akbaraly Foundation represented by its Executive Director Dr. Francesco Cimino and President of the NGO La Vita per Te¹⁹.

The Malagasy state ratified the FCTC and the article 5.3 of the FCTC in 2004. Despite this:

⁸ The Madagasikarantsika project: "Committed to greening the Grande Ile". Available at: <https://imperial-brands.mg/environnement/>

⁹ "A responsible and committed development partner". Available at: <https://imperial-brands.mg/rse/>

¹⁰ Foundation Akbaraly. Available at: <https://fondationakbaraly.org/>

¹¹ Presentation of the MADAGASIKARANTSIKA Project. Available at: <http://bitly.ws/GqDh>

- The government is still settling for partnership agreements with the tobacco industry, ignoring its treaty obligations while making itself the tobacco industry's direct target.
- Decree 2016/1017 of July 26, 2016 facilitates and increases the interest of tobacco industries like OFMATA¹². OFMATA by the Vice-Minister in charge of Agriculture grants any premiums allocated to tobacco farmers each year⁷. Stipulated in Article 4, paragraph 13 of Decree 2015/1017 of July 26, 2016⁷.

5 TRANSPARENCY

The Malagasy state has not disclosed any information about their meeting with the tobacco industry. The tobacco industry owns shares in state-owned companies. The Malagasy state also believes that the tobacco industry contributes 20% of the state budget.

The Kintana Center of the Akbaraly Foundation in Antananarivo has reopened at the request of the Ministry of Health, and is now fully operational and ready to open its doors to patients affected by Covid-19¹³.

6 CONFLICT OF INTEREST

There are many people who occupy high state positions who have relationships with a family member who works in the tobacco industries. For example, the mayor of the capital Antananarivo, former Minister of Foreign Affairs is a member of the family who owns the Andriatsitohaina Group, involved in the tobacco plantation.

The Imperial Brand Group currently manages the Logistics of the International Airport of Ivato, and also the SDV Company, the Transit is the original business of the SDV Madagascar¹⁴. Its establishment throughout the island allows it to offer a full range of services to its customers (operators). As a forwarding agent, it is a service provider, in charge of carrying out all the customs formalities of the goods as well in the import as in the export. In order to manage or process these activities, the SDV has a software called SPOT (Programmed System for the Organization of Transit) which belongs to the Bolloré group and which has the capacity to process all the files (invoices...). Currently, the company is distributed in the eight cities of the island of which: Tananarive, Tamatave, Mahajanga, Diégo, Tuléar, Antsirabe and Fort Dauphin; tobacco is strongly in motion in these eight cities.

7 PREVENTIVE MEASURES

The government has not adopted or implemented a code of conduct for public officials, to guide their interactions with the tobacco industry. The government also has no plan to publicise Art 5.3 to other departments nor compel the industry to provide information about its marketing expenditure or lobbying activities.

¹² Decree n° 2016- 1017 Reorganization of the Office Malgache des Tabacs, "OFMATA". Available at: <http://bitly.ws/J4RY>

¹³ Kintana center reopens to fight Covid-19. Available at: <http://bitly.ws/J4PM>

¹⁴ Zafimbelojaona Arnaud. Analysis of the activities of a transit company and its impact on international trade (The case of SDV Madagascar, Tamatave branch). Available at: <http://bitly.ws/GrJu>

Recommendations

RECOMMENDATION 1

Create a plan to advance WHO FCTC compliant policies that have been delayed for two years by the end of 2023.

RECOMMENDATION 2

Set up a strong advocacy committee to convince the Malagasy authorities to comply with the WHO FCTC and the Memorandum of Understanding on the illicit trade in tobacco products, starting in February 2024 with the new member of the government following the election of the President of the Republic, who will be sworn in in January 2024.

RECOMMENDATION 3

Set up a system to monitor tobacco industry interference within the Office Nationale de Lutte Antitabac in Madagascar from June 2024.

RECOMMENDATION 4

Create a platform of tobacco control NGOs in Madagascar to monitor the implementation of the WHO Framework Convention on Tobacco Control and the Memorandum of Understanding on illicit trade in Madagascar from October 2023.

RECOMMENDATION 5

Build the capacity of this platform (stipulated in recommendation 4) in terms of forms or practices on Tobacco Industry Interference as of February 2024

Madagascar

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Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹⁵ accepts, supports, or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ¹⁶ in setting or implementing public health policies in relation to tobacco control ¹⁷ (Rec 3.4)	0					
There is no evidence found						
2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
The government has not accepted nor endorsed policies nor legislation drafted by the tobacco industry. There is no legislation being debated in the parliament.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) Never 5 Yes		1				
There is no Inter-agency that develops health policy. There is no evidence that the tobacco industry is sitting on any other panel that develops health policy.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ¹⁸ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'		1				
The government does not allow/invite the tobacco industry to sit in government interagency/ multi-sectoral committee/advisory group body that sets public health policy ¹⁹ . Below are the delegates in CoP9 in 2021 ²⁰ : Delegate (Accredited representative) ²¹ : Mme T.E. Razafindravao, Chargé d’Affaires a.i Mr D.C. Rabeherifara, Conseiller and Mr T.H. Razafimandimby, Conseiller						

¹⁵ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

¹⁶ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

¹⁷ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

¹⁸ Please attach a list since 2009 so that the respondent can quantify the frequency. <http://www.who.int/fctc/cop/en/>

¹⁹ WHO FCTC - <https://fctc.who.int/who-fctc/governance/conference-of-the-parties/ninth-session-of-the-conference-of-the-parties/additional-documents>

²⁰ WHO FCTC - <https://fctc.who.int/publications/m/item/mop2-div-1-list-of-participants>

²¹ COP 9 List of participants. Available at: <https://untobaccocontrol.org/downloads/cop9/additional-documents/COP9-List-of-Participants.pdf>

	0	1	2	3	4	5
INDICATOR 2: Industry CSR activities						
<p>5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as “socially responsible” or “sustainable”. For example, environmental programs. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives CSR contributions I5 (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)</p> <p><i>NOTE: exclude enforcement activities as this is covered in another question</i></p>						5
<p>In 2020, 6 tonnes of white rice were handed over to the Bureau National de Gestion des Risques et des Catastrophes (BNGRC) on February 18, 2020 by OFMATA's DG, Mr Eddy Randrianatsimbazafy and the Secretary General (SG) of the Ministry of Agriculture and Livestock. The Minister of the Environment has participated on several occasions in the tobacco industry's CSR activities²².</p> <p>The Akbaraly Foundation's Kintana Center in Antananarivo has reopened at the request of the Ministry of Health, and is now fully operational and ready to open its doors to Covid-19-affected patients. In the fight against COVID-19, the Akbaraly Foundation²³ helped the Ministry of Public Health by opening a treatment center.</p> <p>In January 2021, the Malagasy authorities signed a CSR agreement with Imperial Brands to protect the environment, Madagasikarantsika project^{24,25}.</p> <p>In January 2022, a team from the Ministry of Environment and Sustainable Development, led by the Minister of Environment and Sustainable Development, joined the team from Imperial Brands Madagascar led by its General Manager, to visit the Madagasikarantsika Park of the Vakinankaratra Region, in the Commune of Ampotaka. The participation of the Minister is a big endorsement of Imperial's sponsorship. The Governor of the Vakinankaratra Region and the Mayor of the Rural Commune of Mandoto also joined this visit.</p>						
						
Madagasikarantsika Project on local communities	Area covered in the reforestations program					

²² Video presentation of the MADAGASIKARANTSIKA project. Available at: <http://bitly.ws/GqDh>

²³ Fondation Akbaraly: Opening of the Kintana center. Available at: <http://bitly.ws/Gpvk>

²⁴ Presentation of the Madagasikarantsika Project. Available at: <http://bitly.ws/GqDh>

²⁵ Imperial Brands: CSR projects. Available at: <http://bitly.ws/GqKp>



On March 4, 2023, reforestation activity. Representatives of the Ministry of the Environment and Sustainable Development-MEDD, and the Regional Director of the Environment and Sustainable Development-DREDD officially opened the event.

Imperial Brands' logos are prominent during the activity – this is promotion for the company.

The Madagasikarantsika Project initiated on May 28, 2021 in Mandoto in the Vakinankaratra region, is a 3-year⁵ partnership between the Ministry of the Environment and the Imperial Tobacco Group. This project is in line with the priorities of the President of the Republic, axis N°13 on the website of the Presidency of the Republic under the heading "Marshall Plan"^{26,27}.

Imperial Brands is also working with the Ministry of Population on a permaculture project²⁸. This project has supported 200 vulnerable families in Antsirabe with a fund of £25,000, or one hundred million Ariary.

With the aim of improving the incomes of local communities²⁹, in particular to cope with the lean season, various actions to increase their agricultural yields have been carried out in Mampikony, Miandrivazo and Betsiboka, with the emphasis on the popularization of improved seeds. Nearly 800 peasant farmers signed up voluntarily to benefit from the support to increase their productivity: training in cultivation techniques adapted to improved varieties, provision of small-scale equipment and agricultural machinery, supervision and monitoring by expert technicians, distribution of improved seeds.

Through a partnership with the Ankohonana Sahirana Arenina - ASA association in Andrainarivo, the Group has supported nearly 400 young people from indigent families, introducing them to craft trades and opening doors to the professional world.

Ministry of Energy and Imperial Brands and the Rural Electrification Project³⁰, following a request from the local authorities and population of Manambina, the Commune electrification project was carried out and completed in 2019. 200 roofs have been

²⁶ Marshall Plan: Madagasikarantsika Project. Available at: <http://bitly.ws/J3qb>
²⁷ Marshall Plan: Drafy-panorenana sy fanarenana atao ny taona 2020 tafiditra anaty LFR 2020. Available at: <http://bitly.ws/J3qZ>
²⁸ Imperial Brands: "Supporting vulnerable households". Available at: <http://bitly.ws/J3zw>
²⁹ Imperial Brands: "Projects to improve incomes in local communities". Available at: <http://bitly.ws/J4ul>
³⁰ Imperial Brands: "Rural electrification projects". Available at: <http://bitly.ws/J4Gg>

connected to the electricity grid, the streets of the Commune are now lit and the level of insecurity has dropped significantly.

Ministry of Public Health and Imperial Brands work with the "Support for Health" project³¹. More than 63,000USD, including 250 million Ariary in local currency, have been allocated to the fight against the spread of covid-19 in 2020. Once again, this year, the Group has allocated a substantial envelope to the fight against the spread of the coronavirus, as a gesture of civic responsibility and commitment to solidarity. To help improve the quality of care available to local communities in public health establishments, the Ambesisika CSB has been provided with surgical equipment for the maternity and neonatal department.

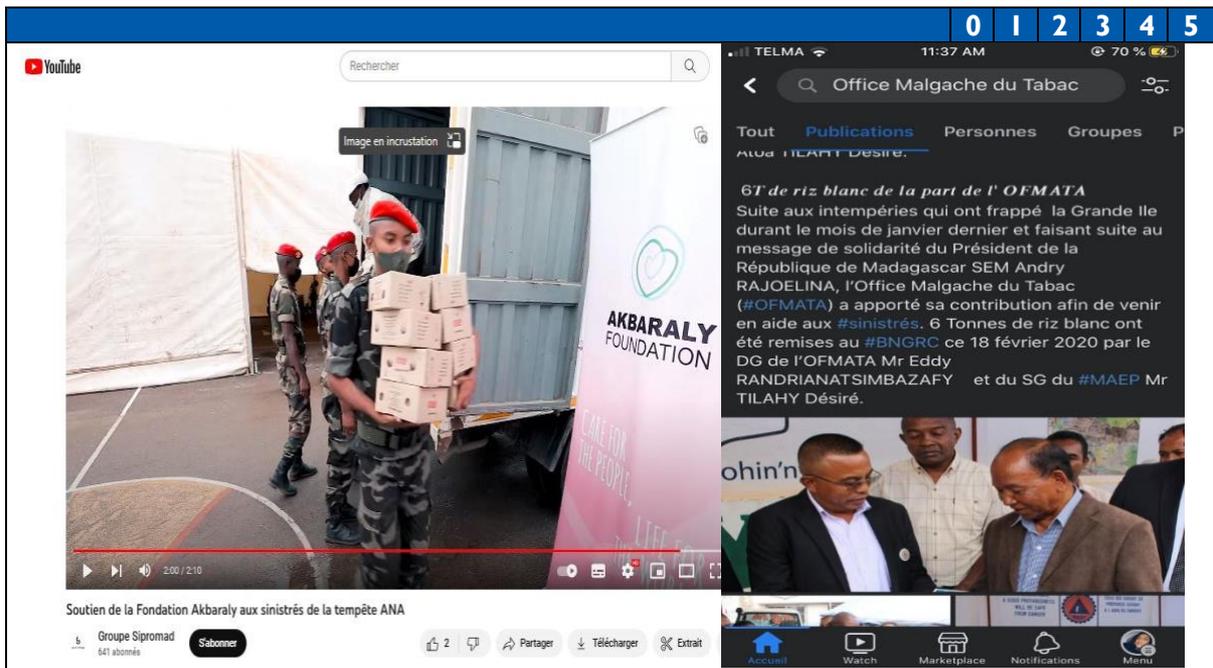
The Ministry of Education and Imperial Brands are working with the "No child in fields" project in Mampikony, Bevilany, Ambesesika and Miandrivazo, with the ultimate aim of enabling and strengthening children's schooling, through various complementary actions such as building classrooms, providing school furniture and supplying books³². Various schools have been built in Ambohitoaka, Andilambe, Antanambao Bevilany, Ambesisika and Ambato-Ambarimay, and equipped with school furniture: tables and benches, teachers' desks and book shelves.

Ministry of National Education and the Akbaraly Foundation of the SIPROMAD Group. A partnership agreement has been signed between the Ministry of National Education (MEN) represented by Minister Marie Michelle Sahondrarimalala and the Akbaraly Foundation represented by its Executive Director Doctor Francesco Cimino and President of the NGO La Vita per Te³³. The purpose of the agreement is to implement a project to support the fight against malnutrition and access to pediatric orthopedic surgery for pupils under 15; and to raise awareness, train and screen students aged between 15 and 18, as part of the prevention of female cancers and sexually transmitted diseases. This collaborative project between the MEN, the Akbaraly Foundation and the NGO La Vita per Te will strengthen awareness-raising and prevention actions against female cancers and sexually-transmitted diseases. Training and capacity-building programs are also planned for healthcare staff. The project also includes measures to combat malnutrition. Children with orthopedic problems will be able to benefit from treatment.

³¹ Imperial Brands: "Supporting Health". Available at: <http://bitly.ws/l4ld>

³² Imperial Brands: "Support for Education". Available at: <http://bitly.ws/l4l6>

³³ Partnership agreement between the French Ministry of Education and the Akbaraly Foundation. Available at: <http://bitly.ws/GrPy>



On January 25, 2022, the Akbaraly Foundation made a donation to over 1,000 families affected by the floods that hit the capital in January. Those affected received fortifying cereals, cartons of Reeva instant noodles, Iriko soaps and Maronjana candles.

Following the floods that hit the Grande Ile in January 2020, and in response to the message of solidarity from the President of the Republic of Madagascar, SEM Andry Rajoelina, the Office Malgache du Tabac has made a contribution to help those affected.

INDICATOR 3: Benefits to the Tobacco Industry

6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	0						
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There is no evidence for this statement.

7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)							5
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Incentive measures: 2% tax rebate for cigarettes manufactured with 70% or more tobacco produced in Madagascar³⁴.

The public authorities have granted the concession to SDV, a Bolloré Group company, responsibility for TRANSIT at ports. Transit is SDV Madagascar's core business. Its presence throughout the island enables it to offer a complete range of services to its customers (operators). As a forwarding agent, it is a service provider, responsible for handling all customs formalities for goods, both for import and export³⁵.

³⁴ The Malagasy tax system. Available at: <http://bitly.ws/GrGw>

³⁵ Zafimbelojaona Arnaud. Analysis of the activities of a transit company and its impact on international trade (The case of SDV Madagascar, Tamatave branch). Available at: <http://bitly.ws/GrJu>

The government allows international travelers to duty-free import 200 cigarettes or 25 cigars or 500 grams of tobacco into the country³⁶.

INDICATOR 4: Forms of Unnecessary Interaction

8. Top level government officials (such as President/ Prime Minister or Minister) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						5
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The Minister of Education has signed a project with the tobacco industry to sensitize schoolchildren to women's cancer³⁷.

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (Including monetary contribution for these activities) (Rec 4.3)						5
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The tobacco industry contributed to the production of posters labelled "protection des mineurs" (protection of minors) on not selling cigarettes to minors. The industry finance 100% the design, printing and distribution to tobacco retail outlets across the island.



³⁶ Madagascar Customs, Currency & Airport Tax regulations details. Available at: <http://bitly.ws/HB9R>

³⁷ Partnership agreement between the Ministry of Education and the Akbaraly Foundation. Available at: <http://bitly.ws/GrPy>



Translation of the sentence at the bottom of the posters: "RARANA NY MIVAROTRA SIGARA AMIN'NY ANKIZY LATSAKY NY 18 TAONA" = "It is forbidden to sell cigarettes to children under 18".

<p>10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must not involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i></p>						5
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Through Akbaraly Foundation, the tobacco industry has signed agreements and contracts with government ministries³⁸. Akbaraly is the CSR arm of Sipromad Group which owns tobacco farms, produces Focus cigarettes, the country's bestselling cigarette brand, and owns one of the largest tobacco farms in the Indian Ocean.³⁹

INDICATOR 5: Transparency

<p>11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)</p>						5
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There is no disclosure of meetings interactions

<p>12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)</p>			2			
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³⁸ Partnership agreement between the Ministry of Education and the Akbaraly Foundation. Available at: <http://bitly.ws/GrPy>
³⁹ Nsehe M. The \$700 Million Man Of Madagascar: How Ylias Akbaraly Built An Empire In The Island Country. Forbes. 18 Jul 2016. Available at: <http://bitly.ws/HBjR>

	0	1	2	3	4	5
Government does not require rules for the disclosure or registration of tobacco industry entities						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5
<p>Law n° 2011- 012 relating to political parties does not prohibit the tobacco industry from financing their parties⁴⁰.</p> <p>CHAPTER VI FINANCIAL PROVISIONS</p> <p>Art. 33 - Political parties finance their activities through their own or external resources.</p> <p>Art. 34 - A political party's own resources comprise: 1. membership fees and annual subscriptions; 2. authorized donations and legacies; 3. proceeds from activities legally recognized as political parties; 4. subscriptions and voluntary contributions from members.</p> <p>Art. 35 - External party resources include: 1. loans taken out in accordance with the laws and regulations in force; 2. authorized donations and legacies; 3. financial support from partners; 4. State subsidies.</p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
There was no evidence of retired government officials being part of the tobacco industry						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)						5
<p>The Malagasy State is a partner-shareholder of Imperial Brands Madagascar's four subsidiaries through the companies SONAPAR, FIARO, ARO and OFMATA which holds more than 30% of the share capital of each of these subsidiaries⁴¹.</p> <p>Officials in OFMATA – this is a public establishment whose purpose is to ensure, on behalf of the State, the supervision and general control of the qualitative and quantitative promotion of tobacco production across the country. OFMATA is placed under the technical supervision of the Ministry of Agriculture.</p>						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
The Malagasy Authority has not set up a procedure for disclosing interaction documents.						

⁴⁰ Law n° 2011- 012 on political parties. Available at: <http://bitly.ws/J5vr>

⁴¹ Imperial Brands. A word from the Director General. A historical player in Madagascar, operating in an integrated sector, creating added value - Imperial Brands Madagascar. Available at: <https://www.imperial-brands.mg/>

	0	1	2	3	4	5
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>						5
The government has not formulated, adopted or implemented a code of conduct for public officials, prescribing the standards to which they should comply in their dealings with the tobacco industry.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)						5
The government has not taken the initiative of requiring the tobacco industry to submit periodic information on tobacco production, tobacco product manufacturing, market share, trading expenses, revenues and any other activities, including lobby group activities, charitable activities, political contributions and any other activities.						
19. The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
The government has no program for systematic awareness-raising on policy services relating to the guidelines of Article 5.3 of the FCTC						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)						5
The government does not have a policy of prohibiting the acceptance of all forms of contributions or gifts from the tobacco industry (monetary or otherwise), including offers of assistance, policy drafts or study visit invitations.						
TOTAL SCORE						69

Annex A: Sources of Information

	TOP TOBACCO COMPANIES/ DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	OFMATA	100%		http://bitly.ws/GsfZ http://bitly.ws/GsiY
2	GROUPE BOLLORE/ IMPERIALS BRANDS / SACIMEM/ PROMODIM	97,33% in 2021	Good look, Melia, Gauloises, Oxford, Boston, WEST	https://www.imperial-brands.mg/ http://bitly.ws/GsiY
3	GROUPE SIPROMAD/ FOCUS MADAGASCAR		First, Paname, Apache	http://bitly.ws/GsiY
4	PARAKY TSY LEFY Chewing tobacco production		Paraky Tsy lefy	http://bitly.ws/Gstx
5	Cigarette importée		Parker and Simpson MARLBORO DUNHIL OXFORD	
	PARAKY TSARASAOTRA Chewing tobacco production		Paraky Tsarasaotra	
	PARAKY AMBANIANDRO Chewing tobacco production		Paraky Ambaniandro	
	Factory PARAKY VOLOMALAZA, region Vakinankatra, Antsirabe Belazao Chewing tobacco production		Paraky Volomalaza	
	Chewing tobacco from unknown manufacturers		1- Après-midi, 2- Tsimiziva, 3- Panarato, 4- Partagez, 5- Heureux, 6- Tsimiradigna, 7- Tsienparihy, 8- Volavita, 9- Tabac fumé (Marylands),	

			10- Madère 11- Namontana, 12- Bleuets, 13-Kitana, 14- Toliary de Somaso, a, 15- Frêne, 16- Jambes, 17- Pampiangola, 18-Fikir, 19- Longo, 20-Kisoka, 21- Grand chapeau, 22- Renommée, 23- Pris en charge, 24- Actualités, 25- Tabac doux 26- Merci, 27- Célèbre	
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	TOP MEDIA/ NEWSPAPERS	URL
1	Le journal des Archipels	http://bitly.ws/Gtbs
2	The Bolloré Group has a strong presence in Madagascar in several areas: SDV, Immeuble CORALMA, Logistic at Ivato International Airport, see report 2021 STEP UP FOR SUCCESS ect...	https://survie.org/themes/economie/multinationales/article/bollore-monopoles-services-compris-170 ARA2021 (imperialbrandsplc.com)

	MAIN TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, LOBBY GROUP, INDIVIDUAL)	SOURCE
1	FONDATION AKBARALY	LOBBY GROUP	Qui nous sommes - Akbaraly Foundation (fondationakbaraly.org) http://bitly.ws/HBjR
2	YALIAS AKBARALY	INDIVIDUAL	https://fr.wikipedia.org/wiki/Ylias_Akbaraly
3	GROUPE ANDRIANTSITOHAINA	LOBBY GROUP	
4	GROUPE SIPROMAD	LOBBY GROUP	