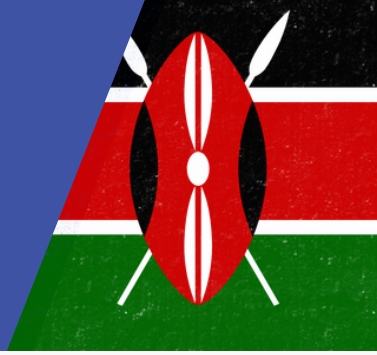
Tobacco Control Data Initiative

Strengthening Regulation to Reduce Tobacco Industry Interference with Tobacco Control Policies in Kenya



Key Highlights

Despite progress made by Kenya to limit tobacco industry interference through the adoption of the Tobacco Control Regulations (2014),[1] tobacco industry interference in tobacco policies and regulations remains persistent and has intensified recently. Evidence reveals that the tobacco industry has steadily increased its interference in the development and implementation of tobacco control policies in Kenya over the past 35 years. This is reflected in the tobacco industry interference score for Kenya, which rose from 33 in 2019 to 46 in 2025, with the biggest deterioration occurring between 2021 and 2023 (39-48),[2] driven by aggressive lobbying against regulation of nicotine products, adoption of new graphic health warnings and tobacco tax increases and exploitation of corporate social responsibility (CSR) activities. Although there was a slight improvement in 2025, the continued rise in interference illustrates the systemic vulnerabilities in Kenya's tobacco control framework.

Tobacco kills approximately 12,000 Kenyans annually, costing the economy KES 3 billion in healthcare and lost productivity.[3] These vulnerabilities stem from weak safeguards against industry participation in the policy process and poor enforcement of CSR restrictions. They are compounded by prolonged regulatory delays that benefit the industry, insufficient oversight of government-industry interactions, and a lack of transparency. This policy brief explains the tobacco industry interference in Kenya and the tactics employed by the industry. It also provides evidence to debunk the tobacco industry arguments and proffers policy recommendations in line with Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).

Extent of Tobacco Industry Interference with Tobacco Control Measures in Kenya

Kenya ratified the WHO FCTC and Article 5.3 of the FCTC. It obligates Kenya to protect her public health policies from tobacco industry interference. Part V of The Tobacco Control Regulations (2014), issued under the Tobacco Control 2007, operationalizes these protections through

[1] Government of Kenya. Tobacco Control Regulations [Internet]. 2014 [cited 2026 Jan 26]. Available from: https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2014-12-05.

[2] The Global Tobacco Industry Interference Index measures how governments are responding to tobacco industry interference with their public health policies [Internet]. [cited 2025 Nov 12]. Available from: https://www.google.com/url?q=https://globaltobaccoindex.org/report-summary&sa=D&source=docs&ust=1767710495896527&usg=AOvVaw2BoMcdmlL7PCIl7JLypT6b

[3] Health Burden of Tobacco Use: https://kenya.tobaccocontroldata.org/en/home/health-burden/

DEVELOPMENT GATEWAY An IREX Venture

CSEA Centre for the Study of the Economies of Africa

ila International Institute for Legislative Affairs

Last updated: February 2026

restricting industry interactions in policy development. Despite these efforts, tobacco industry interference continues to increase, as reflected in the Global Tobacco Industry Interference Index. Kenya ranks 19th out of the 100 countries evaluated in the 2025 Global Tobacco Industry Interference Index with a score of 46.

The Index assesses interference scores across 20 indicators grouped into 7 sub-indicators (see figure 1). These include corporate social responsibility activities, participation in policy development, benefits granted to the tobacco industry, the extent of unnecessary interactions between the tobacco industry and government officials, transparency of interactions, and conflicts of interest. Higher scores indicate greater industry interference, with a maximum possible score of 100.

Figure 1: Sub-Indicator Scores of Tobacco Industry Interference in Kenya

Tobacco Industry Interference Sub-Indicators	2019	2020	2021	2023	2025	Overall Performance Since 2020
Level of Participation in Policy Development *Maximum score of 20*	2	2	2	2	6	This measure has deteriorated
Tobacco industry Corporate Social Responsibility Activities *Maximum score of 5*	0	5	3	1	4	This measure has deteriorated
Benefits given to the Tobacco Industry *Maximum score of 10*	5	4	4	9	7	Benefits given to Tobacco Industry has deteriorated
Unnecessary Interaction between Government and Industry *Maximum score of 15*	2	5	3	5	1	This measure has slightly Improved
Measures for Transparency *Maximum score of 10*	4	2	4	6	6	Measures for transparency have deteriorated
Preventing Conflicts of Interest *Maximum score of 15*	7	6	7	9	8	Preventing conflict of interest deteriorated
Measures that Prevent Industry Influence *Maximum score of 25*	11	16	16	16	14	This measure has deteriorated

Source: Globaltobaccoindex.org

Six of the seven sub-indicators worsened between 2019 and 2025, particularly corporate social responsibility activities, which rose from 0/5 to 4/5, showing increasing industry influence. [4]

Overall, Kenya's tobacco industry interference score rose from 33 in 2019 to 46 in 2025, showing a clear upward trend and sustained influence from the industry, with its relative rank shifting from 4th out of 33 countries in 2019 to 19th out of 100 in 2025 (Figure 2). The 2019 progress (with a low score of 33) due to the 2014 Regulations weakened in 2020 as the score increased to 40, largely because of intensified industry activity during the COVID-19 pandemic. During this period, the tobacco industry expanded its CSR initiatives to polish its public image, despite regulations prohibiting such engagements.

[4] Global Center for Good Governance in Tobacco Control. Global tobacco industry interference index (Global Tobacco Index)" [Internet]. Global Center for Good Governance in Tobacco Control. 2025. Available from: https://globaltobaccoindex.org/country/KE

Figure 2: Tobacco Industry Interference Score and Ranking in Kenya (2019-2025)



Source: Globaltobaccoindex.org

Specifically, BAT Kenya contributed KES 10.6 million to the COVID-19 Emergency Response Fund, a move that directly contravened the 2014 Regulations. Interference peaked in 2023 when the tobacco industry strongly opposed regulatory actions, especially those aimed at regulating nicotine pouches, expanding graphic health warnings, and imposing advertising restrictions. Although the score and rank improved slightly from 48 and 21st in 2023 to 46 and 19th in 2025, the level of interference remains substantially persistent and significant.

Within the East African region, Kenya, with a score of 46, has less industry interference than Tanzania (score of 80) but more than Uganda (score of 41) and Ethiopia (score of 35). This difference in scores among countries operating in similar geographic, economic, and regional policy environments reflect differences in the strength of national tobacco control policies, enforcement mechanisms, and commitments to fully implementing WHO FCTC Article 5.3 guidelines. The tobacco industry finds greater opportunities to exert influence where these elements are weak or inconsistently enforced.

Tactics Used by the Tobacco Industry in Kenya

The tobacco industry employs many tactics to influence tobacco and public health-related policies and regulations. The following list highlights some of these tactics:

1. Litigation: The tobacco industry has a long history of using courts to delay regulation. In 2014, BAT Kenya and Mastermind Tobacco Kenya Ltd filed petitions against the Tobacco Control Regulations (2014), resulting in a six-year delay that prevented the regulations from taking effect. The Supreme Court dismissed BAT's final appeal in 2019.[5] In 2024, a suspected front group for the tobacco industry filed a new case seeking a review of the Supreme Court's 2019 ruling against BAT's appeal, but the Court dismissed this case on 22 November 2024.[6]

2. Interference in Policy Development and Implementation: Such interference has led to the watering down of tobacco control measures. In 2015, the Kenya Revenue Authority (KRA) introduced a flat tax of KES 2.50 per cigarette that reduced tobacco consumption by 17%. Mastermind Tobacco Kenya lobbied against these measures through media advertisements that claimed that the flat rate benefitted its main competitor, BAT Kenya. Consequently, in 2017, the National Treasury Cabinet Secretary ordered the KRA to revert to the previous tiered excise tax system.[7] In 2024, a Guardian newspaper investigation revealed that the Ministry of Health had reduced the size of health warnings on Velo nicotine pouches after BATK threatened to withdraw its investments in a factory.[2]

3. Corporate Social Responsibility: In 2023, BATK launched a KES 10 million Rural Women Development Program and collaborated with public institutions like the National Industrial Training Authority, Kenyatta University, and the Jomo Kenyatta University of Agriculture & Technology through its NextGen program to mentor future leaders.[8] BAT also runs the 'Battle of the Minds' competition, which engages university students worldwide to develop solutions in social responsibility, sustainability, and technology, offering mentorship, funding up to £50,000, and potential career opportunities with BAT.[9]

4. Discrediting Public Health Research: The tobacco industry undermines public health evidence by supporting research that downplays known risks. This is evident in a 2024 report promoting nicotine pouches as safer than other Kenyan smokeless tobacco products, mistakenly stating that oral nicotine pouches have lower cancer rates and citing flawed research indicating that Swedish snus in Sweden has contributed to reduced morbidity and mortality from tobacco use. The report then advocates for softer graphic health warnings for oral nicotine pouches on the basis of lower health risks, reflecting industry harm-reduction narratives and further raising concerns about undisclosed industry funding for this research.[10]

---

[5] British American Tobacco Kenya PLC v Cabinet Secretary for the Ministry of Health & 2 others; Kenya Tobacco Control Alliance & another (Interested Parties); Mastermind Tabacco Kenya Limited (Affected Party) (Petition 5 of 2017) [2019] KESC 15 (KLR) (26 November 2019) (Judgment) [Internet]. 2019 [cited 2025 Oct 31]. Available from: https://shorturl.at/eIIua

[6] https://new.kenyalaw.org/akn/ke/judgment/kesc/2024/68/eng@2024-11-22/source.pdf

[7] Tobacco Taxing questions in Kenya [Internet]. Tobacco reporter. 2018. Available from: https://tobaccoreporter.com/2018/03/01/taxing-questions-in-kenya/

[8] British American Tobacco Kenya. "BAT rolls out a programme to mentor the next generation of talent!" BAT Kenya, 8 Mar. 2022, https://www.batkenya.com/content/dam/endmarkets/ke/en/download/media/Read-more--BAT-Kenya-rolls-out-NextGen-mentorship-programme.pdf

[9] ESG front and centre as Battle of Minds returns [Internet]. [cited 2024 Oct 22]. Available from: https://www.bat.com/media/news-and-stories/_2021/may/esg-front-and-centre-of-battle-of-minds

[10] K, Michael; K, Allan; Mutisya NK. A review of the risks and toxicants of smokeless tobacco, areca nut and khat products available in Kenya [Internet]. 2022 [cited 2026 Jan 6]. Available from: https://ahra.info/wp-content/uploads/2022/01/Summarized-Report-Kenyans-choosing-traditional-oral-products-with-higher-cancer-risk.pdf

5. Lobbying: The tobacco industry makes financial contributions to political parties, political candidates, and government officials to influence decisions on tobacco control policy. As part of its lobbying efforts, in 2013, the tobacco industry paid Kenya Revenue Authority officials $28,749 to influence the selection of a track and trace system designed to control illicit trade in Kenya. They also paid $38,645 to former Justice Minister Martha Karua, who was running a presidential campaign at the time. BATK made this payment to obtain intelligence and insider information about the tendering process for the track and trace system.[11]

6. Unnecessary Interactions: At every opportunity, the tobacco industry seeks proximity to senior government officials to build familiarity and legitimacy. In 2019, during the Kenya Exporter of the Year Awards (which is a project of a state agency, the Kenya Export Promotion Council), the then Deputy President of Kenya, Dr. William Ruto, together with the Cabinet Secretary for the Ministry of Industry, Trade, and Cooperatives, the Hon. Peter Munya, attended a gala dinner where BATK won the Solid Rock Commendation (Lifetime Achievement) Award.[12]

7. Conflicts of Interest: Conflicts of interest often arise when individuals who work, or have formerly worked, in the tobacco industry are appointed to positions within government or state parastatals. These kinds of appointments give the tobacco industry indirect access to health policies and policymakers so they can sway government decisions and rules about tobacco and public health. In 2022, the Kenyan president appointed BATK's managing director to the "Steering Committee on Drought Response". This Committee raised KES 542 million ($3.7 million) for drought relief, though BATK's specific contribution was not disclosed. Similarly, BATK's independent non-executive chair, who also chairs the Roads Board and sits on the board of the Kenya Vision 2030 project, exemplifies a conflict of interest.[2]

8. Use of Front Groups: Evidence reveals that the tobacco industry also uses different organisations, such as farmer associations, media firms, retail associations, physicians, and manufacturers, to communicate its pro- and anti-tobacco arguments and mobilise opposition to tobacco control policies.[13] For example, in May 2024, the Retail Traders Association of Kenya (RETRAK) joined BAT Kenya at a public participation forum to oppose proposed new graphic health warnings on nicotine pouches and e-cigarettes.[14] The Tobacco Harm Reduction Society Kenya claims to be an independent advocacy group promoting harm reduction as a tobacco control strategy. However, its partners include the World Vapers Alliance, which is funded by the Consumers Choice Centre, which in turn is funded by the tobacco industry.[15]

[11] Buying influence and advantage in Africa: https://bat-uncovered.exposetobacco.org/wp-content/uploads/2021/09/Buying-Influence-and-Advantage-in-Africa.pdf

[12] https://www.netfund.go.ke/netfund-awards-exemplary-local-export-businesses-by-mapesa-okumu/

[13] Tobaccotactics. Third-party techniques [Internet]. Tobacco Tactics. 2021. Available from: https://tobaccotactics.org/wiki/third-party-techniques/

[14] Tobacco industry, retailers oppose proposed health warnings rule [Internet]. The Star. [cited 2025 Oct 31]. Available from: https://www.the-star.co.ke/news/2024-05-09-tobacco-industry-retailers-oppose-proposed-health-warnings-rule

[15] Tobacco Industry Industry Interference in Kenya: https://kenya.tobaccocontroldata.org/en/home/industry-interference/

Policy Recommendations

The Kenyan Tobacco Industry Interference Reports from 2020-2025 identify sections of Part V of the Tobacco Control Regulations 2014 that have not yet been implemented and make recommendations for how Kenya's tobacco control policies can be strengthened against industry interference.

- Strengthen Access to Tobacco Industry Information: Mandate disclosure of production data, financial contributions, marketing expenditures, CSR activities, and third-party entities acting on behalf of the tobacco industry.
- Adopt and Enforce a Comprehensive Code of Conduct: Implement a binding code guiding all interactions with the tobacco industry, as envisioned under the 2014 Regulations. All meetings should be pre-announced, and discussions publicly disclosed.
- Ensure Transparency and Accountability: Require that all interactions between public officials and the tobacco industry occur with full documentation and civil society observers. Establish a publicly accessible transparency registry.
- Reject Partnerships with the Tobacco Industry: Reinforce prohibitions on support, endorsements, or collaboration with the industry, especially CSR, which remains a major loophole.
- Strengthen Monitoring and Enforcement Mechanisms: Develop and enforce implementation instruments under Part V of the Tobacco Control Regulations.
- Withdraw All Benefits and Incentives: End all subsidies, tax breaks, and preferential treatment for tobacco companies, in line with the 2014 Regulations.

Conclusion

Kenya's rising tobacco industry interference score shows that the tobacco industry is still using new and old strategies to weaken public health regulation. Litigation, lobbying, CSR, regulatory manipulation, and policy disruption continue to undermine Kenya's commitments to article 5.3 of the WHO FCTC. Strengthening enforcement, ensuring transparency, establishing rules of engagement and eliminating incentives for the tobacco industry are essential steps to protect Kenya's public health. By prioritizing public health over the tobacco industry's interests, Kenya can reverse current trends and align completely with global best practices for tobacco control.

Sources: For references and more information, visit the **Tobacco Industry Interference page** on Kenya's TCDI website:

https://kenya.tobaccocontroldata.org/en/home/industry-interference/