

Thursday, August 15, 2024

The Honorable Speaker
Parliament of Uganda
Kampala.

Right Honorable Speaker,

**PETITION ON THE ALCOHOLIC DRINKS CONTROL BILL REJECTION BY
THE PARLIAMENT OF UGANDA**

1. We have learnt with shock and consternation of the Parliamentary Committee on Health & Trade's disdainful report rejecting the Alcoholic Drinks Control Bill – **no. 24 of 2023**¹.
2. Right Honorable Speaker, we the **Uganda Alcohol Policy and Non-Communicable Diseases Alliances, Uganda Girl Guide Association and Makerere University School of Public Health** – on behalf of our members and on behalf of other proponents for the Alcohol Control Bill as well as the people of Uganda who endure the harmful effects of alcohol on a daily basis, hereby express our disappointment in the rejection of the Alcoholic Drinks Control Bill by the entire Parliament of Uganda.
We submit that Members of Parliament should have considered the facts and directions set out in Uganda's Alcohol Control Policy 2019, the Alcoholic Drinks Control Bill, the different information memoranda presented to the committee by various experts, as well as the best practices in the sector in different countries before considering and undertaking such disdain dismissal of the Bill.
3. The Purpose of the Bill was clearly laid down in the bill's policy justification as follows: *"To regulate the manufacture, importation, sale, consumption and advertisement of alcoholic drinks; to prohibit the sale of alcoholic drinks to persons below eighteen years of age; to amend the Industrial Licensing Act, Cap. 91; to repeal the Potable Spirits Act, Cap. 97 and for related matters"*.

We hope that Parliament is aware of the need to address the vacuum, defects, and lacunae in the then-existing legal framework that included **The Liquor Act of 1969 (repealed)** that earlier regulated Alcoholic beverages in Uganda and the **Enguli (Manufacturing and Licencing) Act** all of which fell short of being sufficient to address the modern challenges in the alcoholic drinks sector. For your information, the Liquor Act had provisions that prohibited selling alcohol to minors and provided for time of sale.

Without regulation on alcohol, Uganda has been left as a free playground and practice space for all sorts of alcoholic drinks related illegal and reckless activities – this puts the

¹ Uganda Gazette no.53, Volume CXVI, dated 11th August, 2023

lives and health of Ugandans in immediate and long-term danger. For instance, it has been reported that 17,000 people die in Uganda, annually, due to alcohol-related problems.

The absence of comprehensive legislation on alcoholic drinks, including their manufacture, licencing, packaging, consumption, importation, exportation as well as access by Uganda's citizens including minors, places Uganda among the reckless and irresponsible countries that expose their citizens to such dangers as alcohol without limits.

4. The Alcohol Bill was based on real national considerations in terms of policy, facts, science, national and international sovereign responsibility to protect public health as well as following best practices as established by the World Health Organization and implemented by the Comity of Nations through policy and legislation. The fact that the Government of Uganda refused, neglected and or failed to bring this matter to parliament for legislation, only makes it more imperative that concerned members of parliament and civil society take the lead to address this huge legislative lacuna
5. Hon Speaker, rejecting the Alcoholics Drinks Regulatory Bill on grounds of economic contributions of alcohol was not well informed. It has been empirically proved that the cost of dangers related to alcohol use outweighs its overall economic contribution to society. A simple example is that Uganda has over the last 4 decades been among the leading consumers of alcohol globally. As of now, Uganda is the highest alcohol-consuming country in Africa. One would then assume that the highest alcohol consuming country would also be the most developed country but this is not the case. Besides, mere regulation of alcoholic drinks will not wipe out the revenue stream from dealings in Alcoholic Drinks in Uganda!
6. The Majority report of the Committee of Trade and Health reports that "The challenge lies in finding the right balance that safeguards public health without unduly infringing on economic rights and freedoms of individuals and government revenue." Honorable Speaker, this balance has not been found as the health of Ugandans has not been considered in the decision to throw out the law.
7. Honorable Speaker, please note that, despite the above substantive submissions, the Alcoholic Drinks Control Bill was not just brought up out of the blue without consulting. As stated in the minority report, the Bill was based on the **Uganda National Alcohol Control Policy, 2019²** that was approved by the Government of Uganda after going through all the necessary consultations. Indeed, the Alcohol Policy envisage **legislation as one of the ways to implement the policy**. Without the Alcohol Control Act, the National Policy is rendered redundant.

² The Uganda Alcohol Control Policy 2019 is attached hereto for reference

The matters to be regulated are not only national in nature but also part of Uganda's international obligations in protecting public health as a member of the World Health Organization.

8. Rejecting such an important Bill on grounds of implication to the consolidated funds is not fair either. We would rather propose that parliament takes away the clauses on financial implication than summary dismissal of the proposed law.
9. We further contest the assertion that the Bill should be rejected because in it, several articles are already addressed by the existing laws. We wish to remind the August House that one of the primary objectives of the Bill was to update and consolidate existing laws relating to alcohol in one legal document. This would make tracking of implementation easy for all involved.
10. We also wonder if the right procedures were followed while rejecting this law and whether the quorum of parliament was sufficient to reach such an important conclusion.
11. We move that you use your good offices as Speaker of Parliament to reach across to all stakeholders both in government and the private sector to ensure that the Uganda Alcoholic Control Bill, in an even more improved shape returns to the house and be considered for enactment. We also strongly urge you to impress it upon the **Ministries of Trade and Health** that are directly responsible for this sector to work together and ensure that Ugandans are protected from the harmful effects of alcohol by expeditiously ensuring the enactment of positive and forward-looking primary and secondary legislation that properly, fairly and effectively regulate alcoholic drinks in Uganda.

Done at Kampala on this 15th day of August 2024

Juliet Namukasa, Chairperson, **Uganda Alcohol Policy Alliance**

Dr. Chris Kwezira, Executive Director, **Uganda Non-Communicable Diseases Alliance**

Prof. Nazarius .M Tumwesigye, **Makerere University School of Public Health**

Ms Susan Namarome, Chief Commissioner, Uganda Girl Guide Association

Annex 1

The Comparative Scenario on Alcoholic Drinks Control Legislation

The table below provides a comparative reflection of similar or related legislation in different countries:

Tabulated Comparison of Uganda's Bill with laws of other countries

Uganda	Countries with Similar or analogous laws	Comparative Provisions	Comments
<p><i>The Alcoholic Drinks Control Bill, 2023</i></p> <ul style="list-style-type: none"> • Repeals and replaces outdated-inadequate or fills gaps left by repealed Alcoholic beverages control legislation (<i>E.g. Enguli (Manufacture & Licencing) Act, Liquor Act and Potable Spirits Act</i>) • Establishes Licencing bodies/entities • Regulates the manufacture, sale, importation, consumption, advertisement and access to alcoholic drinks • Provides for inclusion and display of compulsory warning messages on age limit as well as the health hazards of alcohol consumption on packaging and licenced drinking premises • Prohibits the improper use of advertisements to entice young persons to alcoholic drinks by using promotional information and materials contrary to the bill • Prohibits the sale of alcoholic drinks to or employment in the alcoholic drinks industry of persons below 18 years of age <ul style="list-style-type: none"> • Prohibits the sale of alcoholic drinks on line • Prohibits the manufacture and dealing in alcohol by people without a licence 	<p>KENYA <i>The Alcoholic Drinks Control Act, 2010</i></p>	<ul style="list-style-type: none"> • Repeals and replaces outdated-inadequate alcoholic beverages control legislation (<i>E.g. The Changaa Prohibition Act and the Liquor Licencing Act</i>) • Establishes Licencing bodies • Regulates the manufacture, importation, consumption, advertisement and sale of alcoholic drinks • Prohibits the sale of alcoholic drinks or employment in the alcoholic drinks industry persons below 18 years of age • Prohibits the sale of alcoholic drinks on line except in accordance with the Act • Prohibits the manufacture and dealing in alcohol by people without a licence • Provides for compulsory messages on age limit for consumption and access to alcoholic drinks; as well as the health hazards of alcohol consumption on both packaging and licenced alcohol selling premises • Creates offences and penalties and provides for inspection and enforcement • Empowers the Minister by Statutory Instruments to make further regulations for ensuring compliance with the law 	<p><i>The Ugandan bill is quite normal and relatively soft on some of the restrictions and provisions in laws of other jurisdictions such as Kenya and South Africa. However, any omissions, except those anticipated to be in the main Act may be cured by the enactment of regulations by the Minister</i></p>

<ul style="list-style-type: none"> • Regulates times limits for sale and consumption of alcohol on licenced premises • Creates offences and penalties and provides for inspection and enforcement mechanisms • Prohibits the adulteration of alcoholic drinks; and further prohibits the compounding of alcoholic drinks by unlicenced persons • Creates offences, penalties, designates regulatory bodies, designates enforcement personnel with defined powers and protects them from liability when acting professionally and in good faith. • Empowers the Minister by Statutory Instruments to make further regulations for ensuring compliance with the law 			
<p>As above</p>	<p>TANZANIA <i>The Intoxicating Liquors Act 1968</i></p>	<ul style="list-style-type: none"> • Repeals the earlier local liquor Act & the Intoxicating Liquors Ordinance • Regulates the manufacturing, sale, consumption and storage of Liquor • Prohibits the sale of liquor to persons below the apparent age of 16 • Prohibits the manufacturing and Sale of liquor including local/traditional liquor by un-licenced persons • Regulates the time for which liquor may be sold in the urban and rural areas as well as on particular days • Prohibits the use of misleading information in advertisement and promotion of liquor 	<p><i>The Law is quite old and leaves out a lot expected provisions anticipated in today's best practices</i></p>
<p>As above</p>	<p>SOUTH AFRICA <i>Liquor Act, 2003</i></p>	<ul style="list-style-type: none"> • Repeals and replaces outdated-inadequate alcoholic beverages control legislation (<i>E.g. The Liquor Act 1989 and the Liquor Amendment Act 1995</i>) • Establishes Licencing bodies • Regulates the manufacture, importation, consumption, advertisement and sale of alcoholic drinks • Prohibits the sale of alcoholic drinks or employment in the alcoholic drinks 	<p><i>The law is quite detailed, addresses most of the best practices and still empowers the authorities to make subsidiary legislation for better enforcement of the law</i></p>

		<p>industry of persons below 18 years of age</p> <ul style="list-style-type: none"> • Prohibits the sale of alcoholic drinks on line except as provided for in the Act • Prohibits the manufacture and dealing in alcohol by persons or entities without a licence • Provides for compulsory messages on the health hazards of consuming alcohol on both the packaging and in licenced alcohol selling premises • Creates offences and penalties and provides for inspection and enforcement by designating authorities, personnel and their powers • Empowers the Minister by Statutory Instruments to make further regulations for ensuring compliance with the law 	
As above	<p>NIGERIA <i>Spirits Drink Regulations, 2021</i></p> <p><i>Liquor Law Cap 107</i></p>	<ul style="list-style-type: none"> • Regulations control the importation, sale, Consumption, labelling and advertisement of alcoholic spirits in the whole of Nigeria • The Liquor Law Cap 107 is for Enugu State and other states have analogous legislation and regulations made thereunder for purposes of regulating the manufacture, sale, importation, consumption and licencing in respect of alcoholic drinks • Prohibit the sale of alcoholic drinks to persons under 18 years of age • Prohibit the adulteration of alcoholic drinks as well as the compounding of spirits by unlicenced persons • Provides for proper branding and inclusion of health related messages on the packaging of alcoholic drinks • Prohibit the sale and manufacture of alcoholic drinks without a licence • Prohibit the use of misleading information including health-related messages in advertising spirits and other alcoholic drinks • Provide for offences, penalties, inspection and enforcement of the laws and regulations by designating authorities, powers and personnel 	<i>The Laws are relatively comprehensive but fall short of some of the current best practices</i>
As above	<p>United Kingdom (UK) <i>The Licencing Act, 2003</i></p>	<ul style="list-style-type: none"> • These laws regulate the production, sale, consumption and Licencing of persons and premises involved in the alcoholic drinks industry 	<i>The laws are quite detailed and address best practices as well as providing tight</i>

	<p><i>(England & Wales)</i></p> <p><i>Licencing (Scotland) Act 2005</i></p> <p><i>The Licencing & Registration of Clubs Act (Northern Ireland)</i></p>	<ul style="list-style-type: none"> • Prohibit the trading in alcoholic drinks at different levels without a licence • Prohibit the sale of alcohol to persons below the age of 18 except as may be otherwise provided for by law • Regulate the hours at given days when dealers in alcoholic drinks are open for business • Provide limitations related to serving alcoholic drinks to teenagers and persons that appear already intoxicated • Regulate access to alcoholic drinks by vulnerable groups such as minors, drunkards and alcoholics • Regulate basic standards for premises used in the production and sale of alcoholic drinks at different levels <i>(depending on type of licence)</i> • Provide for offences, penalties as well as enforcement by providing for designated authorities, personnel and their powers; among others 	<p><i>exceptions that do not undermine the main object of the law – e.g, although only persons above 18 can legally access alcoholic drinks, teenagers of 16 may consume alcohol, with a meal in a licenced place accompanied by a person of 18 years and above!</i></p>
<p>As above</p>	<p><i>United States of America (USA)</i></p> <p><i>The Federal Alcohol Administration Act, 1935 (as amended 1988)</i></p> <p><i>The National Minimum Age Drinking Act, 1984</i></p>	<ul style="list-style-type: none"> • Regulates the alcohol beverage industry • Provides for licencing for producers, importers, wholesalers, protects revenues and consumers • Regulates labeling, advertising etc • Fixes minimum age for someone to buy, store, drink alcoholic beverages in public places at 21³ years of age • Enacted to set up programs, institutions and resources to address national challenges caused by alcohol abuse, addiction etc 	

³ The Minimum age is fixed at 21 at the federal level. All states are required to observe the minimum age to avoid the issue of young people crossing state borders to access alcoholic drinks in different states. In the early 80s when this law was proposed and passed in 1984, the minimum aged had been lowered from 21 to between 18 and 19 in many states. Although the young people aged 16 – 24 made only 16.5% of the population, they accounted for 44.6% of alcohol related accidents! – For detail see: National Minimum Age Drinking Act of 1984: Once Again Congress Mails Home Another Fist. *(By Kevin Kadlec)*

	<p><i>Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (as amended in 1984)</i></p> <p><i>Alcoholic Beverages Control Act (California)</i></p>	<ul style="list-style-type: none">• Constitution of the US allows member states to have own laws such as this one for California to regulate all alcoholic beverages matters that are not addressed by the federal legislation – so all states have their own laws and the alcoholic beverages industry is heavily regulated in the US	
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Annex 2

Uganda Alcohol Control Policy