

# THE CASE FOR UGANDA'S ALCOHOLIC DRINKS CONTROL BILL

*SOVEREIGN RIGHTS, INDEPENDENCE & CONTROL*

# Background

- Uganda as an independent sovereign state enjoys the right to control its affairs
- Control of state affairs is exercised in a number of ways and the most common are:
  - **Policies** – e.g. The National Alcohol Control Policy, 2019
  - **Legislation** – e.g. the Alcoholic Drinks Control Law
- At independence, Uganda inherited colonial policies and legislation
- Most legislation served to promote and preserve the colonial dispensation
- Uganda has over the years reviewed and reformed these policies and legislation to meet the present needs of a modern independent state – the Alcoholic Drinks Control Bill is part of this process.

# Situation Analysis

- Currently in **Uganda**, there is an **urgent need** to put in place an ‘Alcoholic Drinks Control Law’ because:
  - Uganda’s Alcoholic Drinks Sector was regulated by outdated and colonial laws such as ***The Liquor Act of 1969***[Repealed], ***The Enguli (Manufacturing & Licencing) Act*** [Repealed], the ***Potable Spirits Act*** [in force]
  - Uganda’s **National Alcohol Control Policy 2019**, calls for **review of alcohol control laws and regulations** in response to new developments in the areas of social economic development and public health that demand for a **more effective alcoholic drinks control policy and legal framework**
  - **There is a Vacuum** since the main legislation controlling the alcoholic drinks sector – i.e. **The Liquor Act of 1969** & **The Enguli (Manufacturing & Licencing) Act** were repealed by **The Law Revision (Miscellaneous Amendment) Act, 2023**

# Situation Analysis (Cont'd)

- **An un-controlled Alcoholic Drinks Sector** is detrimental to Development & Public Health – so there is need to regulate the ‘manufacture, consumption, importation, sale, access to alcohol by persons particularly those below ‘18’ years, advertisement, packaging etc. by way of enactment of modern legislation
- Uganda’s consumption of Alcohol is one of the highest in the world and currently on top in Africa at 12.21 litres of pure alcohol annually (WHO, 2023) – *NB – this is after Uganda’s 2019 Policy then at 19.5!*
- Alcohol is the major risk factor for chronic diseases and injuries, accounting for 5.3% (3Million people) of global deaths

# Situation Analysis (Cont'd)

- Almost 30% of Ugandans between 18 -69 years are estimated to use/drink alcohol
- 9.1% of Ugandans were found to have alcohol use disorders
- 70% of Secondary School Students were found to be using alcohol and some started as early as at 8 years
- 5% of Mortality in Uganda is estimated to be related to alcohol consumption
- Uganda's 26.3 road traffic related deaths per 10,000 inhabitants places it among the 10 countries with the worst road safety in Africa; and alcohol contributes 45.7% of road traffic accident deaths in Uganda (WHO,2014)

# Situation Analysis(Cont'd)

- With **outdated laws** like the Liquor Act & the Enguli act, there was already very weak enforcement, no or poor restriction of access to alcohol by persons below 18 years of age, no control as to manufacturing, advertisement, packaging, sale, quality, weak, none, and or non-deterrent fines and penalties, etc.
- With the **repeal of the Liquor Act – the main regulation and control law:**
  - There is literally no regulation or control of the alcohol sector Uganda – free access by all including minors, sale without licence, no quality control, no limit as to place and time of sale, no control as to packaging, advertisement, importation, exportation etc.
  - No compliance and or adherence to international standards, public health, no institutional framework for enforcement, control and regulation, no monitoring, no reporting – **a huge vacuum!**

# Comparative Legal Scenarios

- **By enacting the Alcoholic Drinks Control Law, Uganda is fulfilling its sovereign right and duty to protect its citizenry from the harmful effects of alcohol – see Uganda National Alcohol Control Policy, Pages 45 -46.**
- **Uganda is also implementing its international obligations to contain Non-communicable diseases and ensure the protection of people’s right to life & health by implementing World Health Assembly Resolution WHA 58.26 requiring WHO member states, Inter-governmental organizations, health professionals, non-governmental organizations and other stakeholders to promote the implementation of effective policies and programs to reduce the harmful use of alcohol.**
- **To implement agenda 2030 (SDGs) - target 3.5 (i.e. Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol)**

# Comparative Legal Scenarios (Cont'd)

- **Alcohol Control Legislation is not a preserve for Uganda.** Many countries – both in the North and the South have Alcohol Control laws, e.g:
  - Kenya's **Alcoholic Drinks Control Act, 2010**
  - Tanzania's **The Intoxicating Liquors Act, 1968**
  - South Africa's **Liquor Act 2003**
  - Nigeria's **Liquor Laws (state) & Spirits Drink Regulations (Federal)**
  - The United Kingdom's **The licencing Act 2003** (*England & Wales*), **The Licencing Act 2005** (*Scotland*) and **The Licencing & Registration of Clubs Act** (*Northern Ireland*)
  - The United States of America's **The Federal alcohol Administration Act 1935 as amended in 1988, The National Minimum Age Drinking Act 1984 & The Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (as amended in 1984).** **NB** – Each state in the US has own legislation regulating non-federal aspects of the alcohol industry e.g. Licencing, times of opening, sales, storage, packaging, consumption, enforcement etc.



# Comparative legal scenarios (Cont'd)

- **All the above cited laws** – whether old or new, **have a lot in common** in that, they all regulate: **Importation, Exportation, manufacture, Sale, Consumption, Licencing, Access, Storage, Drinking Age, packaging, advertisement, creation of crimes and penalties, enforcement as well as prevention and treatment of alcohol abuse related illnesses and disorders.**
- Although for **most legislation the Minimum drinking age is 18 years**, in the **US it is 21 years** and **set at federal level** so that all states comply
- In all these legislation, hours for sale of alcohol in **public bars and clubs is restricted** – mainly to **afternoon hours until 10:00 PM on working days; and up to 11:00 or midnight on weekends and public holidays**
- Issues of **advertisement** are also addressed – **false and misleading adverts are prohibited**, Health effects of alcohol must be included on packaging, alcohol must be sold only in licenced premises, strict conditions for licencing are in place, enforcement is quite tight and licencees have to fully comply in order to maintain their licences.
- Responsible authorities e.g. **Ministers and Licencing authorities have residual powers** to make new rules and regulations if necessary.

# Lessons for Uganda

- **Uganda has a vacuum** in respect of alcohol control legislation as such **Urgently needs an Alcoholic Drinks Control Law**
- The **Current Bill is good although it can be strengthened** in the areas of **Licencing by a more rigorous system of a stronger authority, public participation, conditions for granting a licence as well as which premises can be licenced**. A lot is left to delegated powers through enactment of regulations
- The element for **alcohol abuse related conditions treatment and rehabilitation is missing**
- The element for monitoring, research, information sharing, sensitization and education is weak and needs strengthening – best practices can be borrowed from the Kenyan law and else where
- The **stakeholders may need to re-asses the issue of enforcement** – how can this be made more effective given the limited resources – consider issues of **self –enforcement by licencees** as well as possibilities for a fund like the one established under the Kenyan law
- There is **need to develop very strong regulations** based on best international practices.

**THANK YOU**