

**PRESENTATION BY HON. JOHN  
MUTUTHO, EBS**

**CHAIRMAN, NATIONAL AUTHORITY FOR  
THE CAMPAIGN AGAINST ALCOHOL AND  
DRUG ABUSE (NACADA)-KENYA  
DURING THE 68<sup>TH</sup> WORLD CONGRESS OF  
IOGT INTERNATIONAL  
AT CHA AM, THAILAND**

# Alcohol Control In Kenya Historical Background

- Its my pleasure to attend this Congress and speak about alcohol control in the Republic of Kenya.
- I wish to thank President IOGT International, Mr. Sven-Olov Carlson, for inviting me to this 68th World Congress of IOGT International.
- I feel honoured for the invitation and the opportunity to share with like-minded people who understand the dangers of alcohol abuse and have made a resounding resolve to enlighten people around the world on considering lifestyles free from alcohol and other drugs.

- I wish to share my experience in alcohol control initiatives in Kenya by first taking you through some historical background in relation to alcohol consumption in Kenya.
- Problem of alcohol abuse and Gender Based Violence (GBV) was first documented in Kenya in 1902.
- Serious alcoholism problems were experienced in former Fort Hall District, current day Murang'a County in Central Kenya.
- Colonial British administration through Mr. Francis Hall appointed a lady by the name of Wangu Wa Makeri as a Chief on the recommendation of Senior Chiefs from Central Kenya to assist in eradicating the alcoholism.

- At the time, there were no written laws and British settlers formed the Legislative Council to domesticate British colonial legislation, including those on alcohol consumption, to local Colony needs.
- Legislative Council meeting of 17<sup>th</sup> August 1908 under Governor Sir James Hayes Sadler in Nairobi deliberated on 2 bills, namely:
  1. Stop Slave Trade Bill
  2. Control of Intoxicating Drinks Bill

- The alcohol bill could not be passed due to emerging intrigues and interests. This resulted into the formation of a Committee that later came up with makeshift regulations on alcohol control.
- Later on, the Chang'aa (local spirit) Prohibition Act and African Drinks Control Act were enacted to control indigenous alcohol production and consumption.
- These regulations were used for 103 years until 13th August 2010 when the Alcoholic Drinks Control Act (2010), famously known as the Mututho law, was signed into law.
- The rest of East African Countries have no comprehensive legislation on alcohol control.

- In 2008, I was the member of Kenyan Parliament representing Naivasha Constituency. This constituency is home to many small distilleries and a major indigenous brewery.
- After observing how my constituents and other Kenyans and especially the youth were being wasted due to excessive consumption of alcohol, I drafted and sponsored the famous Alcoholic Drinks Control Bill in Parliament, hence the synonym of the Act with my name “Mututho law”.
- Hansard recordings of Parliamentary debates on the Alcoholic Drinks Control Bill can be accessed at Kenyan Parliament website [www.parliament.go.ke](http://www.parliament.go.ke).

- Why Mututho law? The Mututho law aimed at:
  1. Controlling wide spread violence associated with alcohol
  2. Address escalating poverty driven by negative impact of alcohol
  3. Address serious alcohol related health problems which are a drain to the economy.
- Informed by a number of studies on alcohol problem, I formulated the law. The law was grounded on 3 principles namely:
  1. Easy access to alcohol
  2. Social habits
  3. Alcoholics dependency syndrome

- Matrix of other reasons given for taking alcohol fall under the above 3 reasons as documented in other similar studies.
- The Alcoholic Drinks Control Act, is organized into nine parts.
- In keeping with best legislation formulation practice all over the world, the law was anticipated to generate 4 regulations for effective enforcement namely:
  1. Licensing Regulation
  2. Promotions and Advertisements Regulation
  3. Quality Control Regulation
  4. Treatment and Rehabilitation Regulation.

- As provided for in the Constitution of Kenya (2010), Alcohol control function has since been devolved to County Governments.
- The County Governments have subsequently formulated and enacted their respective Alcohol Control laws guided by model County Alcoholic Drinks Control bill which was formulated by NACADA.
- The model County Alcohol Control bill is also available in the NACADA website  
[www.nacada.go.ke](http://www.nacada.go.ke)

# CHALLENGES ON IMPLEMENTATION OF LAW

## 1. Poor enforcement

- The enforcement Mututho law is the responsibility of National Police Service of Kenya.
- Due to corruption challenges, many provisions of this Act have not been fully enforced. In particular, we have many alcohol selling outlets which operate beyond the licensed hours.

## 2. Counterfeit alcohol and related deaths

- Data shows that 13.6% out of the 42 million Kenya population consume alcohol, while 5.8% are abusing alcohol and another 5.5% are dependent on alcohol.
- These statistics are according to the NACADA 2012 National ADA survey report that is available on the website [www.nacada.go.ke](http://www.nacada.go.ke).
- The big alcohol market has seen unscrupulous businessmen produce methanol-laced counterfeit alcoholic products that are packaged in popular alcoholic brands names.

- Unsuspecting consumers, mainly youth, consume this alcohol leading to death and other health complications.
- Since alcohol-related deaths are primarily caused by methanol poisoning, strict methanol and industrial spirit control measures are being put in place through legislation.

### **3. Devolution of the alcohol control function to County Governments**

- The new Constitution mandated the County Governments to undertake liquor licensing and drug control.

- However, some County Governments are faced with the challenge of taking up the new alcohol licensing mandate due to lack of legal frame work and technical capacity. This has led to a vacuum in alcohol licensing in such instances.
- Secondly, most County Governments see liquor licensing function as an avenue for collecting additional revenue. This practice is posing a major challenge to earlier gains made in regulating the number of alcohol outlets licensed in a given region.

## 4. **Litigations**

- The implementation of ADCA Act has faced resistance by some alcohol industry members who have gone to Courts to challenge some provisions of the law.
- Indeed, there are over 20 on going court cases in relation to implementation of the ADCA Act.

## 5. **Alcohol addiction**

- Close to 5.5% of Kenyans are dependent on alcohol, majority of whom are youth.
- This situation has posed major challenge to Country economic development as this population does not contribute positively to national economic development. They end up being a burden to their families and Government.

## **6. High cost of treatment and rehabilitation services**

- In Kenya, alcohol addiction was not initially considered as a medical condition hence there were no established treatment and rehabilitation facilities.
- At the moment, there are only three public treatment and rehabilitation centres and about 80 private treatment and rehabilitation centres.
- Due to shortage of these services, the treatment and rehabilitation services charges at private centres are way beyond what ordinary citizens can afford rendering many patients go without treatment.

- Towards addressing this shortage, the Kenyan Government through NACADA has provided funds for establishment of additional 10 public rehabilitation and treatment centres in the Country in the current financial year.

## **7. Shortage of qualified treatment and rehabilitation personnel**

- There are few qualified personnel in the field of addiction treatment and rehabilitation in Kenya as this field is still developing.
- Towards bridging this shortage, NACADA is conducting certification training programme for addiction professionals so as to ensure that only qualified professionals provide these services.
- I also welcome you to partner with NACADA in this initiative.

## 8. Improved Economic Status

Kenya`s economy is now rated no. 3 in Africa which has seen the Country to be declared a middle income economy. This development means that the Kenyans spending power has increased drastically resulting to big population affording alcohol.

Indeed, all the world major brands of expensive alcohol is now available in ordinary bars in Kenya. NACADA has ordered detailed analysis of over **2,800 new and traditional alcoholic drinks available in Kenyan market compared to hardly 40 brands in the 70`s.**

## Has Mututho Law Been Successful?

- On self-assessment, I can rate the success of this regulatory mechanism in reducing Gender Based Violence and alcohol control successful at between 80 to 85%.
- 15% may deliberately or through coercion not follow the law.
- In a population of 42 million, this 15% or 6.3 million people is our new challenge.
- Hopefully, through enhanced legislation, enforcement and massive advocacy, we will be able to report success in another two years.

In conclusion, and bearing in mind alcohol is a major obstacle to development, it is paramount to recall that world over, there are only 4 factors of production namely:

- Land
- Labour
- Capital
- Management/Entrepreneurship

No revenue accruing from sale or taxation of alcohol can compensate the net loss and damage due to loss of production induced by alcohol.

Lastly, let me call upon participants to contribute for further deliberations and share their experiences with us.

**Hon. John N.M. Mututho, EBS  
Chairman NACADA,**

**Email: [john@mututho.co.ke](mailto:john@mututho.co.ke)**

**Cell: +254 722 514 635**

**NACADA Website: [www.nacada.go.ke](http://www.nacada.go.ke)**

감사합니다 Natick

Grazie

Danke

Ευχαριστίες

Dalu

Thank You

Köszönöm

Tack

Спасибо

Dank

Gracias

谢谢

Merci

Seé

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Obrigado