

AFRICA LAND-BASED: SHIFTING SANDS

From Kenya's long-awaited regulatory overhaul to Ghana's tax rollback and Congo's first gambling law, African jurisdictions are navigating reform amid diverging economic realities and growth trajectories.

Kenya has been on the brink of major reforms for some time. In Ghana, President John Mahama has fulfilled his promise to eliminate the unpopular 10 per cent tax on winnings. Meanwhile, Nigeria is expected to experience changes, although the impact of recent legal modifications on the land-based sector remains difficult to predict.

We are also witnessing major developments in jurisdictions which are sometimes overlooked. Reform is underway in the Democratic Republic of the Congo (DRC) while the Republic of the Congo (Congo-Brazzaville) has recently passed its first ever gambling law. In Namibia, progress is also being made, despite the challenges posed by widespread illegal gambling.

However, the picture varies greatly between jurisdictions and needs to be understood in the context of changing economic conditions. Ghana is suffering its worst economic crisis in a generation while Kenya is set to become East Africa's largest economy by 2025. At the same time Nigeria is seeing its highest growth in ten years. Botswana's most urgent priorities are to broaden its economic base beyond raw diamond mining as unemployment continues to rise. Namibia's newly elected President Netumbo Nandi-Ndaitwah has also pledged diversify the resource-focused economy in an attempt to address high unemployment rates.

The Kenya Gambling Control Bill, initiated in 2019 and published on October 31, 2023, seeks to fundamentally reform gambling regulation in the country. Its primary goals are to protect gamblers and combat illegal and underage gambling. The bill also proposes extending gambling licenses from one year to three.

1 Kenya

Growing Controversy

Kenya's Gambling Control Bill, set to overhaul regulation and establish a new authority, aims to curb illegal and underage gambling while encouraging local ownership.

Major reform has been on the horizon for some time in Kenya which will encompass both the online and the land-based sector. The Kenya Gambling Control Bill, initiated in 2019 and published on October 31, 2023, seeks to fundamentally reform gambling regulation in the country. Its primary goals are to protect gamblers and combat illegal and underage gambling. The bill also proposes extending gambling licenses from one year to three years and establishes the Gambling Regulatory Authority, which will replace the Betting Control and Licensing Board (BCLB) to enhance oversight of gambling activities.

The bill was passed in January 2025 by the National Assembly but it has not been plain sailing by any means as members of the same house, citing constitutional inconsistencies, rejected a number of amendments put forward by the senate. The Speaker of the National Assembly, has appointed nine members to the Mediation Committee to resolve the disputes over the amendments in order to create a consensus version of the bill.

Once approved the new authority will create guidelines for operations, advise county governments, and conduct studies on gambling's socio-economic impacts. As is the case in other jurisdictions such as Botswana it emphasises local ownership, requiring that at least 30 per cent of a corporate entity's shares be held by Kenyan citizens and mandating that all related funds be managed in Kenyan financial institutions.

The Cabinet Secretary, in collaboration with the authority and the Council of Governors, will set regulations regarding the number of gambling establishments based on factors like current licenses, tourism, local demographics, and the presence of gambling addiction. At the same time in order to promote job creation and overall efficiency, the bill encourages diverse ownership and competition in the gambling sector while

enforcing restrictions on the location of gambling machines when it comes to schools, places of worship, and residential areas. It also allows for a wide variety of gambling licenses, including those for table games, slot machines, betting and bingo.

The bill has the backing of the Association of Gaming Operators Kenya (AGOK) as the bill proposes consumer safeguards and provides opportunities for expansion. In the meantime, the government has initiated a number of measures aimed at reducing gambling related harm. This has included a 30-day advertising ban initiated in April across all media platforms. AGOK criticised the suspension straightaway arguing that it unfairly affects licensed firms.

Jane Mwikali Makau, Chairperson of the BCLB defended the move saying that the decision was prompted by growing concerns over the social and economic impacts of gambling. “Certain promoters are misleadingly portraying gambling as an easy path to riches, leading to harmful consequences for individuals, families, and society as a whole,” she said.

The ban covers a wide range of gambling-related advertisements, including those promoting betting, gaming, lotteries, and prize competitions. However, the advertising ban has rapidly escalated into something much bigger. As many as 23 television stations, heavily dependent on gambling advertising revenue, now face closure for defying the directive. The matter has also been flagged up to the Directorate of Criminal Investigations (DCI), which could mean serious legal ramifications for those behind the broadcasts.

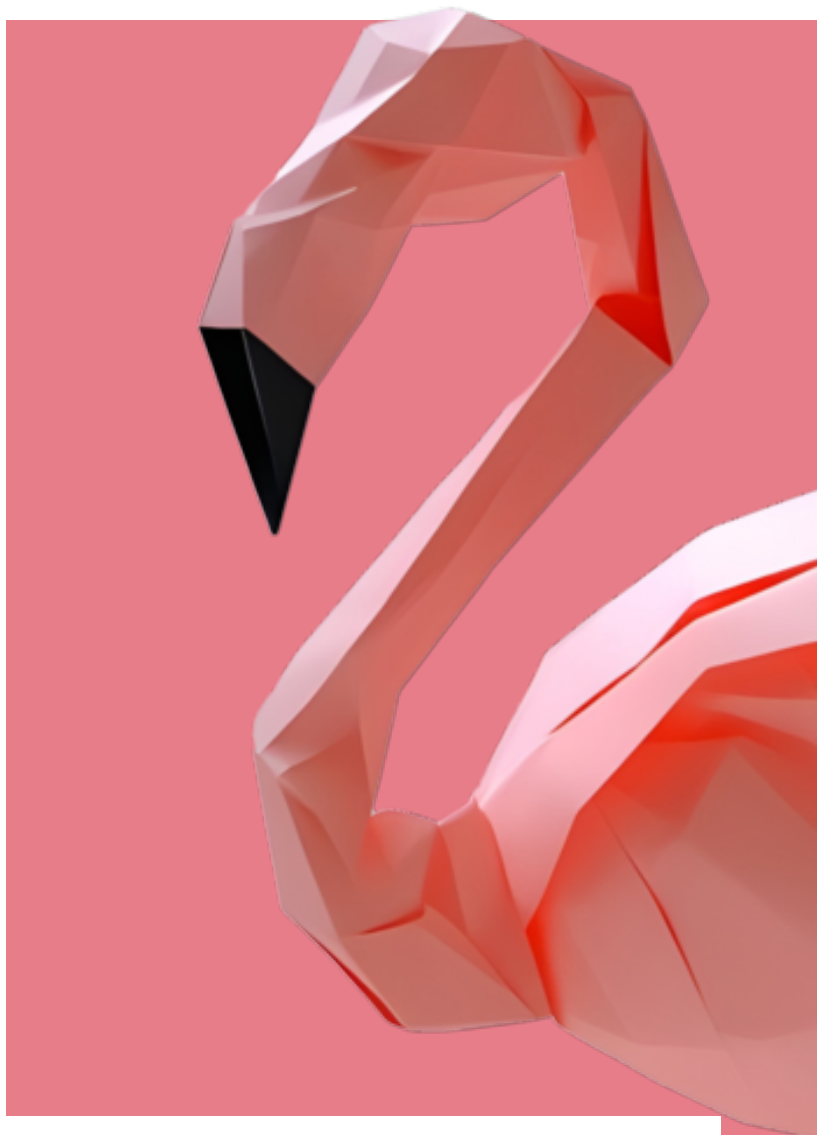
2 Botswana

Government Oversight

Botswana issued its first betting and LPM licences in 2024 to boost tourism and create jobs—over 2,000 new roles are expected.

The Gambling Authority (GA) has remained committed to allowing for an expansion of the land-based industry and we have seen a number of significant developments this year. The Gambling Act, which had been approved by lawmakers in 2012, finally came into force on 1st April 2016. Before that time the gambling industry in Botswana had been regulated under the Casino Act (1971) and Lotteries and Betting Acts (1966).

The 2016 act aims to support economic growth and development in the country by stimulating the tourism sector and encouraging the creation of tourism



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Africa: Land-based Market Update

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infrastructure and opportunities within the local economy. It seeks to promote the economic empowerment of citizens, while also contributing to overall national development. The act is expected to generate employment on a local level and foster the growth of small, medium, and micro enterprises (SMMEs). Additionally, it aims to increase fiscal revenues through taxation and provide the public with entertainment and recreational options.

In April 2023 the GA began the process of selecting operators for betting (bookmaker and totalisator) licences. In May 2023 it announced that it had begun the process of selecting operators for gambling establishment with Limited Pay Out Machines (LPMs). The Authority announced also that it intended to call for applications for bingo licences at a later stage.

The GA granted its first-ever betting and LPM licenses in Botswana in September 2024. The authority received 16 applications for betting and 16 for LPM licences. A total of 16 companies received licenses—ten for betting and six for LPMs—of which 72 per cent of the shareholding is held by citizens, and ten companies are majority citizen-owned.

Marvin Torto, the Authority's board chairperson, stated that these licenses are essential for diversifying the sector and creating jobs saying that the licences would result in the establishment of over 200 gambling locations across the country.

"These sites will largely be citizen-owned, with a substantial share of the revenue share of 40 per cent accruing to Botswana. These establishments will operate within various local entertainment venues, such as bars, restaurants, guest houses and lodges, thus embedding economic opportunities directly into the local communities," he said.

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3 Ghana

Betting Tax Scrapped

Ghana's Gaming Commission regulates casinos, sports betting, and online gaming, with 55 operators licensed. President Mahama has also removed the unpopular 10% tax on winnings.

The Gaming Commission of Ghana is tasked with regulating the operations of casinos, sports betting, and other forms of gaming in the country. To accomplish this, the Commission makes policy proposals, grants licenses to companies wishing to engage in gaming activities, acts as an advisory body to the government, oversees the implementation of laws, and fulfils any additional responsibilities related to games of chance as designated by the Minister for the Interior.

The Commission is committed to fostering a responsible, fair, and legal gaming industry. The Commission has so far licensed 55 gaming operators across the country. Acting Gaming Commissioner of Ghana, Emmanuel Quainoo explained that as of January 2025 to date, 23 casinos, 15 sport betting, two route operators and five remote interactive game licenses have been licensed. In addition, President John Mahama has followed through with his promise to do away with the highly unpopular 10% tax on winnings.

4 Congo

Accelerating Reform

New gambling-focused initiatives are being implemented in the Democratic Republic of the Congo (DRC) and the Republic of the Congo (Congo-Brazzaville)

New initiatives in the Democratic Republic of the Congo (DRC) and the Republic of the Congo (Congo-Brazzaville) Until recently gambling in the Democratic Republic of the Congo (DRC) has been overseen by the Minister of Sports and Leisure. Instead of being governed by a specific law, the sector has been regulated through various ministerial orders. A reform process has been underway for some time, initiated in response to a report from the Ministry of

Finance. This initiative has involved gathering data on activities conducted in the gambling sector from 2015 to the present, as well as identifying the applicable legal instruments currently in force.

The current administration has recently accelerated the reform process. During a Council of Ministers meeting held in April, the government adopted the draft law establishing the fundamental principles governing gambling and games of chance.

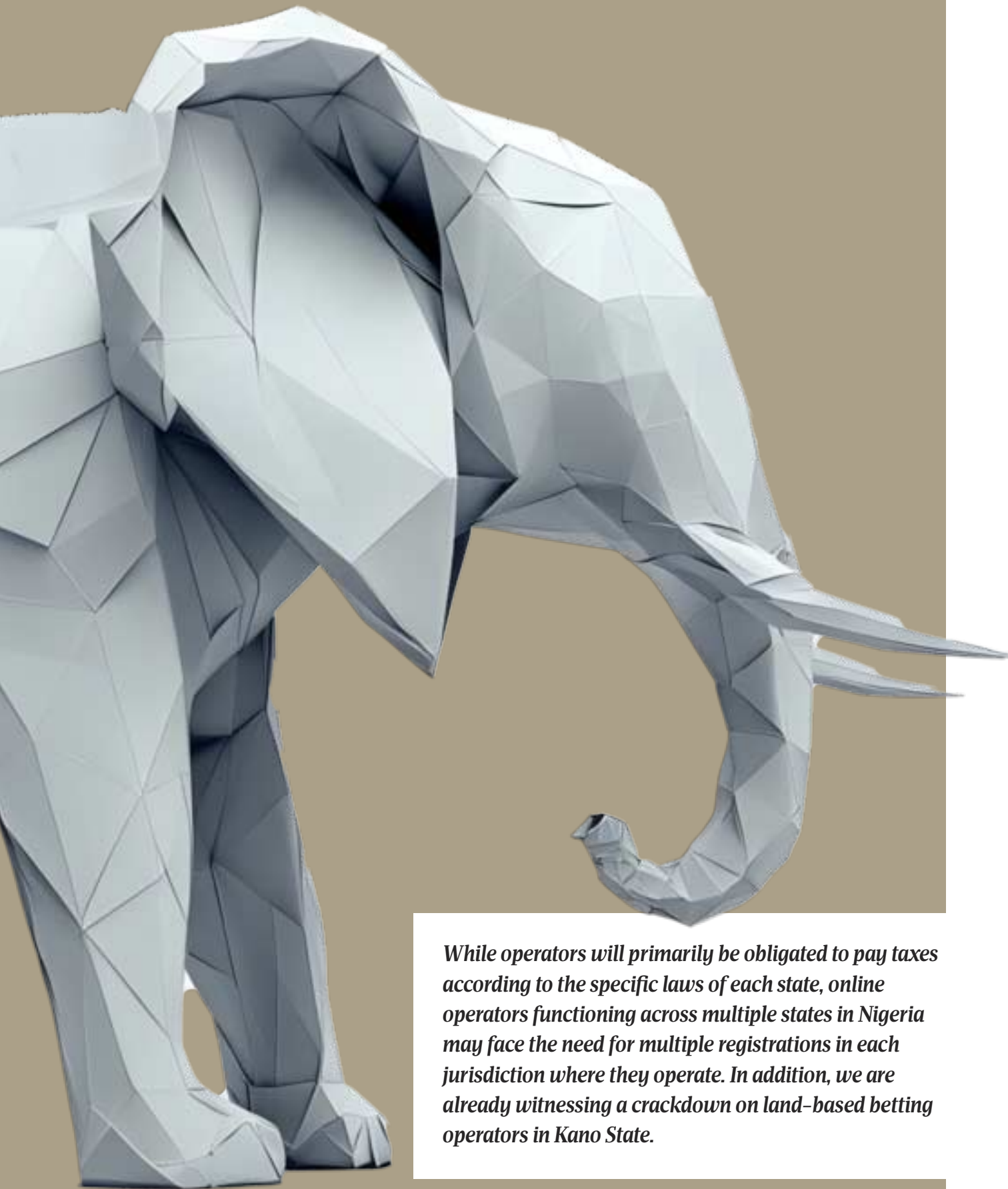
This reform, which aims to boost state revenues and combat money laundering, was presented by Doudou Fwamba, the Minister of Finance. According to the meeting's summary report its implementation aims to: "Regulate the operation of gambling activities, ensuring they are conducted within a strict legal framework, with clear rules for operators and well-defined operating conditions; (ii) protect minors and vulnerable players; and (iii) establish a standard tax regime, including specific taxes on winnings and gross gaming revenue."

The gambling sector in the Democratic Republic of the Congo generates over one billion dollars in annual revenue, yet only one million is paid to the state according to former Finance Minister Nicolas Kazadi. This discrepancy, he said, is due to the proliferation of illegal operators and the lack of oversight.

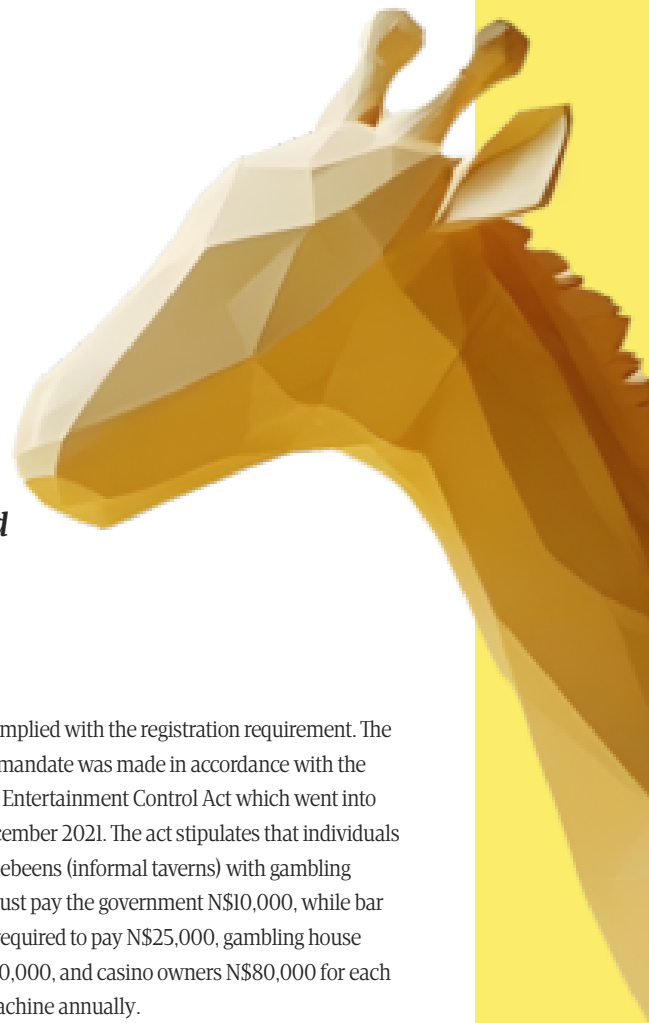
Changes have also been afoot in the Republic of the Congo (Congo-Brazzaville) where the government has made significant progress when it comes to regulating the gambling sector, which has operated without a legal framework until now. In April 2024, the Minister of Budget, Public Accounts, and Public Portfolio Ludovic Ngatse met with gambling establishment operators to inform them of upcoming reforms.

"The current situation shows that the direct economic contribution of games of chance and gambling to public finances is minimal compared to the amount of money circulating in the sector. This is why we need to normalise the situation so these establishments become responsible businesses that employ Congolese workers, register them with the National Social Security Fund, and pay taxes so the State gets something in return," explained Ngatsé.

Ngatsé introduced the bill before the Council of Ministers in May 2024 which approved the draft bill. The bill was signed into law in December 2024 and published in the official gazette. The new law (Law No. 37-2024 of the Republic of the Congo) establishes a comprehensive



While operators will primarily be obligated to pay taxes according to the specific laws of each state, online operators functioning across multiple states in Nigeria may face the need for multiple registrations in each jurisdiction where they operate. In addition, we are already witnessing a crackdown on land-based betting operators in Kano State.



In a recent court case, the Gambling House Association of Namibia sought to prevent the government from imposing the 10 per cent tax imposed upon them until the problem of illegal gambling houses in the country had been addressed properly. However, The High Court of Namibia, ruled against them.

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The law places the sector under the supervision of a designated ministry and introduces state oversight to ensure public order, protect minors, promote transparency, prevent illegal operations and money laundering, and enforce fair play. It also mandates ethical standards, responsible gambling practices, tax compliance, and defines key regulatory mechanisms, including licensing, operational authorisations, and the creation of a regulatory authority. The law allows for both land based and online gambling including land-based casinos.

5 Namibia

Legal Operators Struggling

Efforts to formalise the gaming market in Namibia have seen low compliance, and a legal bid to delay taxation failed.


In Namibia land-based operators face a heavy tax burden while illegal gambling remains rampant. According to government statistics released in 2019 there were over 100,000 gambling machines in Namibia, but less than 3,000 of these operated legally. In 2023 The Ministry of Environment, Forestry and Tourism prolonged the deadline for gambling machine operators to formalise and register their businesses. According to ministry spokesperson Romeo Muyunda, only 465 out of 13,000 gambling machine

operators complied with the registration requirement. The registration mandate was made in accordance with the Gaming and Entertainment Control Act which went into effect in December 2021. The act stipulates that individuals operating shebeens (informal taverns) with gambling machines must pay the government N\$10,000, while bar owners are required to pay N\$25,000, gambling house owners N\$50,000, and casino owners N\$80,000 for each gambling machine annually.

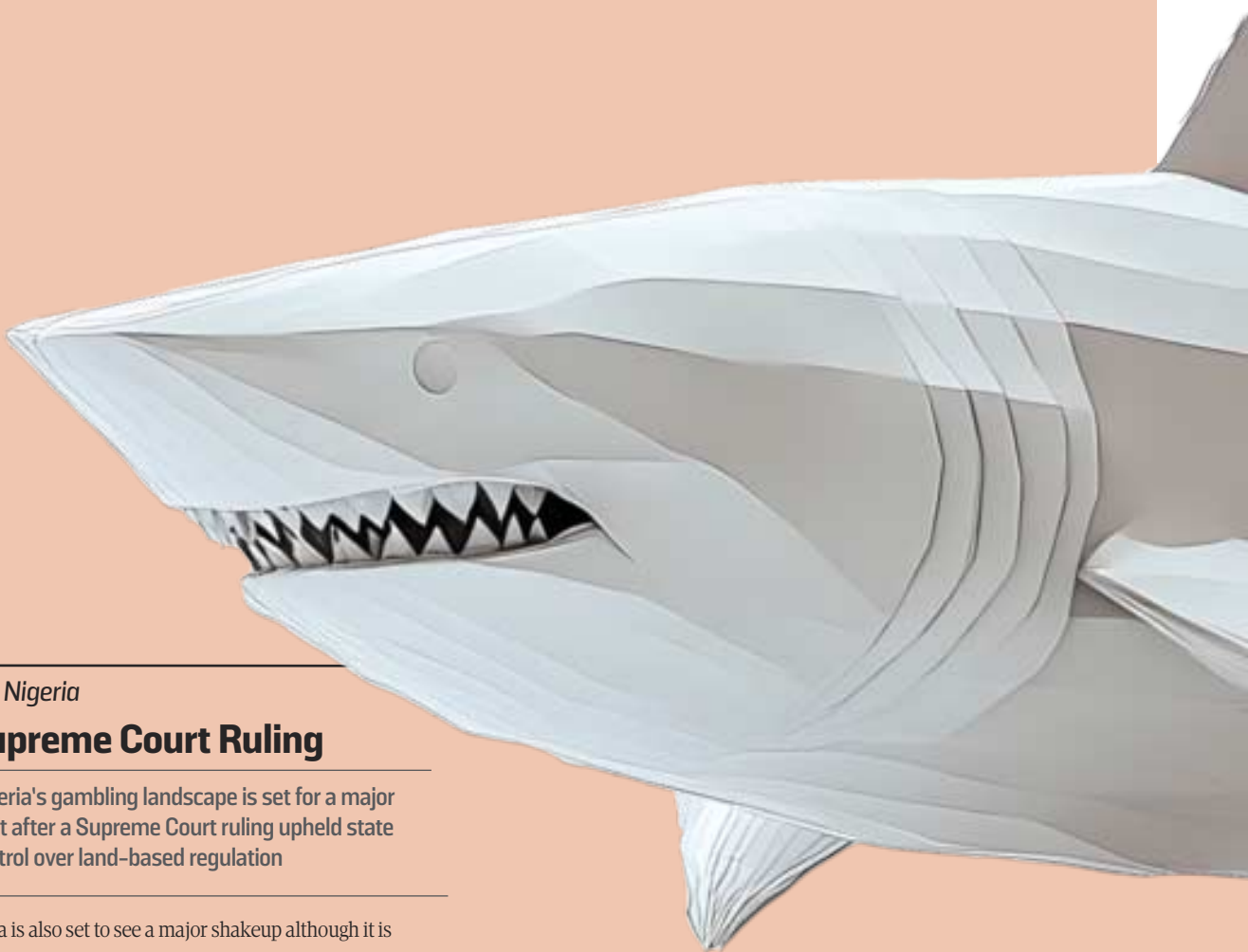
The majority of licensed land-based operators have continued to experience reduced revenues in recent years and the industry continues to be dominated by illegal land-based gambling locations. In a recent court case, the Gambling House Association of Namibia sought to prevent the government from imposing the 10 per cent tax imposed upon them until the problem of illegal gambling houses in the country had been addressed properly. However, The High Court of Namibia, ruled against them.

During the High Court case the Gambling Board reported that from February 1, 2020, to March 30, 2020, the Directorate of Tourism and Gaming registered a total of 13,668 gambling machines. Of these, only 2,451 were licensed, while a significant 11,217 were unlicensed. It was observed that many licensed operators possessed unlicensed machines in various establishments, such as shebeens, bars, and small shops.

Additionally, the Board reported that it had approved 605 applications for various licenses, including gambling, bookmaker, bar, shebeen, and totalizator licences, along with requests for increasing the number of gambling machines and for removals.



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6 Nigeria

Supreme Court Ruling

Nigeria's gambling landscape is set for a major shift after a Supreme Court ruling upheld state control over land-based regulation

Nigeria is also set to see a major shakeup although it is hard to predict how recent changes to the law will impact the land-based industry overall. The way gambling is regulated needs to be understood in the much wider context of “true federalism” a key issue in Nigerian politics. Nigeria, a previously unitary state, became a federation in 1954. Advocates and pressure groups continue to claim that the central government has too much power, meaning that it fails to adhere to the principles of true federalism, where both regional and federal governments should share policymaking power equally.

The issue of gambling fits squarely in the crosshairs of this debate. The National Lottery Regulatory Commission (NLRC) was formed in 2005 through the National Lottery Act (NLA). Up until very recently the NLRC could issue a number of different licenses including land-based sports betting licenses and casino licenses. Crucially several states had established their own laws prior to the enactment of the NLA. The NLRC has overseen gambling activities on a federal level while the 36 states, which in many instances have their own gambling boards, have

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In 2008, Lagos State and others challenged the constitutionality of the NLA, arguing it conflicted with federalism principles outlined in the Constitution. In a landmark ruling in November 2024, the Supreme Court invalidated the NLA. The Court affirmed that the regulation of lotteries and games of chance falls exclusively under the jurisdiction of state governments. This will lead to a major shift in the way land-based gambling is regulated. We are already seeing some changes. According to reports in Nigerian press since the Supreme Court decision the NLRC is no longer operational with staff waiting to be redeployed to other government agencies.

7 Africa

The Land-based Outlook

African jurisdictions are advancing land-based gambling reform, with local inclusion a priority and online growth fuelling on-the-ground expansion.

Crucially lawmakers are putting in provisions so that local entrepreneurs and citizens have an opportunity to be part of the market in jurisdictions such as Botswana which continues to be a bright spot for the land-based sector going forwards. At the same time real progress is being made in the Republic of the Congo - no mean feat considering that civil wars and militia conflicts have plagued it for years.

Indeed, all of the above changes need to be understood in the context of challenging economic conditions. Yet despite these challenges progress is being made in a number of jurisdictions while governments are busy tightening gambling laws and increasing oversight over the industry.

In fact, in many ways, we are continuing to witness a somewhat strange phenomenon. In Africa, unlike other regions, it has been the online sector boosted by the massive popularity of sports which has led to the expansion of land-based operations and not the other way around. This means that there are still huge opportunities in the African land-based gaming space going forwards.

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