

Production, Sale, and Distribution of Unrecorded Liquor in Kakamega and Uasin Gishu Counties in Kenya

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Abstract

Alcohol not captured in government statistics is referred to as unrecorded alcohol and accounts for 25% of all alcohol consumed globally, with prevalence in low and middle-income countries, Kenya inclusive. Alcohol control in Kenya is backed by national policies and executive orders since the colonial period. However, the control of unrecorded alcohol has not been effective given its growth and persistence in the country, despite government efforts towards the standardization of artisanal alcohol. This study sought to investigate the factors that motivate individuals to produce and trade in illegal artisanal liquor in Kakamega and Uasin-Gishu counties. A cross-sectional research design was adopted, and both qualitative and quantitative data were collected using interview schedules and questionnaires from 30 illicit brew traders and 124 National Government Administrators (NGAOs) at the street level respectively. Data were analyzed using descriptive statistics and presented thematically. It was found that bribery, poverty, laxity among authorities, high demand for *Chang'aa* and *Busaa*, as well as the quest for profit, among other factors, motivated individuals to produce, sell, and distribute unrecorded alcohol in Kakamega and Uasin-Gishu counties.

Keywords: *Unrecorded alcohol, illicit brews, motivations, policy*

Introduction

Unrecorded alcohol refers to all kinds of alcohol not captured by formal government statistics and is therefore not taxed (Probst, 2021; Mkuu, *et al.*, 2019; Kipchumba, 2017). Unrecorded alcohol varies depending on the country, region, culture, and ingredients. Additionally, liquor plays different roles, specific to certain cultures and events (Rehm *et al.*, 2014). They can be categorized into surrogate alcohol, comprising those used in industrial or medical contexts, counterfeit alcohol, artisanal alcohol produced at home through fermentation and distillation, illegally produced, and cross-border smuggled alcoholic beverages (Kipchumba, 2018).

Alcohol is estimated to cause a 5.2% global burden of diseases and it is associated with increased risky behaviors linked to bodily harm, diseases, and deaths (Mkuu, *et al.* (2019). WHO (2016) further reported that 60 medical conditions are blamed on alcohol consumption. Some of the diseases are liver cirrhosis, stroke, accidents such as poisonings, drowning, self-inflicted injuries, etc. (Babor, 2016). Globally, an approximation of 1.3 billion people are affected by alcohol (Amakobe and Mauyo, 2021). According to WHO (2014) and IARD (2017), unrecorded alcohol, otherwise known as illicit liquor accounts for 25% of all alcohol consumed, with prevalence being higher in both lower and middle-income countries, inclusive of sub-Saharan Africa. Ferreira-Borges *et al.*, (2016) and Ferreira-Borges, Parry, & Babor (2017) reported that 30% of all alcohol consumed in the African region is unrecorded.

In East Africa, 90% of alcoholic beverages in Tanzania are unrecorded (Taeka. 2015), and 74% in Kenya (Musungu and Kosgei, 2015). Moreover, the Ministry of Health (2015) reported that 36% of adult Kenyans consume illicit alcohol, particularly homemade artisanal alcohol such as *busaa* and *Chang'aa*. In the year 2010, the Alcohol control policy in Kenya

was enacted. The policy amalgamated all other laws that were in place, and further, provided for decentralized control of alcohol. The Alcoholic Drinks Control Act 2010 thus provided for an avenue to legalize homebrews (National Council for Law Reporting, 2010). An amendment of the Act in 2014, provided harsh penalties for those adulterating the brews (Up to Ksh. 10 million), emphasized hygienic production of the alcohol, and standardized packaging of the liquor in glass bottles rather than in sachets or plastic containers (National Council for Law Reporting, 2014).

Despite decentralization of alcohol control function to county governments, penalties for partaking in illicit brew trade, and the control of artisanally produced alcoholic beverages, the liquor is still produced and consumed and is further causing Methanol poisoning and deaths in many regions in Kenya (Carey et al., 2015 & Kiruthu, 2014; Kipchumba, 2021). The policies in place, executive efforts, and media publicity on the effect of illicit brew consumption are yet to achieve substantial impact in controlling the production, distribution, sale, and consumption of illegal artisanal liquor (NACADA, 2011). The research, therefore, sought to establish the motivating factors that lead to the continuity of illicit brew production, distribution, and sale in Uasin Gishu and Kakamega counties in Kenya.

Research problem

Kenya, since the pre-colonial period, has had policies, both informal from traditional societies and formal from the colonial and post-independent governments aimed at curbing alcohol and substance abuse. Since the colonial era illicit artisanal alcohol production distribution, sale and consumption were controlled by different laws and executive orders (Kwambai and Kimutai, 2017). The General Act of Brussels, 1889-1990, The village headman Regulation Act 1902, The 1971 Traditional Liquor Licensing Act, the 1980 Chang'aa Prohibition Act, and the 2010 and current legal framework, the Alcoholic Drinks Control Act, are the policies each targeting to control illicit brewing, distribution and sale for over a century (NACADA, 2011).

Regardless of the policies in place, illicit brew-

related deaths and injuries have been reported spanning decades (Musungu and Kosgei, 2015), Kakamega and Uasin Gishu inclusive. According to Abdulkadir (2016), the police officers destroyed over 4000 liters of *chang'aa* an illicit distilled artisanal spirit, and over 11100 liters of *Kangara*, a mixture of ingredients used to manufacture the illicit liquor such as *busaa* and to distill into *changaa*, within a day. In Uasin Gishu County, a death rate of 20 people per month is attributed to illicit liquor (Ndanyi, 2018). Despite the information, studies on illicit alcohol in the counties (Tuwei, 2014; Muregi, 2017; Komen, 2014; Takahashi et al, 2017; Kinyanjui, 2013) analyzed substance abuse but focused on other aspects of the trade other than the motivations of the underground trade despite policies in place. The objective of the study was therefore to explore the motivations behind the persistence of the illicit brew trade in Kakamega and Uasin Gishu counties.

Methodology

The study adopted a cross-sectional research design, utilizing both interview schedules and questionnaires to collect qualitative and quantitative data. Kakamega and Uasin Gishu counties had a total of 486 National Government Administrative officers at the street level, comprising 138 Chiefs and 348 Assistant Chiefs, and an infinite and highly fluctuating number of illicit brew traders (County Commissioner's Office, Kakamega, and Uasin Gishu Counties, 2019).

The sample size of the NGAOs was arrived at by calculating 30% of both the Chiefs and Assistant Chiefs respectively. These are the officers tasked by the Ministry of Interior with the responsibility of implementing alcohol control policies in Kenya, illicit brew inclusive. The 30% was chosen as advised by Mugenda and Mugenda (2003) that 10-30% of the total target population is adequate for a descriptive study. Therefore, 145 (41 Chiefs and 104 Assistant Chiefs) were equally distributed among the 18 sub-counties in both Uasin Gishu and Kakamega counties, with 2 chiefs and 6 Assistant Chiefs per sub-county respectively.

A sample of 30% of Chiefs (138) and Assistant

chiefs (348) was targeted. And eventually, 124 questionnaires (86.1% response rate of the NGAOs) were correctly filled and utilized in the data analysis. The illicit brew traders on the other hand did not have a definitely recorded population. Two illicit brew traders per sub-county were targeted, and complete interview schedules were utilized in data analysis. The researcher successfully interviewed 30 illicit brew traders using snowball sampling, 15 from each county. The study was carried out in Kakamega and Uasin-Gishu counties in Western Kenya. Collected data were analyzed using descriptive statistics and presented thematically.

Results

The outcome of the study revealed scores of motivations that lead to illicit brew production, sale, distribution, and consumption as discussed below:

Bribery

The NGAOs; 104 (83.5%), and 21(70%) of the illicit brew traders pointed out that the ease to bribe implementers of Alcohol control policy, particularly illicit brews in the counties was a major factor motivating illicit brew traders to produce, distribute, and sell the liquor. Bribery applied to the National Government Administrative Officers (NGAOs), the national police officers, and the county government security team, all of them being important stakeholders in implementing alcohol control policies.

Illicit brew traders 19(90%), reported that they bribed the police officers, to avoid arrest, destruction of brewing equipment, and to acquire protection from the same officers in future raids on their business premises which can either be at home, in the bushes, plantations or along river banks. Moreover, 11(8.9%) of the NGAOs agreed that bribery, otherwise known as '10 percent' or 'returns' is offered by traders to police officers who in turn, benefit from the proceeds of the illicit alcohol trade. The traders could offer as low as Ksh. 50 up to Ksh. 10000, depending on the authority involved. The county government security officers were reported to take the highest bribes, followed by the Chiefs and least, the

police officers. However, the police officers were said to collect bribes as many times as possible from traders.

Previous studies have yielded similar results, for instance, Gitau and Kinyukia (2016) reported that police officers received bribes from informal bars from customers ranging from Ksh. 50-200, while Lutta (2016) found that bar owners in Nairobi county paid police officers Ksh. 500-1500 as bribes, from those who lacked operating licenses or operated beyond the formal stipulated hours. Additionally, extortions of Ksh. 2000 per week applied to long-term bar operators, referred to as 'operational fee' to allow for the smooth running of their enterprise and tame any legal disturbances. Moreover, Oruta (2017) asserted that the police officers were the beneficiaries of illicit trade, fleecing money from local gullible brewers and traders for their benefit. This eventually hails a report by Transparency International (2013) rating the Kenyan public sector in the corruption index position 137 out of 177 in the globe, asserting that corruption is rampant.

Poverty

The majority 102(82.2%) of the Chiefs and Assistant Chiefs reported that poverty was the driving force behind the illicit brew trade in their counties. This was supported by the responses of the majority, 26(86.6%) of the illicit brew traders that they engaged in the illegal enterprise to raise school fees for their children, dependent siblings, or grandchildren. Their desire to see them through school stemmed from their level of education where most 22(73.4%) reported having only managed to get basic primary level education. Additionally, the traders reported their economic struggles from meager earnings, joblessness, widowhood, separation, and single parenting, predisposing them to opt for the trade, a cheaper alternative for survival.

It was however evident that some traders had managed to use the output of illicit brew trade, particularly those with large-scale production and distribution to see their children through school while others have had theirs graduate from universities. Moreover, the Chiefs 89(71.8%) attributed poverty to high levels of formal

unemployment among the traders, hence resorting to self-employment in artisanal liquors in the counties. The result supports WHO (2019) claims that in Kenya, there is an unemployment rate of 9.31%. This was further reported by Magut (2021) that unemployment pushed 16.7% of the targeted population to resort to brewing, selling, and consumption of *Chang'aa* among the youth aged 18-35 in Elgeyo-Marakwet County.

Additionally, 21(70%) of the illicit brew traders divulged that illicit brew production, sale, and distribution were meant to cater for food, since, some of them lived in urban slums with inadequate land to grow crops. Some 11(36.6%) brewed illicit alcohol to clothe their families, 11(36.6%) to raise funds for medical supplies, a circumstantial engagement on a need basis. Poverty, therefore, played a critical role in motivating the production of illicit alcohol to raise basic medical funds that could have otherwise been covered if they had enough cash to enroll in medical insurance policies.

Similarly, 2(6.6%) of the traders were motivated to brew and sell illicit liquor as an alternative to borrowing from other members of their families, friends, and neighbors. Engaging in the trade served as a means of achieving some level of economic independence. Another group 5(16.6%) reported that raising funds to pay house rent was their main motive, while 4(13.3%) aimed at raising funds to purchase land, 2(6.6%), to build a home and move out of rented houses through merry go rounds created by a group of fellow traders, 2(6.6%) reported that their husbands were jobless and their motivation was to raise funds to cater for basic necessities.

Mwangi (2018) while analyzing the influence of social media on the consumption of illicit alcohol revealed that artisanal liquor brewing, sale, and consumption were common in low-income settings such as slums and economically disadvantaged rural homes. Poverty was therefore considered a causative factor resorted to by unemployed individuals who also lacked any form of recreational activity (Muchiri, 2014).

Laxity by authorities

Most of the NGAOs 89(71.8%) agreed that the members of the authority responsible for implementing the control of illicit liquor were lenient and in some instances, did not exert any effort in eradicating the trade. The officers, from the national police, the county government, and the Chiefs and Assistant chiefs knew about the trade in their jurisdictions and only acted upon it when there was national pressure from executive directives and mainstream media on the impact of illicit alcohol.

The views of the bureaucrats toward the illegal liquor motivated individuals to continue with the enterprise. Some implementing officers consumed the very alcohol they were meant to control and thus, the traders took advantage of their indulgence by engaging in brewing and selling. Moreover, the brews played key significant roles in traditional practices such as sealing of marriages, receiving of dowry, child naming, weddings, initiation, and funeral ceremonies. The Chiefs being part of the local culture were, therefore, reluctant to exert the much-needed effort to eradicate illicit alcohol in their local communities, thus, leading to continued production, sale, and consumption of the liquor.

Amuya & Onantwa (2017) while analyzing the relationship between devolution and illicit brew prohibition in Teso sub-county, reported a similar outcome, pointing out that devolution of alcohol control function acted as a barrier to the implementation of the Alcoholic Drinks Control Act 2010, particularly among the NGAOs, hence relaxing the prohibition effort on unrecorded alcohol. Moreover, the trade flourished due to the lack of political will by local politicians to control the trade.

Market demand

For a business to be sustainable, there have to be customers, a situation applicable to the illicit brew trade. The majority 111(89.5%) of the NGAOs divulged that the demand for traditional booze, particularly *Chang'aa* and *busaa* was a motivating factor that drove individuals with the skill to produce the artisanal alcohol. A

readily available market comes with the need for production, sale, and distribution to meet the demand, leading to a sprawl of an underground trade. Coupled with the high prices of industrial regulated beer, the economically disadvantaged individuals resorted to illicit brews to quench their thirst, particularly Chang'aa, because of its potency.

The traders who had a history of brewing and distilling traditional alcohol could be approached by customers to brew and sell to them. The individuals, owing to their economic status and the desire to meet their basic needs, opt for the trade to earn money in return, making the entire process a cycle that individuals quit when the demand lowers and pick up the trade when demand is high. Because illicit brewing and distillation do not need any kind of formal skill, requires little capital, are cheap, and are easily intoxicating, traders opted for them to capitalize on demand.

Business opportunity

The traders viewed their enterprise as any other business opportunity capable of gaining profits as reported by 74(61.2%) of the Administrators, a response that was supported by all the illicit brew traders. They divulged that it is a profitable venture that required no formal skill, standardization, and payment of taxes and levies, thus a cheaper and easier means of earning quick money.

Moreover, illicit brews are readily available, and an alternative to expensive formal industrial alcohol among poor rural folks, who are struggling with poverty, and unemployment among other economic constraints. Additionally, the traditional liquor is more potent, particularly Chang'aa, thus making it highly sought by many local consumers to achieve fast intoxication. Furthermore, it is produced using locally available materials such as sugar, cereals, as well as molasses and can be brewed in any environment, with no added costs from industrial chemicals, subsequently bringing higher returns to brewers.

Previous research affirms this motivation, for instance, Githui's (2011) study on drinking culture noted that the ease in illicit brew production, use of cheap and readily available raw material, and

lack of formal standardization and payment of tariffs and revenue is a catalyst to producing, distributing and selling illicit liquor. Andrew (2015) on the other hand noted that traders capitalize on illicit alcohol to amass quick profit.

Consumption of the brew by implementers

The illicit brew traders and 74(59.7%) of the NGAOs reported that some officers tasked with the implementation of alcohol control policy, illicit brews in particular are also consumers of the outlawed liquor, leading to a conflict of interest. Their consumption and the traders' knowledge of the same put the implementers in dilemma, and are sometimes offered the brew in return for protection from future raids and arrests. According to Gitau (2017), some police officers, village elders, Chiefs, and Assistant chiefs consume busaa and Chang'aa, hence, acting as a motivating factor.

Influence from the implementer's traditions regarding local artisanal liquor leads to skewed control of the brews, and poor conduct of the illicit brew policy implementation (Oruta, 2021). The acceptability of the liquor in their families and communities coupled with the individual choice to consume, and further exacerbated by addiction leaves implementation gaps exploited by ready entrepreneurs.

Ability to partake in other criminal activities

Illicit brew trade was used as a disguise to engage in other illegitimate activities, as reported by 6(4.8%) of the NGAOs. Other drugs such as bhang, local tobacco, and chemicals used to adulterate artisanal liquor and find a market for stolen goods took place in the dens. They were also used as meeting places to plan crimes such as robbery and theft, as well as for conducting prostitution. This was also reported in the USA by Tobiassen (2014), who noted that the illicit liquor trade was run by criminal gangs as a source of finances for their operations.

Ease to Hide

The ease to hide illicit brew trade was reported by 26(86.7%) of the illicit brew traders. They engaged in the trade because they could hide it away from

authorities. Some 8(30.8%) are reported to dig their liquor underground either in their houses, in plantations, in forests, or along the riverbanks, some had their breweries in either maize or sugarcane plantations 7(26.9%) or rented houses far away from home 2(7.7%).

The brews were also hidden in unsuspecting places such as toilets and bathrooms. Others defecated openly in the areas that their brews were dug into, to create a disgusting environment that illicit brew control authorities will not venture into, hence avoiding arrests and destruction of their brewing and storing equipment. The ease of hiding away the liquor was reported by Okoth (2016) in Laikipia County, where traders would hide their liquor up in the trees.

The NGAOs 104(84.4%) on the other hand reported that the ease to hide was a likely motive behind the growth and operation of the informal liquor in their jurisdictions. Other reasons provided by the administrators were lenient court penalties 5(5%), that were not adverse to deter future engagement in the trade, protection by implementers of the policy 11(8.9%) inclusive of some police officers and NGAOs, and lack of adequate funds to legalize their artisanal alcohol 87(71.9%).

Mwangi (2018) had previously reported that illicit brew entrepreneurs were too sophisticated at times, and to conceal their trade, used 'Scouts' whose role was to not only offer their labor at the distilleries, in distribution and sale but also watched out for police officers and NGAOs in exchange of a 'daily wage'. Moreover, the large-scale distillers were reported to be well-connected business people, with ready markets for their products, majorly for distribution to retailers.

Conclusion

The control of illicit brew trade in Kakamega and Uasin-Gishu Counties is hampered by economic and behavioral factors affecting the producers, distributors, sellers, and consumers of illicit alcohol. It is equally affected by the cultural beliefs of local bureaucrats and the moral decadence of some street-level bureaucrats responsible for the control of the trade. It is therefore credible to conclude that; formulating strategies that empower traders to establish legal and ethical business ventures, can reduce the drive to engage in illicit brew trade. This will also go a long way in improving the production and the environment in which these brews are manufactured. Additionally, such transparency will not only increase revenue collection by the government agencies but also protect artisanal brewers from exploitation by rogue police and other government officers as well as protect consumer rights.

Recommendations

To address the policy problem at hand, the study recommended the following

- i. The control of Alcohol and Licensing of alcohol at the sub-county level be reverted back to the National Government Administrative officers, to avoid local political influence working against control efforts by the NGAOs.
- ii. The NGAOs identify economically vulnerable households and forward the same for recommendation to government welfare and empowerment services, such as entrepreneurial skills, cash transfers, and government bursaries among others. As street-level bureaucrats, the NGAOs have the knowledge and understand their subjects better,
- iii. A rehabilitation campaign by the NGAOs and in collaboration with other relevant bodies such as NGOs, religious institutions, local professionals, and the Health sector be carried out to not only offer civic education but also rehabilitation services to both alcohol addicts serving in authority and citizen in local jurisdictions.

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