

Devolved Governance versus Prohibition: The Role of Political Will in the Implementation of Legislation on Local Brew within Teso Sub-County, Kenya

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Abstract: The study investigated the influence of the political landscape at the county level in the implementation of both the national and county legislations on locally produced brew. The advent of devolution has been pointed as one of the top barriers to the actualization of regulations on local brew. There has been massive legislation and government spending in the reduction of production, supply, distribution, and consumption of local brew in Kenya. However, the government responses have motivated residents to produce local brew ardently especially after the adoption of devolution in Kenya back in 2010. This study will be significant to the planners and policy makers both at the non-governmental, national and county levels in their effort to control the continued indulgence in the consumption of local brew in Kenya as a whole. The data used for the study was collected from 44 national administrators and 26 police officers from the seven police stations within Teso South sub-county. Two different questionnaires were used to collect unrestricted opinions from the respondents. Collected data was analyzed using Statistical Package for Social Sciences (SPSS) version 22.0 for windows and presented using frequency tables, graphs, and pie charts. The study findings show that county governance priorities conflict with the national efforts to curb local brew. Paradoxically, while national bodies such as the National Agency for the Campaign Against Drug Abuse (NACADA) are committed to the crusade against the excessive consumption of both commercial and local brew, the county government is exploring all avenues to gain revenues and political mileage. For counties, political existence dictates which laws to be adopted and backed up. The study highlighted that the devolution of the alcohol control roles weakened the Alcohol Control Act of 2010 since political will required for holistic prohibition of local brew at the county level is dismal. The study also tinted lack of effective county structures to implement the policies and negative influence from county politicians who also own some bars. The study found significant evidence to recommend that more investment on the socioeconomic aspects of life that precipitate the production and heavy drinking of local brew is imperative. The study also recommended that alcohol regulation roles need to be reverted back to the national government since the county is more political and every legislation is implemented depending on its political utility. Current intervention efforts should zero in on regulation as opposed to the prohibition efforts which are mostly counterproductive.

Keywords: Busaa, Chang'aa, legislation, local brew policy, policy implementation, prohibition, political will.

1. INTRODUCTION

There have been numerous calamities linked to the consumption of traditional liquor in Kenya (Masaba, 2017). Findings by KEMRI revealed that 70 % of families in Kenya are victims of alcohol abuse (KEMRI, 2009). This rate continues to rise especially in the local areas where local brew is consumed on large scale. According to NACADA, most of the

children in rural areas have a high probability of having consumed chang'aa as compared to children from the urban areas (NACADA, 2012). This means that local brew consumption is a shared problem across all age categories in the rural areas. While the national government is determined to prohibit local brew with zeal and vitality, the national policies on alcohol control have largely been attributed to the increase in people's ingrained tendencies to consume locally produced brew. Most of the locals who fear being arrested in the pubs during the day have resorted to drinking local brew sold in the backstreets and villages. Some bar attendants developed survival mechanisms soon after the implementation of the Alcoholic Drinks Control Act of 2010 commenced (The Republic of Kenya, 2013). During the day, they keep their premises visibly closed but leave some secret entry points open for their faithful patrons who they serve in some 'restricted rooms' where they drink without being noticed as they pretend to be in meetings. Most of the alcohol sold in such arrangements is collected from the villages and sold for commercial purposes. What raises eyebrows is the fact that some of these corridors are owned and protected by some county officials. The adoption of legislations such as the Chang'aa Prohibition Act, written in 1980, and the Alcoholic Drinks Control Act of 2010 seems to have promoted other illegitimate ways of using locally produced alcohols even in street and urban bars. The bar operators simply induce the local police and national administrators to allow patrons to freely drink to their measure (Gathigah, 2015). The excessive and illicit consumption of local brew are symptoms of major social-economic challenges in Kenya that these intervention policies fail to address (GoK, 2010; Masinde, 2014). These laws seem to have been enacted without proper consultation with the citizens and important stakeholders and county officials alike. A 2012 national survey by NACADA showed that traditional liquor is the most easily accessible especially among the poor (NACADA, 2012). Devolution was adopted so that the locals can easily access government services. Thus, one of the measures that counties are now fronting is to be lenient while tackling the problems of local brew consumption among the poor residents. Some of the local illicit brew in Kenya is bottled, labelled and sold in pubs across the country. There has been increased demand for local brew after the government tightened the legislation on the use of commercial beers including increased pricing (Gathigah, 2015). This is a messed up situation that requires scholarly intervention.

1.1 Study objective:

The study sought to illuminate the impact of devolution of alcohol control roles and how it precipitates implementation challenges at the local level of Teso region of western Kenya.

2. STATEMENT OF THE PROBLEM

According to Chesang (2013), consumption of local brew is one of the top social problems confronting Kenya. In addressing the adverse effects of local brew, attempts have been made by the government to curb the menace through the formulation of various policies. These attempts have been directed towards the control of intoxicating liquors, through commercial liquor licensing and prohibiting the sale and use of local brew. Today in Kenya, counties have been given the mandate to enact and implement the local brew policies and they apply regulatory interventions appropriate to their experiences. The county efforts have however been viewed as politically driven since the process is more of a threat and local brew producers are hardly prosecuted by the county enforcement structures. The central government (police), county governments, National Drug Policy (NDP) and National Agency for the Campaign Against Drug Abuse (NACADA) also continue to work with the counties in the war against local brew but with dismal results across the country (Mureithi, 2010). With the advent of devolution, county governments took the lead in the so called 'war against alcohol'. However, the enactment of the alcohol laws coupled with the dawn of devolved governance have had an impact of increasing the consumption of local brew in Kenya (GoK, 2010; Gathura & Fortunate, 2012). Kenyans are drinking more locally produced brew today than ever before with the trend expected to continue ascending, despite the introduction of tough regulations. The future of alcohol drinking is described as resilient with sneaky Kenyans having already found ways to beat the new regulations and continue relishing their tipple. The Alcoholic Drinks Control Act of 2015 was expected to cut down drinking of all types of alcohol, while the legalizing of traditional drinks was supposed to make their production more hygienic; but statistics indicate that both targets have not been met. When the regulations famously known as the **Mututho law** were introduced, a high number of Kenyans resorted to drinking at home and buying alcohol from non-bar outlets (Mwathane, 2013). One of the most glaring letdowns is the failure to put traditional drinks such as *chang'aa* and *busaa* in the legal market (Mkwesha, 2014). There are still no relevant administrative and legislative structures at the county level to help in the war against the consumption of local brew while the existing county structures have conflicting interests with the national efforts due to encroachment of political utility (Mwathane, 2013). The sole purpose of the County Alcoholic Drinks Control Act, 2013 model law by counties is to facilitate and oversee the licensing of alcoholic drinks by the County government pursuant to Part II of the Fourth Schedule to the Constitution of Kenya 2010 (The

Republic of Kenya, 2013). However, despite the recent concerted efforts by the County government of Busia, the backstreet sale of illicit local brew remains rampant in Teso. While there exist a body of literature on challenges facing implementation of policies in Kenya, and the influence of various government agencies and administrative structures, however, there is no study that has been undertaken on the influence of the county government on the regulation of local brew. The study thus sought to investigate the existing knowledge gaps at the county level that slow down implementation of the alcohol policy.

3. LITERATURE REVIEW

A major policy change is fundamentally predicated on the decisions by the political leaders. For policy implementation process to be successful, political support and stakeholder engagement are crucial ingredients. According to Weaver (2010), in the event that duplication of effort and bureaucratic infighting is common among the politicians, the existing agencies and political players usually desire to protect their interests, jobs and political units. He notes that this more often precipitates the assigning of roles and responsibilities for policy implementation that reflects realities of the distribution of political power more than what is required for efficient and effective administration. In Weaver's view, programme structures that require multiple approvals by agency bureaucrats with ulterior motives and personal interests usually culminates a stalemate and inaction. Similarly, poorly established coordination mechanisms between multiple implementing organizations results into breakdowns and or unnecessary shortfalls in effective delivery of the programme, bureaucratic 'runarounds' and power games, poor services delivery as well as cost overruns (Weaver,2010). Issues touching on policy implementation do not only arise within or among the implementing agencies, but also from "political masters' of those agencies; including lawmakers and executives appointed by topmost politicians; where politicians may intervene in decision making processes for political utility either before the decision is made or by overturning decisions made of certain programs. Moreover, politicians may show reluctance and dormancy by loosening ends as far as policy implementation is concerned.

Policies and programs implementation efforts that are hampered by political interference and resistance or misinterpretation pose both the obstacles of policy objectives and the content of the given policy (Weaver, 2010). Essentially, the implementation of the policy requires successful translation of the goals and objectives of the policy into operating, ongoing program. For proper implementation, there are three crucial elements that are required. They include creating of structures and an agency or assigning the policy implementation responsibility to an existing agency; translating the policy goals into viable operational rules, developing implementation guidelines and effecting programs; and coordinating resources and personnel that would be crucial in helping the realization of the intended policy goal (UNESCO, 2009). All these factors are determined by the pre-existing political landscape. The manner in which the policy implementers exercise their discretion is largely dependent upon their disposition towards the policy. The success gained by the policy is determined by the perceptions of the policy implementers on the effect that it has on their interest both at the organizational and personal levels. If the implementers perceive that the policy may likely result in a loss, their attitudes and dispositions to implement the policy will be negatively affected.

On the contrary, there will be a positive impact on the attitudes of the implementer towards the policy if they perceive the policy to be favorable (UNESCO, 2009). Gaps in intentions and results of the policy implementation initiatives occur especially where the policy designers become undermined by the powerful forces of politics and administrative figures in government agencies. More often, the policy decision makers pay lip service to the subject of policy implementation efforts and they take the policy for granted once it has been adopted by the government (Bressers & O'Toole, 2005). Hence, the policy fails to be holistically implemented and in many instances, it becomes counterproductive due to sketchy implementation and lack of monitoring. Lapses in the follow-up to policy implementation outcomes to poor implementation result to an implementation gap which culminates the failure of the policy triggered by the widening gap between the policy and its implementation. In such a situation, the intended policy decisions and objectives become either diluted or poorly realized. It is most likely that the failure of the policy makers to take into account the economic, political, social as well as the administrative variable during the policy formulation stages lead to the emergence of Policy implementation gaps (Kielstra, 2010).

3.1 County governance and alcohol policy implementation:

The Alcoholic Drinks Control Act of 2010 was noticeably debilitated when "devolved governance" was operationalized in Kenya through the Constitution of Kenya 2010. There has been a worrying decrease of political will at the county level to actualize the national policies that are not in tandem with the county priorities. County governance is essentially a

system of 'home rule' and the underscoring assumption is that each county government has the obligation to ratify the Alcoholic Drinks Control Act of 2010. However, this has become an uphill battle and the situation has been complicated by the fact that a number of county leaders are key players in the local alcohol industry since they are owners of some bars and pubs. When the new system of devolved government was conceived, the Alcoholic Drinks Control Act of 2010 had to be revisited and it has been at the mercy of the county governments to make it into law or shelf it. The impact of this crisis is that the consumption of local brew and some other illicit commercial alcohol has been promoted in most counties in the country, Busia being one of them. The Kenya Alcohol Policy Alliance (KAPA) was officially formed in 2012 with a sole purpose of simplifying the Act and disseminate it to all mainstream media houses as well spread it to all the key decision-makers so that they can have a holistic understanding of the policy.

However, this objective of KAPA has not been realized due to the skewed implementation of the policy. There are no viable structures that have been developed in the counties to oversee the implementation of the policy effectively, apart from the less effective sub-county alcohol licensing committees that are marred with corruption. The challenge is phenomenal since some of the politicians own bars in their counties (Gathigah, 2015). The situation as it is only portrays that devolving the Alcoholic Drinks regulation has only made strides in causing a state of confusion, misinformation, and misapplication of the act thus creating more menacing problems. Various county governments have hardly made any significant steps in enacting Alcohol Drinks Control Act making the enforcement and coordination of alcohol control a nightmare. Up to the present time, a number of devolved governments have renounced their mandates and they continue to pay allegiance to the obsolete Liquor Licensing Boards by continuing to be in the frontline of licensing bars. As a result, serious flaws have been witnessed and loopholes for the production and sale of locally produced brew have been opened.

3.2 Intricacies of political support for alcohol prohibition:

Historically, alcohol prohibition has been used as a political tool. However, most of the alcohol control policies have not met their objectives. The historical background of alcohol prohibition can be traced back to the Temperance movement that began in the 1820s during the American Revolution (Anderson & Baumberg, 2006). The temperance movement was a social oriented movement that advocated against the consumption of alcoholic drinks. The movement criticized alcohol intoxication and it sought to promote utter abstinence from the use of alcohol, both commercial and local. In other words, it maintained that all people should take tea and other non-alcoholic drinks such as sodas. This movement placed pressure on the government to adopt laws that would regulate or prohibit the use of alcohol. Temperance movement was based on religious issues related to strict observance of the Sabbath. This society attracted more than 8,000 local groups in the whole of America (Fletcher, 2007). Before the advent of the movement, drunkenness was lightly checked by the politicians but there was no any measure put across to prohibit people from drinking alcohol. The focus was regulation of hard spirits and the society concentrated on reforming the moral code as opposed to the enactment of legal measures outlawing alcohol (Murdach, 2009). The movement became more extreme in the 1830s when it was called teetotalism that called on people to completely abstain from the consumption of alcohol as opposed to moderation.

This new twist in the growth of the movement was triggered by the Catholic Church in Ireland and England. The movement was catalyzed by female suffrage, the renewal of religion and the progressive politics of the time (Fletcher, 2007). The movement was more politically influential in the early 20th century. Those in the ranks of the movement were mostly women who, with their children, had suffered the consequences of unbridled drinking by their husbands. At this time, alcohol was heavily blamed for many of the problems that faced the society such as destitution and crime. Women had few legal rights and they entirely depended on their husbands to provide support and sustenance (Fletcher, 2007). In the United States, the United Kingdom, and New Zealand, the banning of the sale of alcohol was only successful in the local regions of the countries, especially in the 1850s. However, the movement began failing in the United States because the government was relying on the alcohol duty to finance the American Civil War. Most of the states stopped the prohibition of alcohol because alcohol was generating finances for them. In the 1870s when the civil war was ending, the movement reanimated again (Anderson & Baumberg, 2006).

Alternatives to alcohol were established and the functions of the bars and pubs that existed were replaced. There was a culture at the time of people, especially entrepreneurs holding meetings in public bars. People began to be provided with safe drinking water in the United States and England and saloon alcohol slowly begun to diminish. Numerous temperance halls, coffee palaces, and temperance theaters were established to take the place of bars. Further efforts included the

publication of materials on temperance (Nugent, 2011; Lewis, 2009). The focus was to close as many bars and local clubs as possible. Stiff taxation, known as the People's Tax of 1910, was introduced on bars thus causing stiff resistance from the alcohol brewers and the politicians from the conservative party. The increased legislative efforts, however, led to the reduction of beer and liquor consumption almost by half between 1900 and 1920 because many leisure opportunities were introduced by the government (Murdach, 2009; Yeomans, 2011). Most of the countries again imposed sharp restrictions on the sale of alcohol during the First World War (Yeomans, 2011). Countries such as Finland begun alcohol prohibition in 1915, but recanted it in 1935 due to the increase in violent crime linked to the upsurge of illegal liquor trade and criminal opportunism (Nugent, 2011).

The decline of the Temperance movement started in the 1930s when sections of society and politicians saw prohibition as unhealthily distorting the existing drinking habits (Blocker, 2006). It was felt that the movement encouraged criminal activities and was responsible for the decline of economic activities. In the United States, the repeal of prohibition was effected on December 1933 and the licensing laws continued to be throughout the mid and late 20th century (Fletcher, 2007). A constitutional ban imposed on all dealings associated with alcoholic beverages such as its production, transportation, and sale in the United States due to massive alcoholism, domestic violence, and political corruption triggered sharp social debates. Due to the increased ban of alcohol, a lot of tax revenues were lost in the 1920s. Tough legislation of alcohol paved the way for the emergence of highly organized criminal gangs that took control of the beer and liquor supply. The impact of this was the development of dangerous crime waves in most of the cities. Prohibition was then attacked for precipitating criminal activities, lowering revenues at the local level and most of the citizens became acrimonious that prohibition was intended to impose Protestant religious values on the town dwellers in American cities. Prohibition was seen as the regulation of people's appetites.

Even though there were significant milestones that were made by the prohibition movement, many more crimes emerged as people devised other methods of smuggling alcohol leading to the explosive growth of the black market. The governments thought it would be fair enough to allow the alcohol, provided that rational regulation is imposed for the interest of the larger society. Most of the positive impacts of prohibition were only temporary. However, there were serious unintended consequences (Blocker, 2006). Today, most countries allow alcohol, they are well packaged and imported to Africa, where the local industry is being suppressed for the benefit of commercial brew (Odejide & Ibadan, 2006).

3.3 Conceptual framework:

This study is based on the premise that there cannot be effective implementation of the policies on the regulation of local brew without political goodwill. Empowerment of county structures, proper budgeting and consistent political support of the alcohol policies are the independent variables while effective alcohol policy implementation is the dependent variable. The alcohol control policies would be effectively implemented if the county priorities are consistent with the alcohol policy objectives.

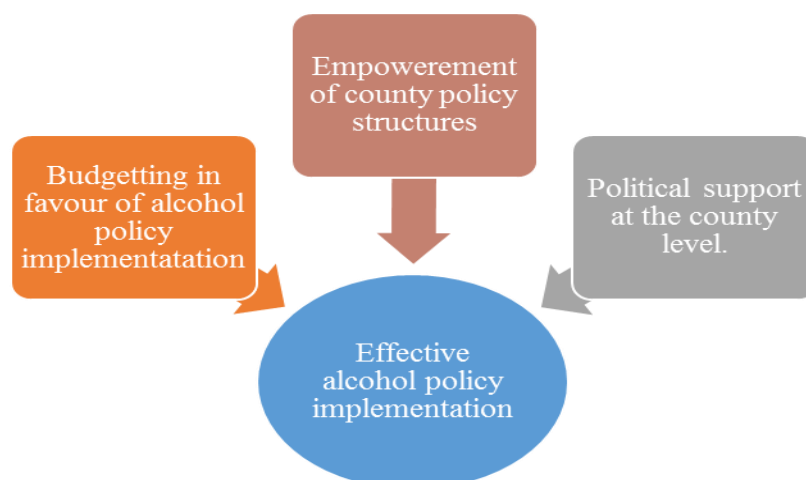


Figure 1.1: Conceptual Framework Model Showing the Variables of alcohol policies and political influence.

(Source: Researcher, 2017).

4. MATERIALS AND METHODS

A descriptive study design was used in carrying out this study. This design was considered over others because data collection procedure is easy and fast with high response rate (Contreras et al., 2012). Quantitative data was collected from 44 national administrators and a total of 26 police officers in the two divisions within Teso South sub-County using questionnaires. The national administrators were selected purposively from locations deemed to have excessive local brewing. There are also 7 police stations in the sub-county from which police officers were selected randomly based on their availability. Secondary data was collected from journals, books, newspapers, NACADA publications, internet sources and research reports. These data was vital as it showed the nature and the extent of the alcohol policy and its implementation challenges as recorded in existing literature. Collected data was tallied and analyzed using Statistical Package for Social Scientists (SPSS) version 22.0 for windows and presented using tables, charts, and graphs. Before the study, the researcher explained the purpose, duration and potential use of the research results to the respondents. The study area borders Uganda in Kenya's western province. Teso region was appropriate for this study due to the rampant use of local brew in the region.

5. FINDINGS AND DISCUSSIONS

5.1 Demographic Information:

5.1.1 National administrators' length of service:

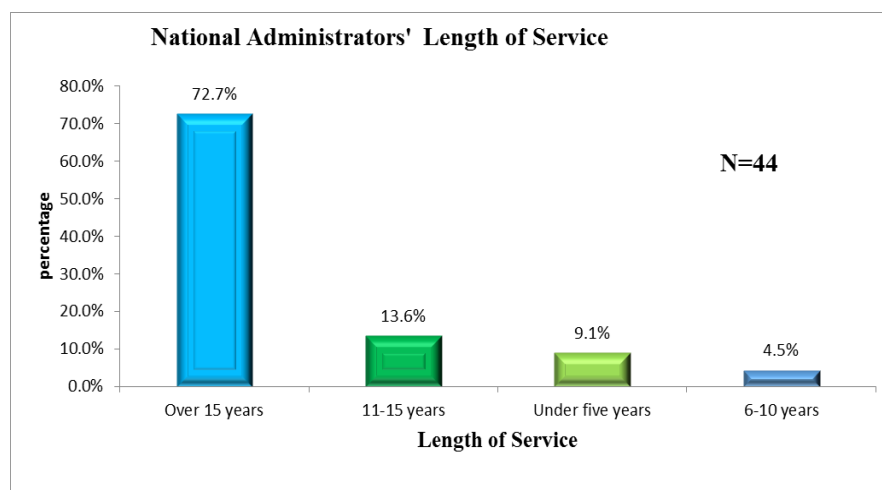


Fig 1: National administrators' length of service

Fig 1 above shows that 72.7% of the national administrators had served for more than 15 years. 13.6 % had been in service for a period between 11 and 15 years. 13.6 % of the respondents have served for a period below 10 years. This shows that most of the national administrators were conversant with their work and they had a full comprehension of their areas of jurisdiction. Their knowledge of local brewing was distinguished.

5.1.2 National administrators' level of education:

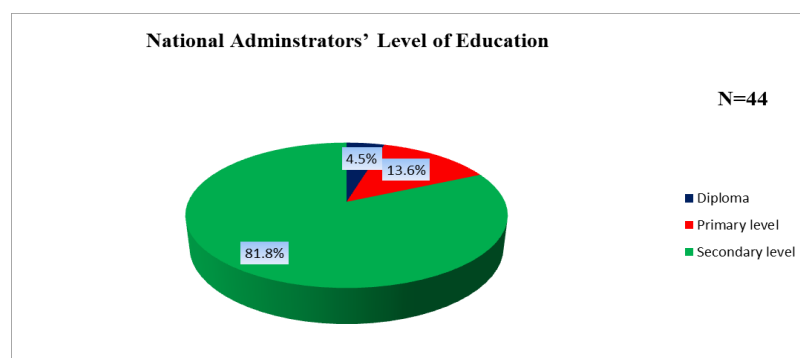


Fig 2: National Administrators' Level of Education

From Fig. 2 above, the majority of the national administrators in Teso south Sub-County had attained secondary education as by 81.8%. 13.6% had attained Diplomas while 4.5% had only attained primary education. These findings show that the national administrators were in a position to read and understand the alcohol policies in the region and translate them to the local people for proper implementation.

5.2 The role of political will and support in the implementation of legislation on local brew:

Table 1: Responses by police officers and national administrators on the role of political will and support in the implementation of legislation on local brew.

<i>Political resolve and support</i>	<i>Mean</i>	<i>Std. Deviation</i>
County governments have abdicated their regulatory roles.	3.5	1.219
Implementation of devolution is too hastily with no proper structures.	4.29	0.708
Unqualified personnel allocated for policy implementation.	4.36	0.892
Politicians overturn the efforts by NACADA through political intervention.	4.36	0.574
The policy structures require multiple approvals by political agencies with different objectives leading to poor coordination mechanisms.	4.09	0.858
The policies at the county level have poor content due to increased political interference.	4.24	0.692
The Alcoholic Drinks Control Act 2010 was weakened by devolution.	4.09	1.096
The alcohol policies are not consistent with the county's priorities.	4	1.057
Negative influence by powerful forces of politics.	4.29	1.043
Devolution of Alcoholic control has caused more confusion and problems.	4.24	1.122
Corruption and non-compliance among the national administrators.	4	1.1

As shown in Table 1 above, respondents agreed that the county government has abdicated its roles and have allowed national government agencies to continue licensing bars as indicated by the standard deviation of 1.219. This means that there is still some laxity from the county government to intervene forcefully in the eradication of local brew. According to the findings, devolution is being implemented in a too hastily manner and there are no structures established to curb the local brew businesses as shown by the mean of 4.29. Politicians allocate responsibilities for policy implementation to their unqualified campaign front men (mean 4.36). These front men are awarded for their effort during campaigns yet they do not possess the requisite knowledge to implement county and national policies. Moreover, these politicians intervene in decision making for political reasons and even overturn the efforts by NACADA as shown by the mean of 4.36. Another influence by politics is that the alcohol policy structures in place require multiple approvals by political agencies with very different objectives leading to poor coordination mechanisms as shown by the mean of 4.09. In addition, respondents indicated that alcohol policies have poor content and goals due to increased political interference (mean 4.24).

Given that politicians intervene in matters related to decision making with political conceptions, their priorities focus on attaining political mileage. It emerged that the advent of devolution as a system of governance has weakened the local brew control laws since the county lacks the political will to implement the policy (mean 4.09). The study highlighted that the national alcohol policies are not consistent with the county's objectives and priorities as shown by the mean of 4. There is serious negative influence by powerful forces of politics in the implementation of the local brew control policies (mean 4.29). Respondents indicated that politicians use back door methods to bail the producers or sellers once they are arrested to attain political mileage. These findings conform to those of Macharia (2016) which show that national administrators are attacked during raids by local brewers because they enjoy support and protection from the local politicians. Devolution of Alcoholic Drinks Control has caused more confusion and created more problems (mean 4.24). Most of the time, powerful politicians at the county level have targeted national administrators whom they term as "spoiling" their votes at the local level. It was also found that there is massive corruption and non-compliance among the national administrators themselves. These administrators also participate in the drinking of local brew as shown by the mean of 4. The senior police officers at the station level take bribes from the consumers, producers and the politicians leading to the release of the local brewers arrested before they are arraigned in the courts. The problem of kangaroo courts was identified as a serious impediment towards the success of the policy. Only the local brewers with no political connections are taken to the courts for prosecution and sentencing.

5.2.1 Political will from the county government to implement the alcohol policy:

Respondents were asked whether there was no political will from the county government to have alcohol control legislation implemented. Findings are shown in Table 2 below.

Table 2: Responses by national administrators and police officers on the lack of political will from county government.

<i>Response</i>	<i>Frequency</i>	<i>Percent</i>
Disagree	6	8.6
Agree	32	45.7
Strongly agree	29	41.4
Total	67	95.7
Missing	3	4.3
Total	70	100.0

When national administrators and police officers were asked whether the county government did not fully support alcohol policies, the findings show that 45.7% of the respondents agreed, while 41.4% strongly agreed. This means that the level of support from the county in strengthening the alcohol policy is very low. Respondents indicated that some of the politicians in the county own bars and thus there is no political will for alcohol policy. It was implied by the respondents that in most places, the raids that were conducted on bars owned by politicians, especially at the Kenya-Uganda border, are selling points for contraband alcohol smuggled from Uganda. Also, there is no any actionable plan that has been rolled out in order to garner the required political will in the so called 'war against local brew'. Efforts tend to focus more on the poor local brew consumers but Busia County has not taken any significant steps to educate the public and find them viable income generating activities parallel to the sale of local brew.

In essence, the implementation of regulation on local brew does not require mere arrests and frustration of the local brew producers, but rather a plan that will make the business less rewarding while the public is empowered economically (Masinde, 2014). Devolution is instead being implemented in a rather hasty manner without proper formation of structures to oversee the implementation of regulations on alcohol thus leaving counties like Busia struggling with the bitter consequences of local brew consumption. Amid their challenges, the government is not doing more to empower the county governments to deal with alcohol regulation policy. The county government of Busia is discussing a bill intended to legalize the production and sale of local alcohol under some conditions and licensing efforts. However, this is a recent development that continues to be pursued with troubling laxity. Political will from the county governments is a fundamental factor in the implementation of various national government policies. When there is no political will, those policies become severely counterproductive.

5.2.3 Goodwill among the local politicians of Teso south concerning the alcohol policy:

Police officers were asked whether there any goodwill among the citizens concerning the alcohol policy. Findings are shown in the table 3 below.

Table 3: Responses by 26 police officers on political goodwill at the local level

Response	Frequency	Percent	Cumulative Percent
Yes	4	15.4	15.4
No	18	69.2	84.6
Missing	4	15.4	100.0
Total	26	100.0	

From Table 3 above, 69.2% of the police respondents indicated that there is no political support in favor of the alcohol policy in Teso south sub-county. 15.4% of the respondents agreed that there is political support. According to the respondents, the alcohol policies interfere with people's traditional practices and hence, it is not taken positively by the local politicians. Most of the people brew because of poverty. When the brew are outlawed, the local politicians would not be very willing to implement such a policy that strains their relations with the local citizens.

6. CONCLUSIONS

The study covered policies within the alcohol industry and their implementation challenges linked to the political goodwill. The study concludes that gaps in intentions and results of the policy implementation initiatives occur especially where the policy designers become undermined by the powerful forces of politics and administrative figures in government agencies. More often, the policy decision makers pay lip service to the subject of policy implementation efforts and they take the policy for granted once it has been adopted by the government. Hence, the policy fails to be holistically implemented and in many instances, it becomes counterproductive due to sketchy implementation and lack of monitoring. From the findings, existing agencies that work with the police to enforce the law do not have necessary resources to operationalize the policy effectively thus, implementation is scantily done. Even though NACADA is a centralized authority that is tasked with the implementation of the alcohol policy, devolution has hampered its effectiveness. Legislation and policies enacted to outlaw local brew at the county, agency and national levels seem to be overlapping and overseeing the realities on the ground. Consequently, numerous attempts to impose the alcohol policy are daunted as a result of lack of transparency between national government and the county level authorities. The continued existence of illicitly operated drinking joints owned by the politicians is a testimony that the alcohol policy is much weaker when dealing with the poor locals. The policy works effectively when applied to the poor. As the political actors engage in the large-scale sale of local brew, the poor would be pinned down merely for owning a spoonful of homemade alcohol. The study found that the Alcohol Control of 2010 has been weakened by the advent of devolution and its effectiveness continues to fade away as the county government continues to gain momentum. Devolution is a major cause of the explosion in the consumption and production of illicit brew in Teso South Sub-County.

7. RECOMMENDATIONS

The study raises the following broad recommendations.

- i. The Kenya Alcohol Policy Alliance (KAPA) and other like-minded agencies need to devise a new plan of action, regroup themselves and rethink their efforts so as to advocate for more county involvement and trigger more political support for the implementation of the act. Even with attention being focused on implementing the alcohol control policy, regulation should be given priority as opposed to prohibition.
- ii. Alcohol regulation should be taken back to the national government. The national administrators have pertinent details regarding local brewers and brewing dens in their areas of jurisdiction. Thus, they should be placed at the frontline during alcohol policy implementation.
- iii. The government needs to fund more research undertakings especially on the increase of sub-standard alcohol from Uganda in the country. Scientific evidence needs to be used before declaring any form of alcohol prohibition in the country. Seemingly, the current law and governmental efforts are based on feelings and the government's perception of local brew from the negative light. From the literature reviewed in this study, the temperance movement was based on the belief that most social and personal upheavals such as crime, poverty, and violence were linked to alcohol (Bergin, 2013). Alcohol was solely blamed for the problems of society and it was deemed that the only way to stabilize the society was by prohibiting alcohol. However, given the dynamics of the modern society, this study found that social problems need to be perceived beyond the mere influence of alcohol (Bergin, 2013).
- iv. There is a need for a social diagnosis to improve people's lives and approach the alcohol problem from a more rational and empirical based point of view. Even though alcohol was being discouraged by the temperance movement, there were many other alternatives to alcohol such as temperance halls, coffee palaces and temperance theaters that replaced bars. This has not been effectively done in Kenya. A multitude of agencies need to work hand in hand in promoting

education on local brew and affordable alternatives should be introduced if the government continues to insist on prohibition. The current education programs only demonize local brew and praise commercial alcohol that the local residents cannot afford. Such a scenario is capitalized by the local politicians to impede the implementation of the alcohol policy.

- v. Fundamentally, the government planning, allocation of roles and resources to various institutions and actors to implement the alcohol policy need to be guided by issues of policy development and implementation at the county level (Bressers & O'Toole, 2005). A policy framework plays a central role in guiding the overall coordination and implementation of measures, and programs that are committed to the realization of desired policy objectives.

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