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Counterfeit Alcohol as a National Security Threat in Kenya: Kiambu County Case Study

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ABSTRACT

Counterfeit alcohol remains a growing concern in many developing economies, yet its implications extend beyond public health and economic losses to broader questions of national security. This study examines counterfeit potable spirits as a security threat in Kenya, drawing on evidence from Kiambu County. The analysis is grounded in securitization theory, institutional theory, and counterfeit market theory to explain how illicit alcohol markets evolve and persist despite regulatory frameworks. A mixed-methods approach was adopted, combining survey data from 312 respondents with qualitative interviews involving consumers, traders, enforcement officers, and regulatory officials. The study assessed market availability, identification capacity, perceived trends, pricing dynamics, health impacts, revenue losses, and links to organized crime, alongside an evaluation of institutional and regulatory responses. Findings indicate widespread availability of counterfeit alcohol, with 86% of respondents confirming its presence in local markets. A majority of respondents (78%) perceive a rising trend over the past five years, while 57% report an inability to distinguish counterfeit from genuine products. The study further finds strong perceived links to adverse health outcomes (90%), government revenue loss (87%), and organized criminal networks (80%). Institutional analysis reveals moderate but inconsistent enforcement effectiveness, constrained by coordination gaps, uneven capacity, and corruption risks. The study concludes that counterfeit alcohol in Kenya constitutes a multidimensional national security threat, simultaneously undermining human security, fiscal stability, and institutional legitimacy. Its persistence is driven not only by market incentives but also by structural weaknesses in enforcement systems and fragmented governance responses. The findings contribute to securitization debates by demonstrating how illicit consumer goods can escalate into security concerns in contexts of regulatory fragmentation. Policy implications point to the need for integrated enforcement systems, strengthened institutional coordination, and demand-side interventions to disrupt sustained market demand.

Keywords: Counterfeit alcohol, national security, organized crime, illicit trade, enforcement, Kenya.

INTRODUCTION

Illicit trade in counterfeit goods has become an expanding global governance challenge, increasingly recognized as a multidimensional threat that cuts across economic stability, public health, and institutional legitimacy. According to the Organization for Economic Co-operation and Development and the European Union Intellectual Property Office, counterfeit and pirated goods account for a significant share of global trade in illicit products, with alcohol identified as one of the most vulnerable commodity categories due to high demand elasticity and relatively simple replication processes (OECD/EUIPO, 2021). Beyond economic losses, the proliferation of counterfeit consumables has been linked to severe public health risks and the weakening of regulatory regimes, particularly in environments where enforcement capacity is uneven (UNODC, 2020).

At the global level, counterfeit alcohol is increasingly being conceptualized not only as a regulatory concern but also as part of broader illicit economies that intersect with organized crime networks and governance fragility. Studies indicate that such markets thrive in conditions where regulatory oversight is fragmented, consumer information is limited, and enforcement systems are unable to maintain sustained deterrence

(Havocscope, 2019; UNODC, 2020). This framing has contributed to a gradual shift in scholarly discourse, where counterfeit commodities are no longer treated solely as economic infractions but as components of transnational illicit systems with implications for state security.

Within the African context, the expansion of informal economies and porous regulatory environments has created enabling conditions for counterfeit goods markets to flourish. The World Health Organization (WHO, 2018) estimates that substandard and falsified alcohol products remain a significant public health concern in several African countries, where regulatory enforcement is often constrained by limited institutional resources and competing governance priorities. In many settings, informal distribution networks dominate alcohol supply chains, complicating traceability and weakening compliance with regulatory standards (Akingbade & Adebayo, 2020). These structural conditions allow counterfeit products to circulate alongside legitimate goods, making detection and control particularly challenging.

In Kenya, the alcohol sector is characterized by a dual structure comprising formal licensed producers and a large informal market segment. Despite the existence of regulatory frameworks such as the Alcoholic Drinks Control Act and anti-counterfeit legislation, enforcement challenges persist, particularly in informal settlements and peri-urban markets where oversight is inconsistent (NACADA, 2022). Reports by the Anti-Counterfeit Authority (2023) indicate that counterfeit alcoholic beverages remain prevalent in local markets, driven by tax evasion incentives, weak supply chain monitoring, and the increasing sophistication of packaging imitation.

Kiambu County represents a particularly important site for examining these dynamics due to its socio-economic diversity, proximity to major urban consumption centres, and strong presence of informal retail networks. The county reflects broader national trends in which counterfeit alcohol is embedded within everyday consumer markets rather than being confined to isolated illicit networks. In such environments, consumers often face significant challenges in distinguishing between genuine and counterfeit products due to advanced replication techniques, thereby shifting the burden of verification from individuals to enforcement institutions. However, institutional capacity constraints, fragmented inter-agency coordination, and uneven enforcement practices continue to limit the effectiveness of regulatory interventions.

Beyond market and institutional dynamics, counterfeit alcohol presents broader governance and security implications. Empirical studies have associated illicit alcohol markets with public health crises, including poisoning and mortality, as well as significant fiscal losses arising from tax evasion and unrecorded trade (Gathogo & Mwaura, 2019). Furthermore, emerging evidence suggests that counterfeit goods markets may be linked to organized criminal structures that coordinate production, distribution, and market access, particularly in environments where enforcement is inconsistent and profitability remains high (UNODC, 2021). These intersecting dimensions position counterfeit alcohol within a broader national security discourse that encompasses human security, economic security, and institutional integrity.

Despite the existence of a relatively comprehensive legal and institutional framework in Kenya, questions remain regarding its practical effectiveness. While regulatory instruments exist, their implementation is often constrained by uneven enforcement, limited inter-agency coordination, resource disparities among institutions, and vulnerabilities to corruption within enforcement systems (OECD, 2019; Fink et al., 2016). This gap between formal regulatory design and practical enforcement outcomes raises important analytical questions regarding state capacity and the governance of illicit markets.

Existing literature has tended to address counterfeit alcohol through fragmented lenses, focusing separately on health risks, taxation losses, or enforcement challenges. However, limited attention has been given to integrating these dimensions within a unified analytical framework that situates counterfeit alcohol within national security discourse and examines how institutional and market dynamics jointly sustain its persistence. This represents a significant conceptual and empirical gap, particularly in the Kenyan context, where illicit alcohol markets remain both economically embedded and institutionally resilient. Against this background, this study examines counterfeit potable spirits as a national security threat in Kenya, using Kiambu County as an analytical case. It seeks to contribute to scholarly debates on illicit economies, state capacity, and securitization by providing an integrated analysis of market structures, institutional responses, and security implications associated with counterfeit alcohol proliferation.

Problem Statement

Despite the existence of comprehensive legal and institutional frameworks governing alcohol regulation and anti-counterfeit enforcement in Kenya, counterfeit potable spirits continue to circulate widely across formal and informal markets. This persistence indicates a fundamental gap between regulatory intent and enforcement outcomes, raising critical concerns regarding the effectiveness of state capacity in controlling adaptive illicit markets. In practice, counterfeit alcohol markets demonstrate resilience, suggesting that enforcement mechanisms are not sufficiently deterrent or consistently implemented to disrupt supply chains.

Existing scholarship has addressed counterfeit alcohol primarily through fragmented analytical lenses, focusing on public health risks, fiscal losses, or enforcement weaknesses in isolation. While these studies provide important insights, they offer limited explanatory power regarding how institutional constraints, market incentives, and illicit actor adaptation interact to sustain the continuity of counterfeit alcohol distribution systems. This fragmentation has constrained the development of integrated analytical approaches capable of explaining the systemic nature of the problem.

In the Kenyan context, enforcement institutions operate under conditions of structural limitation, including uneven resource distribution, overlapping mandates, limited technical capacity, and inconsistent inter-agency coordination. These weaknesses are further compounded by governance challenges that reduce enforcement predictability and weaken deterrence effects. At the same time, counterfeit alcohol producers and distributors employ adaptive strategies such as product imitation, exploitation of informal retail networks, and rapid market reconfiguration in response to enforcement interventions. The interaction between institutional constraints and illicit adaptability produces a self-sustaining system that enables continued market penetration.

Although counterfeit goods are increasingly recognized within broader illicit economy literature, their conceptual integration into national security discourse remains underdeveloped in the Kenyan context. Existing analyses rarely frame counterfeit alcohol as a multidimensional security issue encompassing human security risks, fiscal destabilization, institutional erosion, and potential connections to organized illicit networks. This conceptual gap limits a comprehensive understanding of its strategic implications for state stability and governance resilience. The central problem addressed in this study is therefore the persistence and expansion of counterfeit potable spirits in Kenya, despite established regulatory frameworks, driven by structural enforcement inefficiencies, institutional fragmentation, and adaptive illicit market dynamics, compounded by an insufficiently integrated analytical framing that fails to fully conceptualize the phenomenon as a national security concern.

METHODOLOGY

This study adopted a cross-sectional mixed-methods design to investigate counterfeit potable spirits as a national security concern in Kenya, with Kiambu County serving as the empirical context. The design was selected to enable methodological triangulation between quantitative measurement and qualitative interpretation, thereby capturing both the prevalence of perceptions and the institutional, behavioral, and market mechanisms sustaining counterfeit alcohol circulation.

The study population comprised stakeholders embedded within the alcohol value chain and regulatory architecture, including consumers, business operators, enforcement officers, and regulatory officials. These groups were analytically relevant due to their differentiated positioning within production, distribution, consumption, and enforcement systems, enabling a multi-layered assessment of both demand- and supply-side dynamics as well as governance responses.

A total of 312 respondents participated in the study. Sampling employed a combined stratified and purposive strategy. Stratified sampling ensured proportional representation of key stakeholder categories, enhancing comparative analytical validity across groups. Purposive sampling was used to select key informants with direct operational experience in enforcement and regulatory practice, thereby strengthening contextual depth and interpretive richness.

Primary data were collected using structured questionnaires and semi-structured interviews. The questionnaires generated quantitative data on market penetration, consumer behavior, perceived risks, institutional capacity, enforcement effectiveness, and governance performance related to counterfeit alcohol. Semi-structured interviews were used to elicit in-depth qualitative insights into enforcement constraints, inter-agency coordination challenges, institutional fragmentation, and adaptive strategies within illicit alcohol networks.

Quantitative data were analyzed using descriptive statistical techniques, specifically frequencies and percentages, to establish distributional patterns across key study variables. Qualitative data were analyzed using thematic analysis, involving iterative coding, categorization, and interpretation of recurrent patterns relating to institutional capacity constraints, enforcement inconsistency, market accessibility, and systemic governance weaknesses. Integration of findings followed a convergent mixed-methods logic, enabling systematic triangulation and synthesis of quantitative and qualitative evidence within a unified explanatory framework.

Methodological rigor was ensured through triangulation of data sources and methods, enhancing internal validity and interpretive reliability. Content validity was established through expert review of instruments to ensure alignment with research objectives and conceptual constructs. Reliability was strengthened through pre-testing and refinement of instruments prior to full-scale data collection, ensuring consistency in measurement across respondent groups.

Ethical considerations were strictly observed throughout the research process. Participation was voluntary, informed consent was obtained from all respondents, and confidentiality was maintained through anonymization and secure handling of data. All data were used exclusively for academic purposes in accordance with established research ethics protocols.

FINDINGS

This section presents and interprets empirical findings on counterfeit potable spirits in Kiambu County, structured around their implications for national security. The analysis integrates descriptive statistical patterns with qualitative evidence to provide a multi-layered understanding of market dynamics, institutional responses, and security externalities. Findings are organized thematically in line with the study objectives.

Response Rate

A total of 370 respondents were targeted for this study, drawn from consumer, business, and institutional stakeholders within the potable spirits value chain in Kiambu County. Out of these, 312 questionnaires were duly completed and returned, while 58 were either not returned or were excluded due to incomplete responses. The overall response distribution is presented in Table 1.

Table 1: Response Rate of Questionnaires

Category	Frequency	Percentage (%)
Valid Responses	312	84.3
Non-Responses/Invalid	58	15.7
Total	**370**	**100**

Source: Field Data (2026)

The study achieved a response rate of 84.3%, which is considered highly satisfactory for quantitative and mixed-methods social science research. This level of response enhances the statistical reliability of the dataset and reduces the risk of non-response bias.In methodological terms, response rates above 70% are widely regarded as adequate for robust empirical analysis in survey-based research (Mugenda & Mugenda, 2003). The attained rate therefore exceeds the minimum threshold, strengthening the credibility, validity, and generalizability of the findings. The high level of participation further reflects strong engagement among stakeholders across consumer, business, and institutional categories, thereby improving the representativeness of perspectives captured in the study and supporting more reliable inference in subsequent analysis.

Demographic Characteristics of Respondents

This section presents the demographic profile of respondents, including gender, age, education level, and occupation. The objective is to establish the composition of the sample and assess the extent to which it captures diverse perspectives relevant to counterfeit potable spirits and national security dynamics in Kiambu County.

Table 3: Demographic Characteristics of Respondents (n = 312)

Variable	Category	Frequency	Percentage (%)
Gender	Male	180	57.7
	Female	132	42.3
Age	18–25	62	19.9
	26–35	104	33.3
	36–45	78	25.0
	46–55	48	15.4
	56+	20	6.4
Education	Primary	38	12.2
	Secondary	96	30.8
	Diploma	84	26.9
	Bachelor’s	70	22.4
	Postgraduate	24	7.7
Occupation	Consumers	128	41.0
	Business operators	104	33.3
	Enforcement officers	50	16.0
	Other stakeholders	30	9.7
Total		**312**	**100**

Source: Field Data (2026)

The demographic composition indicates a moderately balanced distribution across gender, with male respondents forming a slight majority (57.7%), while female respondents constitute 42.3%. This suggests that the study captured perspectives from both genders, although with a marginal dominance of male participants, which may reflect their higher involvement in alcohol-related economic activities and enforcement structures in the study context.

In terms of age distribution, the majority of respondents fall within the economically active cohort of 26–45 years (58.3%). This group is particularly significant because it represents individuals most likely to participate in alcohol consumption, distribution, and regulatory oversight. The presence of younger and older respondents enhances interpretive breadth, although their proportions are comparatively lower.

Educational attainment indicates that a substantial proportion of respondents possess secondary (30.8%) and tertiary education (57.0% combined for diploma, bachelor’s, and postgraduate levels). This suggests relatively high literacy levels within the sample, which is important for assessing regulatory awareness, product identification capacity, and perceptions of institutional effectiveness in combating counterfeit alcohol.

Regarding occupation, consumers constitute the largest group (41.0%), followed by business operators (33.3%), enforcement officers (16.0%), and other stakeholders (9.7%). This distribution is analytically

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significant as it ensures representation across demand, supply, and regulatory dimensions of the alcohol value chain. Consequently, the dataset enables a multi-perspective analysis of counterfeit alcohol as both a market-driven and governance-related phenomenon. Overall, the demographic profile supports the validity of the study by ensuring diversity across key socio-economic and institutional categories, thereby strengthening the robustness of subsequent empirical interpretations.

Findings of the study

The analysis included descriptive statistical analysis that included frequencies, percentages, mean and standard deviation and inferential statistics. The interpretation of the mean was that 1-1.8 represents strongly disagree, 1.9-2.6 represents disagree, 2.7-3.2 was interpreted as somehow agree or neutral, 3.3-4.0 was agree and finally above 4.0 was considered as strongly agree (Wandili, 2022).

Impact of Counterfeit Potable Spirits on National Security

The study sought to examine the impact of counterfeit potable spirits and how this has affected national security. The section examined the role of the counterfeit alcohol trade in affecting revenue loss, enabling organized crime and weakening regulatory and enforcement structures. In this way, the research contextualizes counterfeit trade within a security paradigm, including its impact on state security and public safety.

Table Error! No text of specified style in document.**-1: Impact of Counterfeit Potable Spirits on National Security**

Statement	N	Mean	Standard Deviation
Counterfeit potable spirits are widely available in Kiambu County.	245	4.67	.620
I can easily distinguish between genuine and counterfeit potable spirits in the market.	245	2.50	1.162
The sale of counterfeit potable spirits has increased over the last 5 years.	245	4.22	1.071
Counterfeit potable spirits are often cheaper than legitimate brands, which encourages its purchase.	245	4.76	.823
Consumption of counterfeit potable spirits has resulted in serious health problems in this area.	245	4.24	.929
The counterfeit potable spirits trade contributes to loss of government tax revenue.	245	4.38	1.138
Counterfeit potable spirits trade is linked to organized criminal groups in Kenya.	245	4.51	.862
Counterfeit potable spirits undermine Kenya's national security and economic stability.	245	3.92	1.029

Source: Field Data (2025*)*

The results indicated that there was a strong agreement that counterfeit potable spirits are widely available in Kiambu County (Mean=4.67; Std. Deviation=.862), however one cannot easily distinguish between genuine and counterfeit spirits in the market (Mean=2.50; Std. Deviation=1.162). The results indicate a strong agreement that the sale of counterfeit potable spirits has increased over the last 5 years (Mean=4.22; Std. Deviation=1.071). The findings pointed out that counterfeit potable spirits is often cheaper than legitimate brands, which encourages its purchase (Mean=4.76; Std. Deviation=.823).

The study pointed out that consumption of counterfeit alcohol has resulted in serious health problems in this area (Mean=4.24; Std. Deviation=.929) and highlighted that counterfeit potable spirits trade contributes to loss of government tax revenue as the illegal traders evade payment of tax (Mean=4.38; Std. Deviation=1.138). The results indicate a strong agreement that counterfeit trade is linked to organized criminal groups in Kenya as the operators (Mean=4.22; Std. Deviation=1.071). The findings indicated an agreement that counterfeit goods undermine Kenya's national security and economic stability (Mean=3.92; Std. Deviation=1.029).

These findings indicate that counterfeit potable spirits are widely available in Kiambu County just like in other metropolitan counties, with counterfeits packaged in such a way that it is not easy to distinguish between genuine and counterfeit potable spirits in the market. The results highlight how the widespread sale of counterfeit potable spirits has increased, especially over the last 5 years. This can be attributed to the low cost of these counterfeit potable spirits that are often cheaper than legitimate brands hence encouraging their purchase. Additionally, the consumption of counterfeit potable spirits has resulted in serious health problems in the county as they do not adhere to the required standards and are not subjected to quality assessment and control. The counterfeit trade in the potable spirits sector is not only harmful to community health but also denies government revenue in terms of taxes as the illegal traders evade payment of tax. Notably, the potable spirits counterfeit trade has been associated with organized criminal groups in Kenya as the operation of this business includes criminal networks with secretive underground operations that evade the government and security agencies arm. This has therefore undermined the overall national security and economic stability.

The study through chi-square analysis also assessed how the impact of counterfeit potable spirits had significantly contributed to national security and the findings are as indicated below.

Table Error! No text of specified style in document.**-2: Impact of counterfeit potable spirits on National Security: Chi-square Results**

Statement	**Chi-square Value**	**df**	**Significance P-Value**
Availability of counterfeit potable spirits that are widely available in Kiambu County significantly contribute.	490.000[a]	16	.000
Inability to distinguish between genuine and counterfeit potable spirits in the market.	400.196[a]	16	.000
The increase of sale of counterfeit potable spirits over the last 5 years.	597.208[a]	24	.000
The cost of counterfeit potable spirits that is cheaper than legitimate brands, which encourages its purchase.	245.000[a]	8	.000
Consumption of counterfeit potable spirits result in serious health problems in this area.	469.785[a]	24	.000
Counterfeit potable spirits trade contribution to loss of government tax revenue.	372.637[a]	16	.000
Counterfeit potable spirits trade being linked to organized criminal groups in Kenya.	490.000[a]	16	.000
Counterfeit goods undermining of the county security and Kenya's economic stability.	647.362[a]	24	.000

Source: Field Data (2025*)*

The results indicated that the availability of counterfeit potable spirits that are widely available in Kiambu County; inability to distinguish between genuine and counterfeit spirits in the market significantly; the increase of sale of counterfeit potable spirits over the last 5 years ; and the cost of counterfeit potable spirits that are cheaper than legitimate brands that encourages consumption significantly affect national security in Kenya (χ^2=490.0*; P<.000);* (χ^2=400.196[a]*; P<.000);* (χ^2=597.208[a]*; P<.000);and*(χ^2=245.000a*; P<.000).*

Consumption of counterfeit potable spirits result in serious health problems in this area; counterfeit potable spirits trade contribution to loss of government tax revenue; and counterfeit potable spirits trade being linked to organized criminal groups in Kenya; and counterfeit goods undermining of the county security and national economic stability significantly affected national security in Kenya (χ^2=469.785a*; P<.000)*; (χ^2=372.637a*; P<.000)*; (χ^2=490.000a*; P<.000);and* ; (χ^2=490.000a*; P<.000).*

The result indicated the significant effect that the various impacts of counterfeit potable spirits trade and consumption had on the overall national security. The result highlights the significant effect that counterfeit spirits availability, inability to identify the original products from counterfeit, the price advantage of counterfeit liquor, and the linking of the trade with organized criminal activities significantly contribute to insecurity across the county and nationally.

The response from the interviews also points to the availability of counterfeit potable spirits, especially in the informal and semiformal settlements, sometimes passing the security personnel and the enforcement agencies as cited by most of the respondents. Most of the enforcement officers highlighted the challenges of enforcement and highlighted the limited information environment where consumers and traders lack capacity to authenticate product authenticity at the time of purchase, with many highlighting that the sale of counterfeit potable spirits has increased especially in the recent past as illegal traders devise new ways of transporting the counterfeit alcohol. Many felt that one of the factors that has led to the increased use is that the counterfeit alcohol is often cheaper than legitimate brands and, therefore, many buy it for as little as sometimes 30 Kenyan shillings, despite serious health problems and even fatalities associated with the consumption of cheaper and unstandardized alcohol. The enforcers from the security forces pointed out that counterfeit trade is linked to organized criminal groups in Kenya, with the criminal groups having networks and footprints across the country and beyond the borders, significantly affecting national security.

A KRA officer reported that

"Inspections are not frequent enough, which causes the products to stay in the market for long" (KRA Officer).

Similarly, NACADA commented that

"Interruptions in the enforcement process offer a higher probability of evasion, leading to counterfeiting" (NACADA).

The Security Officer reported that

"Although some raids occur, after a while the products make their way into the market through other channels" (Security Officer).

Furthermore, the Enforcement Officer remarked that

"it is not easy to identify unregistered production facilities, and by the time the enforcement officers reach those places, the products are already in the market" (Enforcement Officer).

Responses from FGDs also support findings from both quantitative results and interview supporting that the counterfeit potable spirits are easily available, especially in the informal and semiformal settlements. The participants pointed to the difficulty in identifying the real products from the counterfeits, especially for consumers. The participants stated that the price advantage of counterfeit potable spirits is structural sometimes due to regulatory evasion and reinforced by the price sensitivity of consumers, which results in the desire to buy despite the risks associated with the products. Although the participants understood that consumption of counterfeit potable spirits results in serious health problems in this area, they stated that the low prices and the ability to make one 'high' quickly drive many to counterfeit alcohol.

The presence of counterfeited potable spirits was also prevalent among various respondent categories, mainly in informal and crowded neighborhoods. According to a Retailer,

"Counterfeit potable spirits are readily available especially in slum neighborhoods" (Retailer).

Similarly, a Consumer indicated that

"these beverages can be purchased freely in local shops and bars" (Consumer).

Another important factor that contributed to their consumption was price, as stated by a Consumer:

"They are cheaper since they are not subject to tax and regulation, unlike the originals" (Consumer).

Lastly, health issues were frequently mentioned by the respondents. A Consumer explained,

"There are many cases of alcohol poisoning, most of which we assume result from counterfeit alcohol" (Consumer).

The shared perspectives among traders, enforcement officers and consumers suggest supply is concentrated and occurs at multiple market levels, thereby increasing the availability of counterfeit potable spirits. The findings point to the weak enforcement attributed to poor coordination among the enforcement agencies, which supports earlier findings by the Anti-Counterfeit Authority (2023) and the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) (2022) reports that associated the counterfeit alcohol problem with weak enforcement and a high level of in formalization. Similarly, Gathogo and Maura (2019) attribute the continued sale of counterfeits to weak enforcement of regulations.

Additionally, the availability of cheap counterfeit potable spirits has created a great demand that has further been serviced by organized criminal networks that supply the illicit alcohol to consumers, especially in informal settlements and rural areas. This finding is consistent with the UNODC (2021) report, which highlights those illicit markets, including counterfeit goods trading, tend to develop into organized markets in the presence of ongoing demand, profitability and weak enforcement. It also underlines that markets tend to adopt coordination strategies that enable them to maintain operations despite enforcement efforts, particularly in contexts of irregular enforcement. These findings suggest that the market for counterfeit potable spirits in Kiambu County is part of organized illicit markets that have coordination, limited access and adaptability, enabling it to persist over time, and thus transform from an informal economic activity to a security-relevant, organized crime phenomenon.

Legal and regulatory frameworks addressing counterfeit goods

The second objective was to analyze the existing legal and regulatory frameworks addressing the effect of counterfeit goods on national security in Kenya. The section provides insights into how legal and regulatory frameworks addressing counterfeit goods affect national security.

Table Error! No text of specified style in document.**-3: Legal and regulatory frameworks addressing counterfeit goods**

Statement	**N**	**Mean**	**Standard Deviation**
Kenya has adequate laws to curb the production and sale of counterfeit potable spirits.	245	4.01	1.077
Agencies such as NACADA, ACA, KEBS, and KRA effectively coordinate their efforts to control counterfeit potable spirits.	245	2.25	1.157
The penalties for producing or selling counterfeit potable spirits are sufficient to deter offenders.	245	2.60	1.041
There is public awareness about the dangers of counterfeit alcohol.	245	3.16	1.133
Corruption within enforcement agencies limits the effectiveness of anti-counterfeit operations.	245	4.00	1.154
The Anti-Counterfeit Authority has sufficient resources and personnel to enforce anti-counterfeit laws.	245	3.74	.921
Existing legislation adequately addresses cross-border smuggling of counterfeit potable spirits.	245	3.93	1.249
Government monitoring and inspection of potable spirits products is consistent and reliable.	245	2.49	1.193

Source: Field Data (2025*)*

The results indicated that there was a strong agreement that Kenya has adequate laws to curb the production and sale of counterfeit potable spirits (Mean=4.01; Std. Deviation=1.077), nonetheless, the results pointed out that Agencies such as NACADA, ACA, KEBS, and KRA effectively coordinate their efforts to control counterfeits (Mean=2.25; Std. Deviation=1.157), with the results indicating a disagreement that the penalties for producing or selling counterfeit potable spirits are sufficient to deter offenders (Mean=3.95; Std. Deviation=1.041). In terms of public awareness about the dangers of counterfeit potable spirits, the results somehow agreed that the public was aware of the dangers of counterfeit potable spirits (Mean=3.16; Std. Deviation=1.133).

The strong agreement highlights the effects of corruption within enforcement agencies that limit the effectiveness of anti-counterfeit operations by various agencies (Mean=4.00; Std. Deviation=1.154), despite the study agreeing that the Anti-Counterfeit Authority has sufficient resources and personnel to enforce anti-counterfeit laws (Mean=3.74; Std. Deviation=.921), with the results indicating that existing legislation adequately addresses cross-border smuggling of counterfeit potable spirits (Mean=2.26; Std. Deviation=1.249). The results also indicated that government monitoring and inspection of alcohol products is not consistent and reliable (Mean=2.49; Std. Deviation=1.193).

These findings indicate that while Kenya has adequate laws to curb the production and sale of counterfeit potable spirits, the laws are not sufficiently enforced, pointing to the ineffectiveness of the law enforcement agencies such as NACADA, ACA, KEBS, and KRA that the results indicate that they do not effectively coordinate their efforts to control counterfeits spirits in the county. Notably, the fewer penalties for producing or selling counterfeit potable spirits are insufficient to deter offenders, as the fines are low, thereby further promoting illegal counterfeiting business in the county. The average levels of public awareness point to the extent of the danger there by calling for more public awareness of the dangers of counterfeit alcoholic beverages, especially targeting the consumers of such products.

Additionally, the effects of corruption within enforcement agencies and poor Interagency coordination limit the effectiveness of anti-counterfeit operations by various agencies. Moreover, despite significant funding from the various government agencies, including the Anti-Counterfeit Authority, and increased personnel to enforce anti-counterfeit laws, there is still under performance in terms of enforcement of the various laws. While existing legislation largely addresses cross-border smuggling of counterfeit potable spirits, small fines awarded to offenders continue to promote the illicit trade of counterfeit alcohol. The government monitoring and inspection of alcoholic products has been faulted as not being consistent and reliable, further contributing to the increased trade in counterfeit alcohol not only in the county but also across the country.

Table Error! No text of specified style in document.**-4: Legal and regulatory frameworks addressing counterfeit goods: Chi-square Results**

Statement	Chi-square Value	df	Significance P-Value
Kenya having adequate laws to curb the production and sale of counterfeit potable spirits.	255.200^a	12	.000
Agencies such as NACADA, ACA, KEBS, and KRA effectively coordinating their efforts to control counterfeit alcoholic beverages.	198.735^a	12	.000
Sufficiency of penalties for producing or selling counterfeit potable spirits in deterring offenders.	245.885^a	12	.001
Public awareness about the dangers of counterfeit potable spirits.	294.240^a	12	.011
Corruption within enforcement agencies limiting the effectiveness of anti-counterfeit operations.	304.285^a	12	.000
The Anti-Counterfeit Authority having sufficient resources and personnel to enforce anti-counterfeit laws.	308.144^a	12	.002
Adequacy of existing legislation in addressing cross-border smuggling of counterfeit potable spirits.	403.859^a	16	.007
Consistency and reliability of government in monitoring and inspection of alcohol products	333.796^a	16	.000

Source: Field Data (2025*)*

The results indicated that Kenya having adequate laws to curb the production and sale of counterfeit potable spirits; agencies such as NACADA, ACA, KEBS, and KRA effectively coordinating their efforts to control counterfeits potable spirits; sufficiency of penalties for producing or selling counterfeit spirits in deterring offenders; and public awareness about the dangers of counterfeit alcohol significantly affect national security in Kenya (χ^2=255.200*; P<.000);* (χ^2=198.735a*; P<.000);* (χ^2=245.885^a*; P<.000);and*(χ^2=294.240a*; P<.000).*

Corruption within enforcement agencies limiting the effectiveness of anti-counterfeit operations; the Anti-Counterfeit Authority having sufficient resources and personnel to enforce anti-counterfeit laws; adequacy of existing legislation in addressing cross-border smuggling of counterfeit potable spirits; and consistency and reliability of government in monitoring and inspection of alcoholic beverages significantly affected national security in Kenya (χ^2=304.285a*; P<.000)*; (χ^2=308.144a*; P<.000)*; (χ^2=403.859a*; P<.000);and* ; (χ^2=333.796a*; P<.000).*

The result indicated a significant effect of legal and regulatory frameworks in addressing the counterfeit trade and the effect of this legislation on national security. The results highlight the significance of Kenya having adequate laws to curb the production and sale of counterfeit potable spirits, the importance of a joint coordinated effort by various government agencies in controlling counterfeits as any laxity in one of the agencies contributing to lapses in countering them. The study also highlights the need for severe penalties for producing or selling counterfeit alcoholic beverages in order to deter offenders and the need for increased public awareness of the dangers of counterfeit alcohol in the country and the negative effect it has on national security.

Additionally, the results highlight the significant effect that corruption within enforcement agencies has on the fight against counterfeit alcohol despite agencies such as the Anti-Counterfeit Authority having significant resources and personnel to enforce anti-counterfeit laws. Noticeably, while the existing legislation addressing cross-border smuggling of counterfeit potable spirits may be adequate, their implementation is critical to ensure that the laws are and the consistency and reliability of the government in the monitoring and inspection of alcohol products significantly affected national security in Kenya.

The response from the interviews similarly indicated that most of the respondents felt that Kenya has adequate laws to curb the production and sale of counterfeit potable spirits. While many point out that all the agencies, such as NACADA, ACA, KEBS, and KRA, are not effectively coordinating in their efforts to control counterfeit alcoholic beverages, some of the enforcement agencies, especially NACADA, ACA, KEBS, and KRA pointed that they sometimes do not get enough support from the police in enforcing the various regulations targeting counterfeit alcohol. Most of the enforcement officers cited the penalties for producing or selling counterfeit potable spirits as not sufficient to deter offenders. However, only a small number admitted to corruption within enforcement agencies, limiting the effectiveness of anti-counterfeit operations, although many admitted that the government needs to show more commitment to monitoring and inspection of alcoholic products. A high number of respondents from the enforcement agencies cited insufficient resources and personnel to enforce anti-counterfeit laws.

These findings show that policy implementation, coordination between enforcement agencies, and inconsistent enforcement remain critical issues in controlling the illegal distribution of fake alcoholic drinks. According to an Enforcement Officer*,*

"The legislation exists, but not all regions adhere to it" (Enforcement Officer).

In the same spirit, an ACA officer observed that

"Though we raid places and destroy the fake alcoholic beverages, other agencies do not follow up, thus allowing business to thrive" (ACA Officer).

The issue of lack of enforcement of sanctions was also highlighted by participants. A Security Officer noted that

"There are fines but they are not always applied consistently; hence, their impact on people is limited" (Security Officer). Similarly, another Security Officer stated that *"enforcement can be influenced by certain interests, which makes the sanctions less effective" (Security Officer).*

Another challenge that surfaced during interviews was lack of cooperation among agencies when exchanging information. According to a County Government of Kiambu Officer,

"Cooperation between agencies and sharing of intelligence information is not always prompt" (County Government of Kiambu Officer).

This problem was reiterated by a KRA officer who opined that

"There is some inconsistency in the coordination between agencies at the ports" (KRA Officer).

Responses from the FDGs concur with the findings from quantitative analysis that sometimes the penalties for producing or selling counterfeit potable spirits are very low in deterring offenders. 'That is why one is caught now and, in the afternoon, they are back in business. The participants highlighted that there is poor coordination between the agencies and the enforcement officers. Sometimes one sees the KRA on their own, then another day one sees NACADA, indicating that there is poor interagency collaboration, as each of them seeks their own interest and targets. Corruption within enforcement agencies limits the effectiveness of anti-counterfeit operations as the traders are protected by some agencies that collect periodic money from them. The discussions highlighted that sometimes, NACADA and the Anti-Counterfeit Authority do not have adequate officers to enforce the laws and rely on the national police service officers for backup. The participants highlighted the need for more public awareness about the dangers of counterfeit alcohol to reduce the loss of life and life-threatening challenges associated with it.

The study reveals that even with the presence of laws, counterfeit alcoholic beverages continue to flow freely in the market because of poor implementation and a lack of knowledge about counterfeit products. According to the Liquor Store Owner,

"Despite the laws, counterfeit potable spirits still get into the marketplace" (Liquor Store Owner).

Furthermore, enforcement efforts were also noted to provide only temporary solutions. For instance, the Bar Owner claimed that

"After raids, you don't see the counterfeit potable spirits for a while and then it comes back in a different way" (Bar Owner).

Moreover, there are coordination problems among the various enforcement agencies involved. According to the Bar Owner,

"There is no coordination among the agencies as every institution plans their work independently, even if it is the same issue they are working on" (Bar Owner).

Finally, the study revealed that poor consumer awareness was another reason why people would continue consuming counterfeit alcohol. As per the view of one of the consumers,

"Some of the consumers are not aware of the dangers of counterfeit alcohol and should be sensitized more, otherwise they will continue to die" (Consumer).

While the findings indicate adequacy of laws against counterfeit alcohol, the findings highlight the need for effective implementation of these laws. The finding supports findings by OECD (2019), which notes that the effectiveness of anti-counterfeit laws relies on enforcement and coordination of efforts among government agencies, and that legal sufficiency does not necessarily translate to deterrence. The findings indicate that while Kenya's legal framework is structurally adequate, its effectiveness is constrained by inconsistencies in enforcement, resulting in a gap between formal legal provisions and practical regulatory outcomes. Additionally, the results are consistent with Fink et al. (2016) who claims that the effectiveness of anti-counterfeit measures depends on the existence and credible enforcement of penalties, stating inconsistent enforcement reduces the expected penalty associated with illegal conduct.

While the findings showed some extent of enforcement, it was infrequent and therefore not effective, as highlighted by Gathogo and Mwaura (2019), who argued that the counterfeit trade survives in Kenya due to the weak deterrence impact and occasional enforcement that allows illicit markets to adapt to periodic and predicable raids. Lack of adequate resources for some agencies highlights the associated limitations in enforcing the related regulations. This is consistent with Kamala (2017), who claims that regulatory effectiveness is limited by resource allocation and the technical capacity of regulatory agencies, resulting in varying enforcement outcomes.

An additional lack of collective and collaborative enforcement of the regulations by the various agencies points to the ineffectiveness in enforcement of laws targeting counterfeit alcohol as contended by Appiah et al. (2016), that institutional fragmentation and weak coordination mechanisms seriously undermine the effectiveness of collective regulatory initiatives, despite the presence of potentially effective individual agencies. Notably, this has led to fragmented actions that constrain the effectiveness, efficiency and speed of responses to counterfeiting, further raising concerns by Wanjohi (2019), who pointed out that the effectiveness of control systems depends not only on their existence but also on the consistency of implementation and the degree of operational integration across enforcement points.

Additionally, corruption was also cited in the study as contributing negatively to the fight against counterfeit potable spirits in Kiambu county, which supported the finding by Gathogo and Maura (2019) that institutional defects that include corruption in enforcement agencies, have severely weakened deterrence measures and enabled the survival of illicit markets despite regulatory regimes. The findings therefore highlight that the fight against counterfeits depends on inter-agency coordination and eradication of inter-agency competition, which has contributed to a fragmented approach to the fight against counterfeits, as this creates favorable opportunities for the growth of the illegal market.

CONCLUSION

This study set out to examine counterfeit potable spirits as a national security concern in Kenya, using Kiambu County as a case study. The findings demonstrate that counterfeit alcohol is not a marginal or isolated issue, but a structurally embedded feature of the local alcohol economy with clear implications for public safety, fiscal stability, and governance. Empirical evidence shows widespread availability of counterfeit potable spirits, coupled with significant consumer inability to distinguish between genuine and fake products. This information gap, combined with price advantages driven by tax evasion, sustains strong demand and enables continued market penetration. The result is a self-reinforcing illicit market that is both economically attractive and socially embedded.

From a security perspective, the study establishes that counterfeit alcohol contributes to multiple interconnected risks. These include public health harms such as poisoning and fatalities, loss of government revenue through tax evasion, and the strengthening of organized criminal networks that control distribution and supply chains. These dynamics collectively elevate counterfeit alcohol from a regulatory issue to a broader national security concern. The study further concludes that while Kenya possesses a relatively robust legal and institutional framework, enforcement outcomes remain constrained by weak inter-agency coordination, corruption risks, inconsistent monitoring, and limited operational capacity. This gap between legal adequacy and enforcement effectiveness is central to the persistence of counterfeit alcohol markets. Overall, the persistence of counterfeit potable spirits is best explained by the interaction of structural economic incentives, institutional weaknesses, and adaptive illicit networks rather than by legal deficiencies alone.

RECOMMENDATIONS

Based on the findings, the study makes the following recommendations:

Strengthen sustained enforcement operations

Enforcement agencies should move from intermittent raids to continuous, intelligence-led operations. This would improve deterrence and reduce the ability of counterfeit networks to re-establish market presence after enforcement disruptions.

Improve inter-agency coordination

A structured coordination framework should be established among NACADA, ACA, KRA, KEBS, and security agencies. Joint operations, shared databases, and unified command structures would reduce institutional fragmentation and improve enforcement efficiency.

Enhance product authentication systems

Government and industry stakeholders should invest in modern verification technologies such as QR codes, track-and-trace systems, and mobile authentication tools to help consumers and regulators easily identify genuine products.

Strengthen public awareness and behavioral change strategies

Public education campaigns should be intensified, especially in high-risk communities. These interventions should focus not only on awareness but also on behavioral drivers such as affordability and risk perception.

Address corruption and institutional integrity gaps

Internal accountability systems, independent oversight, and transparent disciplinary mechanisms should be reinforced within enforcement agencies to reduce corruption risks that weaken regulatory outcomes.

Improve supply chain and border monitoring

Risk-based inspection systems should be introduced at production, distribution, and border entry points to disrupt smuggling networks and detect counterfeit infiltration early.

Expand community participation mechanisms

Community-based reporting systems should be strengthened through anonymous reporting channels and feedback loops to improve intelligence gathering and enhance local-level enforcement support.

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