

REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke

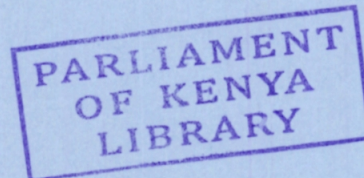
Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

2nd February, 2017

Mr. Gwada Ogot,
P.O. Box 57,
NGIYA.
Email: taokogot@gmail.com
Tel: 0737 944354



Dear *Sm*,

**RE: PETITION TO THE SENATE SEEKING DECRIMINALIZATION AND
LEGALIZATION OF THE CANNABIS SATIVA PLANT**

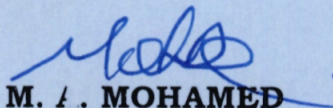
I acknowledge with thanks receipt of your revised Petition on the above subject matter.

Having reviewed the Petition in terms of Senate Standing Order 220, I wish to advise that the same complies with the law and Senate Standing Orders on the form of public petition and is therefore admissible.

The Petition has been forwarded to the Speaker for approval to enable presentation before the Senate.

Mrs. Serah Kioko, Director, Legislative & Procedural Services (Tel No. 0722881777 and Email, skioko@parliament.go.ke or kiokoserah@gmail.com) is the officer responsible for facilitating this matter.

Yours *sincerely,*


M. A. MOHAMED
SENIOR DEPUTY CLERK
FOR: CLERK OF THE SENATE

PETITION BY MR. GWADA OGOT SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS SATIVA PLANT

Honourable Senators,

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by Mr. Gwada Ogot, a resident of Siaya County, calling for the decriminalization and legalization of the *Cannabis Sativa* ('*Marijuana*') plant in Kenya.
2. In the Petition, the petitioner states –
 - a) that the crime and controversy around *cannabis sativa* derive from its prohibition, and not the plant itself or its uses, or users;
 - b) that the *cannabis sativa* plant has multiple documented medicinal and industrial uses, and decriminalizing the plant would result in great social and economic benefits for the county; and
 - c) that, as at December 2016, medical marijuana was legal in more than half of the United States, in addition to 25 other countries which had already decriminalized the cultivation and use of *cannabis sativa* for medicinal and industrial use.
3. The petitioner therefore prays that the Senate investigates this matter and makes appropriate recommendations thereon. Among the proposals made by the petitioner is for the Senate to –
 - i) initiate legislation deleting *cannabis sativa* from the list of narcotic drugs listed at the First Schedule to the Narcotic Drugs and Psychotropic Substances (Control) Act (No. 4 of 1994), as well as section 3(2)(a) of the said Act, which criminalizes possession of *cannabis* even for one's own consumption;
 - ii) initiate legislation establishing a *cannabis* regulatory body, to plan, operationalize and regulate the sector; and
 - iii) recommends an amnesty for all persons jailed for cultivation, transportation, possession, sale and usage of *cannabis sativa*.
4. **Honourable Senators**, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than **thirty** minutes.

[after comments by Senators]

5. *Honourable Senators*, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Health.
6. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.



The Star of Daudi

P.O. Box 57 NG'YA

Taokogot@gmail.com

0737 944 354



30th January 2017

ATT: Mrs. Serah Kioko,

Director, Legislative and Procedural Services,
Office of the Clerk of Senate,
P. O. Box 41842-00100,
Nairobi.

Dear Madam,

**RE: AMENDED PETITION FOR DECRIMINALIZATION AND LEGALIZATION OF
CANNABIS SATIVA**

I salute you in the name of God of Abraham, Isaac and Israel.

Following the advice of Senior Deputy Clerk, M.A. Mohamed through a letter ref. SEN/PETITIONS/CORR./2017 and dated 25TH January 2017, please find attached an amended version of the Petition seeking Decriminalization and Legalization of cannabis sativa for facilitation.

I look forward to your guidance forward.

Kind regards,


Gwada Ogot

THE TEACHER



THE STAR OF DAUDI

**AMENDED PETITION TO THE SENATE ASSEMBLY
SEEKING DECRIMINALIZATION AND LEGALIZATION OF
THE CANNABIS SATIVA PLANT**

**By
Gwada Ogot
30/01/2017**

AMENDED PETITION TO THE SENATE ASSEMBLY DATED 30TH JANUARY 2017
SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS
SATIVA PLANT

I, the undersigned, writing in the name of God of Abraham, Isaac and Israel, draw the attention of the Senate Assembly to the comprehensive value and benefits of the *CANNABIS SATIVA* plant, the premium place it occupies in the history of mankind, biblical recommendations and uses, and the phenomenal medical and socio-economic benefits it offers Kenya. The grounds of the prayer are new, and have not been tabled before any court of law; neither is any such petition pending action before another authority.

The petition is supported by following 10 points.

1. ***Specifying the problem:*** Crime and controversy around cannabis derive from prohibition, and not the plant or its uses or users. In addition, *CANNABIS SATIVA* is a plant of the sun rising east, but was banned by sun setting westerners.
2. ***East - West divide:*** East and west are opposite horizons which do not meet, but hold incongruous positions on almost everything, including cannabis and tobacco. English and western culture considers cannabis an illegal drug, but largely accepts tobacco. However, Luo and Luhya cultures- which are eastern- damn tobacco but herald cannabis as medicine- *yath* and *omusala*- respectively. Against this background, Africa's side is clear?
3. ***Cannabis Sativa is Gods Plant:*** There are an estimated 430 000 known plants on earth. God Almighty however singles out- *CANNABIS SATIVA*- as his unrivaled herbal offering to mankind. (*Genesis: 9:3*) God says, '*Let the earth bring forth grass, the herb yielding seed, [and] the fruit tree yielding fruit after his kind, whose seed [is] in itself, upon the earth: and it was so. And the earth brought forth grass, [and] herb yielding seed after his kind, and the tree yielding fruit, whose seed [was] in itself, after his kind: and God saw that [it was] good. (Genesis: 1:11-12)* God also prescribes the plant as a tonic to help man extract food from the earth. (*Psalms 104:14*)
4. ***Medicinal Properties of Cannabis Sativa:*** The *CANNABIS SATIVA* plant has multiple medicinal properties vital to controlling and curing an estimated 677 known medical conditions including Hepatitis C, enema, measles, glaucoma, epileptic seizures, cancer,

AMENDED PETITION TO THE SENATE ASSEMBLY DATED 30TH JANUARY 2017
SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS
SATIVA PLANT

Alzheimer's and bowel disorders.¹It is also effective in treatment of tapeworms, ear infections, nosebleeds, arthritis and insomnia amongst others. *CANNABIS SATIVA* is also used to manage pain, nausea and vomiting. In many African communities, *CANNABIS* smoke is also used to exorcise evil Spirits or ward them.

5. ***Socio-Economic Benefits of Legalizing Cannabis Sativa:*** With legalizing, the reality of a new taxable multi-billion industrial base covering farming processing, pharmaceutical productions, textile, and beauty products becomes evident. Factor in personnel for distribution networks as well, and jobs galore. From this perspective, the varied uses of cannabis in labor, medical health, and recreation, nutrition, spiritual as well industrial processes simply define a market catchment and confirm viability. Outcomes projected include a reduction in dependency on unreliable generics and suspect Asian and European medicines, especially vaccines, as well as a policy review regarding mechanisms and costs of drug enforcement. The ultimate goal however remains medicinal self sufficiency as a national health and security priority.
6. ***Hemp Plant & Industry Overview:*** A total 36 countries worldwide including Australia and the UK grow industrial hemp. France is the worlds-leading producer with more than 70% of output. China which is second with approximately a quarter of the world production uses 80% of her industrial hemp in the textile sector. In 2013 alone, China exported over 591 tons of hemp yarn worth \$11.9 million.
Industrial hemp is ideal for manufacturing fiber, lubricating oil, shoe material, twine, and medicine as well as food products amongst others. Hemp can be substituted for cotton and produces clothing. In World War II, its strong fibers made sails and military uniforms. Hemp is ten times stronger than cotton but requires much less water and no fertilizer to flourish, a factor which retains soil health and fertility.

¹(European Coalition for Just and Effective Drug Policies: September 2012<http://www.encode.org/info/700-MEDICINAL-USES-OF-CANNABIS.html>)

AMENDED PETITION TO THE SENATE ASSEMBLY DATED 30TH JANUARY 2017
SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS
SATIVA PLANT

Hemp is called a “*wonder plant*” for its extensive properties and limited inputs as a cash crop. It possesses nutritional supplements for foods and beverages, properties for cosmetics and personal care products, yarns, twine, construction and insulation materials, and other manufactured goods. Particularly, hemp produces cheaper and better quality paper per acre than any other known plant.

Disease resistant, it grows vigorously and can be replanted several times a year without herbicides, pesticides or fungicides- a useful attribute in crop rotation. Its deep roots not only stabilize and enrich the soil; they help prevent erosion and pull toxins from the soil.

7. ***Racism Motivated Criminalizing Cannabis Sativa:*** The United States became the first nation to ban cannabis in 1913. The reasons were purely racial but became the backdrop for the *CANNABIS SATIVA* Tax Act of 1937 which effectively banned use and sales. This followed a precedence set in San Francisco in 1875, when opium smoking in dens was banned, for the frivolity that they were where Chinese men were seducing white women.

Harry J. Anslinger, then head of the Federal Bureau of Narcotics (*the original drug enforcement agency*), and the man who led the push to illegalize *CANNABIS SATIVA* in all the states of America in the 1930s summed the official outlook thus:

“Most CANNABIS SATIVA smokers are Negroes, Hispanics, jazz musicians, and entertainers. Their satanic music is driven by CANNABIS SATIVA, and CANNABIS SATIVA smoking by white women makes them want to seek sexual relations with Negroes, entertainers, and others. CANNABIS SATIVA is an addictive drug, which produces in its users, insanity, criminality, and death, and makes darkies think they’re as good as white men.”

8. ***Summary of Global Legalization Efforts:*** California became the first state to loosen laws against *CANNABIS SATIVA* in 1996. Since then, all other states have undertaken reviews of marijuana laws at varying levels. Medical marijuana is now legal in more than half of US states. By the end of 2016, over 25 countries had also decriminalized *CANNABIS SATIVA*. These included Colombia, Mexico, Czech Republic, Costa Rica, Ireland, Australia, Jamaica and Germany. Others are Argentina, Russia, Canada and Switzerland. Portugal, Netherlands,

AMENDED PETITION TO THE SENATE ASSEMBLY DATED 30TH JANUARY 2017
SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS
SATIVA PLANT

North Korea, U.S. Virgin Islands and Nicaragua. In 2014, Uruguay condemned the criminalization as wrong. In Africa, though cannabis is Lesotho's third foreign exchange earner, in November 2015, Malawi led by legalizing farming of industrial hemp.

9. ***Amnesty for Prisoners held for possession and use:*** I pray the House recommends amnesty for all people jailed for possession, usage, sale, cultivation, and transportation of *CANNABIS SATIVA*. Criminalizing cannabis creates criminals where none existed. Here, the law stands guilty of holding men and women who have broken no commandment. Remember no man can purport to ban what God has offered to mankind except the devil, and that God made no man prefect over any of his plants. Free, and you too will be freed.
10. ***Creation of a Cannabis Regulatory Body:*** Forward planning should factor in the establishment of a regulatory body to plan, operationalize, and regulate the sector. I.e. *CANNABIS SATIVA*- CS Board of Kenya (CSBK).

THEREFORE, in order to enable realization of these noble goals, I pray the Senate Assembly authorizes *CANNABIS SATIVA* to be deleted from the list of narcotic drugs as listed in the narcotic and psychotropic Substances Act No.4 of 1994 as well as section 3 subsections 2(a).

PETITIONER:

GWADA S. OGOT: THE TEACHER: ID.No.8060505: Sign:

P.O. Box 57 NGIYA: Tel: 0737 944 354: Email: Taokogot@gmail.com



REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke

Scanned 26/01/17
Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

25th January, 2017

Mr. Gwada Ogot,
P.O. Box 57,
NGIYA.
Email: taokogot@gmail.com
Tel: 0737 944354

Dear *Si,*

**RE: PETITION TO THE SENATE SEEKING DECRIMINALIZATION AND
LEGALIZATION OF THE CANNABIS SATIVA PLANT**

I acknowledge with thanks receipt of your Petition on the above subject matter.

Upon reviewing the Petition in terms of Senate Standing Order 220 (3), it is advised that the Petition, though it raises important issues for consideration by the Senate, is not admissible in its present form. This is for the reasons that –

- i) the Petition does not indicate whether any efforts have been made to have the subject matter of the Petition addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory. This is a requirement under Section 3 (f) of the Petition to Parliament (Procedure) Act (No. 22 of 2012), and Senate Standing Order 223 (f); and
- ii) the Petition fails to state whether the issues in respect of which it is made are pending before any court of law or other constitutional or legal body, as required under Section 3 (g) of the said Act, and Senate Standing Order 223 (g).

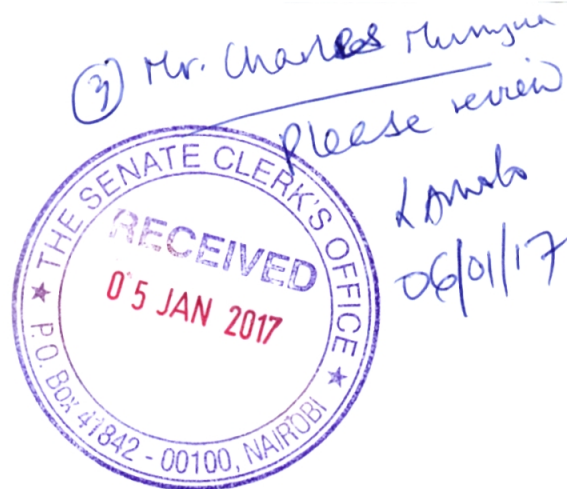
In the circumstances, it is requested that you amend the petition to comply with the said requirements.

Mrs. Serah Kioko, Director, Legislative & Procedural Services (Tel No. 0722881777 and Email, skioko@parliament.go.ke or kiokoserah@gmail.com) is the officer responsible for facilitating this matter.

Yours *Sincerely,*

M. A. Mohamed
M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE

② Mr. Amos
Please deal.
06/01/17



TO: THE CLERK SENATE,

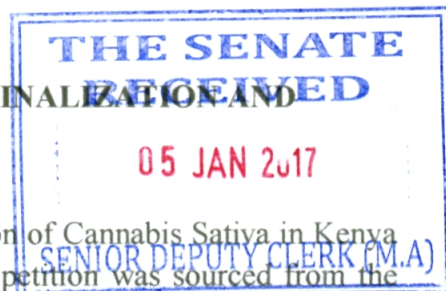
Parliament Buildings,

P.O. Box, 41842-00100

Nairobi

Dear Sir,

**RE: COVER LETTER FOR PETITION SEEKING DECRIMINALIZATION AND
LEGALIZATION OF CANNABIS SATIVA**



I submit this petition seeking the decriminalization and legalization of Cannabis Sativa in Kenya in exercise of my right as a citizen of Kenya. Evidence for the petition was sourced from the Holy Bible and others whose links are below listed.

<http://www.drugpolicy.org/marijuana-legalization-and-regulation>

<http://taxfoundation.org/article/marijuana-legalization-and-taxes-lessons-other-states-colorado-and-washington>

<http://edition.cnn.com/2016/12/29/health/global-marijuana-cannabis-laws/>

<http://www.nytimes.com/2017/01/04/us/vermont-marijuana-pardons>.

<http://www.nytimes.com/2016/12/17/world/middleeast/israel-a-medical-marijuana-pioneer>

[http://www.nytimes.com/2016/12/13/world/americas/canada-recreational-marijuana-pot.html?](http://www.nytimes.com/2016/12/13/world/americas/canada-recreational-marijuana-pot.html)

[http://www.nytimes.com/2016/11/25/opinion/race-and-marijuana-arrests.html?](http://www.nytimes.com/2016/11/25/opinion/race-and-marijuana-arrests.html)

<http://www.nytimes.com/2016/10/13/us/marijuana-arrests.html?rref=collection%2Fti>

<https://www.washingtonpost.com/news/wonk/wp/2016/04/15/more-and-more-doctors-want-to-make-marijuana-legal/>

I wish you a prosperous new year and look forward to your timely advice on the way forward. Please do not hesitate to contact me should you need any additional information.

Thank you,

Gwada Ogot
THE TEACHER



④ DLPS
Please deal.
Mog
6/1/17.

Gwada Ogot: P. O. Box 57 Ngiya

Email: Taokogot@gmail.com

Tel: 0737 944 354



THE STAR OF DAUDI

**PETITION TO THE SENATE ASSEMBLY SEEKING
DECRIMINALIZATION AND LEGALIZATION OF THE
CANNABIS SATIVA PLANT**

By
Gwada Ogot
5/1/2017

PETITION TO THE NATIONAL ASSEMBLY SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS SATIVA PLANT

I, the undersigned, writing in the name of God of Abraham, Isaac and Israel, draw the attention of the Senate Assembly to the comprehensive value and benefits of the *CANNABIS SATIVA* plant, the premium place it occupies in biblical history, uses as recommended by the Holy Bible, and the phenomenal opportunities the plant offers for Kenya and Africa's socio-economic growth. The following 9 points support this regulation oriented petition.

- 
1. ***The ban was originated by imperialists:*** *CANNABIS SATIVA* is a plant of the east but was banned by western imperialist agencies in their own design and interest.
 2. ***Cannabis Sativa is Gods Plant:*** Of the estimated 430 000 known plants on earth, God Almighty singles out *CANNABIS SATIVA* as his unrivaled herbal offering to mankind. (Genesis: 9:3) God ordered *CANNABIS* saying, 'Let the earth bring forth grass, the herb yielding seed, [and] the fruit tree yielding fruit after his kind, whose seed [is] in itself, upon the earth: and it was so. And the earth brought forth grass, [and] herb yielding seed after his kind, and the tree yielding fruit, whose seed [was] in itself, after his kind: and God saw that [it was] good. (Genesis: 1:11-12) God Almighty also recommends *CANNABIS SATIVA* as a tonic to help man extract food from the earth. (Psalms 104:14)
 3. ***Medicinal Properties of Cannabis Sativa:*** The *CANNABIS SATIVA* plant is a pharmacy. It is thus medicine. *CANNABIS SATIVA* possesses medicinal properties vital to controlling and curing about 677 known medical conditions including measles, glaucoma, epileptic seizures, cancer, Alzheimer's and bowel disorders.¹ This explains its local names- *yath* in Luo and *omusala* in Luhya- which both mean medicine. *CANNABIS SATIVA* is also used for labor, recreation, nutrition, spiritual and industrial purposes. In many African communities, *CANNABIS* smoke is also used to exorcise evil Spirits or ward them.
 4. ***Socio-Economic Benefits of Legalizing Cannabis Sativa:*** Legalizing *CANNABIS SATIVA* will create a new multi-billion industry covering farming, pharmacy, beauty products, distribution and marketing. Legalizing *CANNABIS SATIVA* will also save

¹(European Coalition for Just and Effective Drug Policies: September 2012<http://www.encode.org/info/700-MEDICINAL-USES-OF-CANNABIS.html>)

**PETITION TO THE NATIONAL ASSEMBLY SEEKING DECRIMINALIZATION AND
LEGALIZATION OF THE CANNABIS SATIVA PLANT**

citizens from the talons of ruthless drug and pharmaceutical manufacturers by reducing dependency on unreliable generics and suspect western medicines, especially vaccines. Marijuana legalization and regulation would also widen the tax base and generate revenue and economic opportunities while reducing drug enforcement costs.

5. ***Hemp Industry Overview:*** France is the world-leading producer of the hemp variety of *CANNABIS SATIVA*, and produces more than 70% of the worlds output. China ranks second with approximately a quarter of the world production. 80% of China's industrial hemp is used by the textile sector. In the first 11 months of 2013 alone, China exported 591 tons of hemp yarn worth \$11.9 million. A total 36 countries worldwide including Australia and the UK grow industrial hemp.

Industrial hemp is ideal for manufacturing fiber, lubricating oil, shoe material, twine, and medicine as well as food products amongst others. Hemp can be substituted for cotton and produces clothing. In World War II, its strong fibers made sails and military uniforms. Hemp is ten times stronger than cotton but requires much less water and no fertilizer to flourish, a factor which retains soil health and fertility.

Hemp is also used for nutritional supplements, foods and beverages, cosmetics and personal care products, yarns and spun fibers, paper, construction and insulation materials, and other manufactured goods. Hemp produces cheaper and better quality paper per acre than any other known plant. Called a "*wonder plant*" for its extensive properties and reduced inputs as a cash crop, hemp can be used in production of an estimated 25,000 products.

Hemp grows vigorously and can be replanted several times a year. As a disease resistant plant, it can be grown without herbicides, pesticides or fungicides- making it particularly useful in crop rotation. Its deep roots help prevent soil erosion and pulls toxins from the soil. Besides stabilizing and enriching the soil, it provides farmers weed-free fields free of cost.

6. ***Racism and the Criminalizing of Cannabis Sativa:*** *CANNABIS SATIVA* had been used since the beginning, until the United States became the first nation to ban it in 1913. The reasons were purely racial but became the backdrop for the *CANNABIS SATIVA* Tax Act of 1937, which

PETITION TO THE NATIONAL ASSEMBLY SEEKING DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS SATIVA PLANT

effectively banned use and sales. The condemnation of *CANNABIS SATIVA* by race followed a precedence set in 1875, in San Francisco, where opium smoking in dens was banned, for amongst others, the frivolity that they were where Chinese men were seducing white women.

Harry J. Anslinger, then head of the Federal Bureau of Narcotics (*the original drug enforcement agency*), and the man who led the push to illegalize *CANNABIS SATIVA* in all the states of America in the 1930s summed the official outlook thus:

"Most CANNABIS SATIVA smokers are Negroes, Hispanics, jazz musicians, and entertainers. Their satanic music is driven by CANNABIS SATIVA, and CANNABIS SATIVA smoking by white women makes them want to seek sexual relations with Negroes, entertainers, and others. CANNABIS SATIVA is an addictive drug, which produces in its users, insanity, criminality, and death, and makes darkies think they're as good as white men."

- 
7. **Summary of Global legalization Efforts:** California became the first state to loosen laws against *CANNABIS SATIVA* in 1996. Since then, all other states have undertaken reviews of marijuana laws at varying levels. Medical marijuana is now legal in more than half of US states. By the end of 2016, over 25 countries had decriminalized *CANNABIS SATIVA* globally, among them Colombia, Mexico, Czech Republic, Costa Rica, Ireland, Australia, Jamaica and Germany, as well as Argentina, Russia, Canada and Switzerland. Portugal, Netherlands, North Korea, U.S. Virgin Islands and Nicaragua have largely full legalization. In 2014, Uruguay itemized *CANNABIS SATIVA* as a public-health issue that was wrongly criminalized and condemned the criminalization. In November 2015, Malawi led Africa in legalizing farming of industrial hemp.

8. **Release Prisoners Jailed for possession and use:** Following the above evidence, I pray the House recommends amnesty for all people jailed for possession, usage, sale, cultivation, and transportation of *CANNABIS SATIVA* because it was their God given right, meaning no man can purport to ban what God has offered to mankind except the devil. God made no man prefect over any of his plants and no man can purport to by his own law and in

**PETITION TO THE NATIONAL ASSEMBLY SEEKING DECRIMINALIZATION AND
LEGALIZATION OF THE CANNABIS SATIVA PLANT**

his own interest block another from utilizing that which God Almighty grows in His garden and recommends use of.

9. ***Creation of a Cannabis Regulatory Body:*** The comprehensive business opportunities that come with a fully fledged industry and a new tax base demand the establishment of a regulatory body. Thus a *CANNABIS SATIVA*- CS Board of Kenya (CSBK) should be established to plan, operationalize, and regulate the sector.

THEREFORE, your humble petitioner prays that Senate recommends deleting of the words *CANNABIS SATIVA* from the list of narcotic drugs in Kenya's narcotic and psychotropic Substances Act No.4 of 1994 as well delete section 3 subsections 2(a).

And your petitioners will ever pray.

PETITIONER:

GWADA OGOT: ID.No.8060505: Sign: _____

P.O. Box 57 NGIYA: Tel: 0737 944 354: Email: Taokogot@gmail.com

