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### Eleventh Parliament- First Session

### REPORT OF THE PARLIAMENTARY SELECT COMMITTEE ON ALL MATTERS RELATING TO KHAT (MIRAA)

Clerk's Chambers  
Parliament Buildings  
NAIROBI  
December, 2013

*paper laid*

*4.12.2013*

*by Chairperson  
of the  
Committee*

*(Hon Florence  
Kajusu, MP)*

## TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS .....	3
PREFACE .....	4
MOTION SETTING UP THE SELECT COMMITTEE AND ITS COMPOSITION.....	4
TERMS OF REFERENCE FOR THE AD-HOC COMMITTEE .....	5
SUBMISSIONS TO THE COMMITTEE .....	6
SUMMARY OF FINDINGS .....	7
ACKNOWLEDGMENT .....	8
EXECUTIVE SUMMARY .....	10
THE LEGAL FRAMEWORK ON KHAT .....	11
THE VARIOUS EFFECTS OF KHAT.....	11
<i>Socio-economic effects</i> .....	11
<i>Health Effects</i> .....	12
CHAPTER ONE: .....	14
INTRODUCTION .....	14
<i>What about Khat?</i> .....	14
<i>The Legal Status of Khat in Other Jurisdictions</i> .....	15
<i>The History of Khat in Kenya</i> .....	16
<i>UK's Position on the Impending Ban on Khat</i> .....	17
CHAPTER TWO:.....	19
FINDINGS .....	19
MAILI TATU, MERU COUNTY.....	19
<i>Hon Joseph Muturia – Former Member of Parliament and a farmer</i> .....	19
<i>National Chairman - Njuri Ncheke – Mr. Paul M'ethingia</i> .....	19
<i>Ms. Jeniffer Kathure – Businesswoman</i> .....	20
<i>The Community, Local Traders and Exporters</i> .....	20
<i>Dr Thiakunu C.K Mwirabua, MBChB</i> .....	20
<i>Mr. Francis Kinyua – Khat Consumer and Trader</i> .....	21
<i>Mr. Kimathi Munjuri – Khat Consumer, Marketer and Exporter</i> .....	21
<i>Hon. Peter Munya - Governor of Meru County</i> .....	21
<i>Observations at a farm at Maili Tatu, in Meru County</i> .....	22
SIKAKAGO, EMBU COUNTY .....	23
<i>Mr. John Kiragu Wachira</i> .....	23
<i>The Deputy County Commissioner – Mbeere Sub County</i> .....	23
<i>Mr. Kiura Murengwa – Youth Representative (24 years)</i> .....	24
<i>Mrs. Alusia Njoka Njeru – Miraa Farmer</i> .....	24
<i>Mr. Samuel Njeru – Miraa Farmer</i> .....	25
<i>Mr. Nathan Kariuki – Religious Leader</i> .....	25
<i>Mr. Machaki Kanyenji – Plant Breeding and Genetic Expert</i> .....	25
<i>Mr. Francis N. Kimori – Chairman, Mbeere Muguuka SACCO</i> .....	25
<i>David Miti Wanjuki – Chairman, Mbeere Elders Council</i> .....	26
<i>John Njiru Kith &amp; James Fundi Nyaga – Mavuria Ward Miraa Growers</i> .....	26
ISIOLO TOWNSHIP .....	26
<i>John Nthoiti Mugambi - Khat Trader</i> .....	26
<i>Abdi Hassan - Khat Trader and Consumer</i> .....	26
<i>Abdikadir Happi - Paralegal and Youth</i> .....	26
<i>Stanley Kubai – Khat Trader</i> .....	26

Rosemary Itabari – Khat Trader.....	27
Mohamed Abdikadir – Religious Leader.....	27
Sheikh Salatt Jillo – Religious Leader.....	27
Samuel Kairi – Khat Consumer.....	27
MEMBERS OF PARLIAMENT .....	27
Hon. Joseph M’Eruaki, MP.....	27
Hon. Mohamed Abdullahi Diriye, MP.....	27
RESEARCH SCIENTISTS AND SCHOLARS.....	28
Dr. Joseph Muriungi.....	28
Prof. Isaac Kibwage.....	29
GOVERNMENT MINISTRIES, DEPARTMENTS AND RELEVANT SAGAS.....	31
Ministry of East African Affairs, Commerce and Tourism.....	31
Ministry of Devolution and Planning.....	33
State Department of Education.....	35
Ministry of Foreign Affairs and International Trade.....	38
State Department of Agriculture.....	39
Ministry of Health.....	42
Ministry of Labour and Social Welfare.....	45
Kenya Bureau of Standards (KEBS).....	47
Kenya Medical Research Institute (KEMRI).....	48
National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).....	49
RELIGIOUS ORGANIZATIONS .....	51
The National Council of Churches of Kenya (NCCCK).....	51
Supreme Council of Kenya Muslims (SUPKEM).....	51
FOREIGN VISITS.....	52
Foreign visit to the United Kingdom and the Netherlands’.....	52
CHAPTER THREE.....	54
COMMITTEE OBSERVATIONS .....	54
CHAPTER FOUR.....	60
RECOMMENDATIONS.....	60
REFERENCES & BIBLIOGRAPHIES.....	61

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## ACRONYMS AND ABBREVIATIONS

ACMD – Advisory Council on Misuse of Drugs  
EAMG – East African Miraa Growers  
ECDD – Expert Committee on Dependence Producing Drugs  
ECDE – Early Childhood Development & Education  
EU – European Union  
GDP – Gross Domestic Product  
HCDA – Horticultural Development Authority  
ICAA – International Council on alcohol and Addiction  
ISCD – Independent Scientific Committee on Drugs  
KARI – Kenya Agricultural Research Institute  
KEBs – Kenya Bureau of Standards  
KEMRI – Kenya Medical Research Institute  
KEPHIS – Kenya Plant Health Inspectorate Services  
KIPPRA – Kenya institute of Policy Research and Analysis  
NACADA – National Authority for the Campaign against Alcohol and Drugs Abuse  
NCCK – National Council of Churches of Kenya  
PPB – Pharmacy and Poisons Board  
SACCOs – Savings and Credit Cooperatives  
SUPKEM – Supreme council of Kenya Muslims  
UK – United Kingdom  
UN – United Nations  
UNESCO – United Nations Education Scientific Organization  
WHO – World Health Organization

## PREFACE

**Mr. Speaker Sir,**

On Wednesday, July 10<sup>th</sup> 2013, following a motion in the National Assembly by the Hon. Florence Kajuju, M.P. the House resolved to establish a Parliamentary Select Committee on Miraa.

The Mandate of the Committee as resolved by the House was:-

- i) To comprehensively investigate, inquire into all matters relating to Khat (Miraa);
- ii) To consider and review all research findings;
- iii) To make recommendations on the way forward

Further, the Committee was expected to submit a report to the House within 90 days of which the prayer was granted by the House; However the House extended the lifespan of the Committee by a further 60 days owing to the fact that the Select Committee had not accomplished its mandate.

### **Motion Setting Up the Select Committee and its Composition**

**THAT**, aware that Khat (*Miraa*) is an economic mainstay of many people in Kenya and has led to economic growth and development in the country; noting that the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) has continued to campaign against consumption of the commodity and classified Khat (*Miraa*) as a drug; concerned that most Countries have banned chewing of Khat (*Miraa*) and others are in the process of banning entry of the product into their markets including recommendation of severe penalties against consumers, while others have granted the Government of Kenya a window period to consider the suitability of the product for export; further noting that recent research has established that Khat (*Miraa*) is not a drug, and therefore appropriate legislation should be put in place to regulate the industry; this House resolves to establish an *ad-hoc* Committee to comprehensively investigate, inquire into all matters relating to Khat (*Miraa*), consider and review all research findings and make recommendations to the House within ninety days, and that the Committee comprises the following Members:-

1. Hon. Florence Kajuju, MP
2. Hon. Philip Rotino, MP
3. Hon. Tiyah Galgalo, MP
4. Hon. Franklin Mithika Linturi, MP
5. Hon. Muriuki Njagagua, MP
6. Hon. Gladys Wanga, MP
7. Hon. Jimmy Angwenyi, MP
8. Hon. Dennitah Ghati, MP
9. Hon. Beatrice Nkatha Nyaga, MP

- Chairperson

10. Hon. Dr. Susan Musyoka, MP
11. Hon. Benson Mutura, MP
12. Hon. Fatuma Ibrahim, MP
13. Hon. Cyprian Kubai Iringo, MP
14. Hon. James Kanini Kega, MP
15. Hon. Joseph M'Eruaki, MP
16. Hon. Farah Abdulaziz, MP
17. Hon. Sabina Chege, MP
18. Hon. George Wanjohi, MP
19. Hon. Kathuri Murungi, MP
20. Hon. Alice Ng'ang'a, MP
21. Hon. Mpuru Aburi, MP
22. Hon. Dan Kazungu, MP
23. Hon. Mohamed Elmi, MP
24. Hon. Rachel Nyamai, MP
25. Hon. Wanjiku Muhia, MP
26. Hon. Alfred Kiptoo, MP
27. Hon. Zipporah Kering, MP
28. Hon. Ayub Savula, MP
29. Hon. Daniel Maanzo, MP

#### **Terms of Reference for the Ad-Hoc Committee**

During its first meeting, the Committee set out to achieve its mandate by outlining its Terms of Reference (ToR) which are to:

1. Comprehensively investigate, inquire into all matters relating to Khat;
2. Comprehensively review the actions the government is taking to ensure that Khat is a suitable product for export;
3. Consider and review all research findings relating to Khat;
4. Make recommendations to the House on necessary action to be taken by the Government to legitimize the usage of Khat;
5. Propose appropriate legislation to regulate the industry aimed at protecting Khat (*Miraa*) as a cash crop which is a major foreign exchange earner to the country;
6. Address the continued negative campaign by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) against consumption of the commodity and classification of Khat as a drug;
7. Appeal to countries which have banned the chewing of Khat and those in the process of banning entry of the product into their markets including recommendation of severe penalties against consumers, to consider rescinding such a decision;
8. Look into the possibility of proposing development of policy and legal framework to address the challenges identified as facing the Khat (*Miraa*) as a crop;
9. Search for new market opportunities for Khat;

10. Suggest alternative crops to Miraa growing areas so as to help communities in these areas diversify their farming;

The Committee held a series of meetings within the Country with stakeholders comprising of the farmers, the Communities where Khat is grown, traders in the Khat industry, experts (Scientists), Government officials, and religious leaders. The Committee convened a total of twenty seven (27) sittings with the relevant stakeholders.

### **Submissions to the Committee**

The Select Committee received both oral and written submission from over 20 stakeholders in the Khat Sector. These comprised of the following:

- i. The farmers, consumers and traders of Khat
- ii. Government officials through their respective Ministries, departments and Semi- Autonomous Government Agencies
- iii. Members of Parliament
- iv. Research scientists' and scholars
- v. Religious organizations
- vi. Foreign Visits to United Kingdom and the Netherlands

## SUMMARY OF FINDINGS

1. That Khat/Miraa Business has been run in an unstructured manner from the way it is harvested, processed, marketed, consumed and exported.
2. There has been no Scientific proof that khat/miraa is drug
3. That the Government has no comprehensive and shared information across its ministries and agencies on khat/miraa
4. The Government has not provided any support towards the growth and marketing of khat/miraa
5. That very limited research has been conducted on khat/miraa by various Government research institutions hence khat/miraa is regarded as an orphaned crop.
6. That the balance of trade of Khat/Miraa is skewed in favor of the marketers at the expense of farmers.
7. That khat/Miraa is a huge industry both locally and internationally as a foreign exchange earner.
8. Khat/Miraa has Medicinal Value; Khat/Miraa also has social-economic, religious and cultural values among some communities in Kenya.
9. There has been negative publicity and misinformation from various Government institutions and agencies on khat/miraa.
10. There is limited and misguided information internationally on khat/miraa.
11. The Government has no Foreign Policy that regards the trade of Khat/Miraa.
12. Banning of miraa internationally will render many Kenyans jobless since it is a source of livelihood.
13. There is risk of escalation of crime at local and international levels if khat/miraa is banned if khat/miraa banned either at the local or international level.
14. There is a likelihood of strained relationship between governments if the international ban is implemented.

**ACKNOWLEDGMENT**

**Mr. Speaker Sir,**

The foregoing is a summary of the Select Committee report on all matters relating to Khat/Miraa. The Committee findings, observations and recommendations are the outcome of the various submissions made before the Committee by the various stakeholders in the Khat/Miraa Business, Government agencies and scientists. This is therefore to appreciate each one of them and their unwavering commitment.

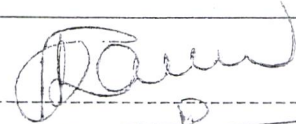




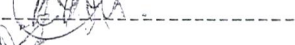



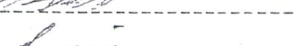




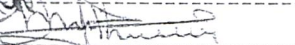





On behalf of the Ad-Hoc Committee Members, I wish to extend our gratitude of the invaluable support accorded to the Committee by the Parliamentary Service Commission and the Office of the Clerk of the National Assembly towards ensuring that the Committee mandate is achieved. Further, I wish to assure the Members that the observations and findings therein were unanimously agreed upon by all Members and as objective as possible.

Finally, Mr. Speaker, It is my pleasure, on behalf of the Select Committee on Khat, to present this report to the house for adoption pursuant to Standing order 199.

SIGNED.....  
**HON. FLORENCE KAJUJU, M.P.**  
**CHAIRPERSON**

DATE.....2nd Dec 2013.....

The Report was countersigned by the following Members of the Committee:-

- |                                      |                    |   |
|--------------------------------------|--------------------|---|
| 1. Hon. Florence Kajuju, MP          | Chairperson        |    |
| 2. Hon. Philip Rotino, MP            | Vice - Chairperson |    |
| 3. Hon. Cyprian Kubai Iringo, MP     |                    |    |
| 4. Hon. Tiyah Galgalo, MP            |                    |    |
| 5. Hon. Franklin Mithika Linturi, MP |                    |    |
| 6. Hon. Muriuki Njagagua, MP         |                    |    |
| 7. Hon. Gladys Wanga, MP             |                    |    |
| 8. Hon. Jimmy Angwenyi, MP           |                    |   |
| 9. Hon. Dennitah Ghati, MP           |                    |   |
| 10. Hon. Beatrice Nkatha Nyaga, MP   |                    |    |
| 11. Hon. Dr. Susan Musyoka, MP       |                    |   |
| 12. Hon. Benson Mutura, MP           |                    |    |
| 13. Hon. Fatuma Ibrahim, MP          |                    |    |
| 14. Hon. James Kanini Kega, MP       |                    |    |
| 15. Hon. Joseph M'Eruaki, MP         |                    |    |
| 16. Hon. Farah Abdulaziz, MP         |                    |   |
| 17. Hon. Sabina Chege, MP            |                    |  |
| 18. Hon. George Wanjohi, MP          |                    |  |
| 19. Hon. Kathuri Murungi, MP         |                    |  |
| 20. Hon. Alice Ng'ang'a, MP          |                    |  |
| 21. Hon. Mpuru Aburi, MP             |                    |  |
| 22. Hon. Dan Kazungu, MP             |                    |  |
| 23. Hon. Mohamed Elmi, MP            |                    |  |
| 24. Hon. Rachel Nyamai, MP           |                    |   |
| 25. Hon. Wanjiku Muhia, MP           |                    |   |
| 26. Hon. Alfred Kiptoo, MP           |                    |   |
| 27. Hon. Zipporah Kering, MP         |                    |  |
| 28. Hon. Ayub Savula, MP             |                    |   |
| 29. Hon. Daniel Maanzo, MP           |                    |   |

## EXECUTIVE SUMMARY

The Select Committee on Khat was constituted on the 10<sup>th</sup> July 2013 following a successful motion by the Hon. Florence Kajuju M.P. The Motion proceeded in early July 2013, the British Government announcement of the ban on Khat. This followed a ministerial statement delivered to the House of Commons by the Secretary of State for the Home Department, Theresa May where the intentions of the UK government was to classify Khat under the misuse of drugs Act 1971 as class C drug.

Comprehensive scientific review on Khat by the Advisory Council on Misuse of Drugs (ACMD) did not recommend control of Khat owing to absence of robust evidence in a number of areas. The intention to ban Khat by the UK Government was therefore as a result of the following reasons:

- i) Fears of the UK becoming a single, regional hub for illegal onward trafficking of Khat following the ban in the whole of Northern Europe and majority of the EU
- ii) Khat featured amongst the health and social harms such as low attainment and family breakdown
- iii) The risks of underestimating the actual harms of Khat due to limitation for evidence could not be ignored
- iv) To ensure a proportionate and robust policing response

The Committee held a total of twenty seven (27) sittings and received both oral and written submissions and made the following observations and findings: With respect to the (Pharmacology) chemical composition,

- i) Khat with the chemical name *Catha edulis*, has different compounds including alkaloids, terpenoids, flavonoids, sterols, glycosides, tannins, amino acids, vitamins and minerals hence the several effects of Khat
- ii) The most pharmacologically active components are the *Cathinone* and *Cathine* with reviewed literature indicating a structure and similarities in effects to the *amphetamines*.
- iii) Much of the literature on specific contents of Khat are heavily reliant of reviews of literature and foreign scientist studies as the National Research institute ( KEMRI) has not undertaken any specific research to determine the content, composition of the leaves for the Khat varieties found in the Country; that is *Muguka, Leboi, Kangeta and Kiza*.
- iv) Low budgetary allocation towards research and development are hindering the ability to national research institutes like Kenya Medical Research Institute (KEMRI) to engage in scientific studies on emerging issues including on Khat.

## The legal framework on Khat

- i) There exists no legal frameworks to regulate Khat trading in the Country leading to some level of secrecy in its trading
- ii) Khat is treated differently in various countries with most countries in the EU and North America having banned it. Somalia, Ethiopia, Yemen, Djibouti are some of the countries where Khat is legalized, while in Kenya though legal, the ambiguities surrounding its legality is affecting its trading.
- iii) The ambiguities in its legality in Kenya are derived from the existing Conventions; in particular the Convention for Psychotropic substances of 1971 has scheduled the *Cathine* and *Cathinone*, the main derivatives of Khat as Psychotropic Substances. Kenya has also domesticated this through the enactment of the Narcotic Drugs and Psychotropic Substances Control Act, 1994.
- iv) Khat reviews are ongoing some of which do not support the subjection of Khat to the most stringent international restrictions, for example the 33<sup>rd</sup> ( Expert Committee on Dependence Producing Drugs (ECDD) preview of Khat in 2002 concluded that there was no justification for the restrictions as it considered that it has moderate psychological dependence compared to tobacco or alcohol and as such may be best controlled at regional level
- v) There is need for an inter-ministerial and multi-stakeholders taskforce to address the legal barriers surrounding classification of Khat derivatives as psychotropic substances
- vi) Specific legislation for managing Khat trading will be necessary so as to provide the legal framework with its regulation; trading and consumption can be easily monitored and audited.

## The various effects of Khat

### Socio-economic effects

- i) Economically, Khat is considered as one of the foreign exchange earner for the Country with annual returns approximated at Kshs. 2.69 Billion and as such constitutes 1% of the total exports.
- ii) The contributions of Khat in reducing the Country's balance of payment as its export spans twenty four Countries (24) with the first four major importers of Kenyan Khat identified as Somalia, UK, New-Zealand and Japan.
- iii) The ambiguities surrounding its legality have consequently led to its lack of standardization by the Kenya Bureau of Standards (KEBs) thereby raising the questions of its safety guarantees.
- iv) Khat is viewed as a major employer within Meru County and the Country as a whole with relative indicating that over 400,000 Kenyans are

### **Observations**

- i) Total value of Exports of Khat in the last five years (2009-2011) has been on the increase from Kshs 5,539.17 billion to 6,932.68 billion
- ii) Formalization and trading on Khat has been hampered by legal issues where NACADA classifies the chemicals found in Khat as Psychotropic substances vide the Kenya Narcotic Drugs and Psychotropic Substances Act of 1994
- iii) Attempts towards formalizing and regulating trade in Khat would need to focus on addressing the legal barriers surrounding classification of Khat as a psychotropic drug, and review of laws that schedule cash crops as trade commodities.

### **Recommendations**

- vi) Extensive studies to be undertaken on Khat to determine the socio-economic and cultural impact of Khat production or banning in Kenya.
- vii) Address the legal barriers surrounding classification of Khat as Psychotropic drug and review the laws that schedule cash crops to include Khat

### **State Department of Education**

During their submission to the Select Committee on the 6<sup>th</sup> August 2013 and later on 2<sup>nd</sup> September 2013, the Cabinet Secretary Prof Jacob Kaimenyi who during the first meeting was represented by Dr. Belio Kipsang, the Principal Secretary for the State department of Education, responded to the questions raised by the Committee regarding Khat and its impact on education levels and schooling as follows:

On whether Khat farming has any effects on Early Childhood Development and Education (ECDE), the State Department reported that there are no known effects on ECDE going by the reports from the Education Field Officers in the Khat farming areas in the Country such as Igembe South and North Districts. According to the State Department, these reports indicate positive trends on enrolment from 6749 in 2010 to 7800 in 2013 with steady increase in annual statistics.

Negative effects of Khat on school going children can be felt at upper primary levels going by a study commissioned by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in primary schools in Embu County which showed a rise in drop-out rates of students with the numbers linked to Khat businesses. According to the State Department, the report showed that school going children are involved in planting, weeding, picking, selling and transportation of Khat to respective markets while other children abuse the substance. Other ills that the study revealed and were linked to Khat include high cases of indiscipline in schools, truancy and absenteeism, poor academic performance and lack of concentration. The Principal Secretary

total agriculture output with current consumption value rated at Kshs. 1 billion. This is summarized in the table below:

**Figure Showing Domestic Consumption and Export of Khat  
Kshs Millions**

	2009	2010	2011
Domestic Consumption	1,108.92	1,198.87	1,336.98
Export	5,539.17	5,251.96	6,932.68
<b>Total Value</b>	<b>6,648.09</b>	<b>6,450.83</b>	<b>8,269.66</b>
Total domestic exports	323,571	385,441	484,507
Export of Khat( as % of total exports)	1.7%	1.4%	1.4%

**Source: KNBS as Cited by the Ministry of Devolution and Planning**

- iii) On the reasons why Khat trading has not been made official, the Committee was informed that as much as Khat may not be formally legalized, it's trading in the Country is carried out in a similar manner as other agricultural commodities and hence considered legal. On export of Khat, quantities are well captured by the Kenya Revenue Authority and classified in Harmonized System Code (HS 140490 – Vegetable products)
- iv) While responding to the Socio-economic impact to the economy for banning Khat, the Ministry asserted that very minimal studies have been done on the socio-economic and cultural impact of Khat production or banning in Kenya. Nevertheless, the production, transportation, and sale of Khat is a major source of employment and income to the communities in upper Eastern and other Kenyans at large. As such there is likely to be loss of income for the farmers, traders, increased unemployment and effects on foreign earnings.
- v) The Ministry has commissioned the KIPPRA to carry out an in-depth study on the Socio-Economic Impacts of Khat Industry in Kenya. The study whose findings are to be released in December 2013, will focus on the following aspects :
  - i) The factors of production employed in the industry (land use and spatial distribution, labour intensity and capital distribution)
  - ii) The structure of Khat market in Kenya (establish existing market structures, market value of each group, identify regulatory and governance structure)
  - iii) The Volume and value of Khat trade and related revenues (value sold locally and exported)
  - iv) The socio-economic impact of Khat consumption

employed as harvesters, middlemen, small retailers, gardeners, loaders drivers and farmers.

- v) The economic returns from Khat have facilitated the construction of social amenities within the County of Meru among them schools, churches thereby improving the standards of living in the region.
- vi) Positive trends on enrolment in Early Childhood Development was noted owing to high disposable incomes derived from Khat
- vii) Socially, Khat has been identified as a social plant and generally chewed at social events, during cultural rites like marriage rites and as such cannot be isolated from the culture of the people where it is grown.
- viii) Traditionally Khat has also been identified and used as medicine and was widely perceived as food
- ix) This however comes against the background of other negative social effects associated with Khat some of which however are synonymous with any growth of a substantive economic activity including other known cash crops. Among them:
  - a) Sharp rise in child-Labour resulting in a paltry 56-58% transition rates
  - b) Early exposure to drug abuse in Embu
  - c) High cases of indiscipline in schools, truancy and absenteeism
  - d) Poor academic performance and lack of concentration
  - e) Gambling, prostitution, Family neglect and break-ups
  - f) Proportion of income spent on purchase of Khat by the users

### Health Effects

- a) On the Health front, the research and studies on the health benefits and health effects of Khat show mixed and inconclusive outcomes. While some studies have indicated no confirmed therapeutic usefulness, the scientists' submissions before the Committee noted nutritional value of Khat to the human body according to documented research from the University of Nairobi. The alkaloids in Khat were said to be sources of energy among others and has potential as an anticancer agent.
- b) Additionally chewed green leaves, barks and seeds offer alternative medicine supplements and vitamins such as potassium, calcium, iron, vitamin C, food flavoring, digestive enzymes, natural hormones in hormone therapy, cholesterol control among others.
- c) The effects are said to be similar to the stimulants such as methamphetamine and cocaine although less dramatic and potent and range from gastro-intestinal effects, cardiovascular effects and psychiatric symptoms of the Central Nervous Systems.
- d) The potential negative Khat effects most of it inconclusive are derived from reviewed literature, studies undertaken in humans and other Khat growing and consuming nations like Yemen. An observational study undertaken at Mathari Mental Hospital on patients seeking rehabilitation services for symptoms and signs of either psychosis or mood alterations consumed Khat alongside other substances.

- e) Arguments to the extent that the side effects associated with Khat may be linked to other drugs, substances or sweeteners taken alongside it. The dependence potential of Khat was also indicated as low to warrant international control
- f) Conclusions by KEMRI that the information available on Khat is inconclusive and cannot therefore be used to guide policy led to the Committee to recommend that KEMRI undertake a comprehensive Kenyan based study. The objective of the study will be to establish the chemical composition, safety, and concentrations of the several components of Khat, prevalence and Khat use exposure, health effects and experiences and perceptions.

Other relevant studies undertaken by the UK Advisory Council on Misuse of Drugs (ACMD) could not however verify these linkages through research and concluded that robust evidence linking Khat consumption and any other social harm including organized crimes was inconclusive.

## CHAPTER ONE:

### INTRODUCTION

#### What about Khat?

Khat, the stimulant stems and leaves of shrubs *Catha edulis* Forsk goes by various different names, among them Kat, Qat, Ghat, Chat, Qaad, and sometimes Tohat. Abyssinian tea or Arabian tea is the most commonly used names in the West while in South Africa, the plant is known as *Bushman's tea*. This is a species belonging to the plant family *Celastraceae*. These are found growing wild from the Middle East down to the Eastern Cape, as is now cultivated intensively in Yemen, Ethiopia, Kenya, Uganda and Northern Madagascar. In Kenya (where it is popularly cultivated, it is known as *Miraa*) and it was already being cultivated and consumed by the Ameru and the Ambeere people in the Nyambene Hills Northeast of Mount Kenya by late 19<sup>th</sup> Century.

The Khat plant takes nearly seven to eight years to attain its full height which is estimated to be between 1 and 5 meters, however, it can reach heights of up to 10 meters in equatorial areas. Aside from access to the sun and water, Khat requires little maintenance with a good a plant expected to be harvested at least four times a year, thereby providing a yearlong source of income for the farmer. This has been a major reason for its cultivation both in Kenya and around the world.

Fresh Khat leaves contain *Cathinone* (a potent Alkaloid) and later, the chemical composition breaks down to form *Cathine* when the Khat leaves are no longer fresh (typically after forty eight hours). Numerous laboratory studied have confirmed that Cathinone resembles amphetamine in chemical structure and hence its effects on the Central and Peripheral Nervous System and behavior. Reviews further reveal that Cathinone has a higher potential to induce dependence than amphetamine because the former has a more rapid onset of action.

Recently , concern has been raised to the levels of harm Khat is producing with emerging trends showing that Khat has become a divisive issue in various jurisdictions with very little consensus on the nature and extent of use and related harms.

### The Legal Status of Khat in Other Jurisdictions

There has been significant interest in Khat for some time at an international level with the reviews from WHO indicating as follows:

YEAR	EVENT	OUTCOME
1933	Advisory Committee on the Traffic in opium and other dangerous drugs of the league of nations	Discussion - No Action taken
1962	Expert committee on Addition-Producing Drugs	Clarification on the chemical and pharmacological identification of the active principles of Khat was needed
1964	Expert Committee on Addition-Producing Drugs	The problems connected with Khat and with amphetamines should be considered in the same light owing to their similarities in their medical effects although there are quantitative differences
1971	Committee on Narcotic Drugs	Recommends WHO to review Khat
1974-1978	UN Narcotics Laboratory	A series of internal UN Documents on the chemistry of Khat
1978	Expert Group for UN Fund for Drug Abuse Control	No Report
1983	International Council on Alcoholism and Addictions	International Conference on Khat: the health and Socio-Economic Aspects of Khat Use
2002	WHO 33 <sup>rd</sup> Expert Committee on Drug Dependence (ECDD)	Pre-reviewed Khat and concluded that there was sufficient information on Khat to justify a critical review

**Source: World Health Organization (WHO) activities in relation to Khat in WHO, 2006b as cited by Louise Lawrence Research, 2009**

In Africa, Khat has mixed regulatory status. Khat is legal in Ethiopia, Somalia, Djibouti and Kenya. In Kenya however, two of its active components, *Cathinone* and *Cathine*, are classed as Class C substances. In Yemen, though legal, its cultivation and selling of its leaves are governed by a series of regulations. In South Africa, *Catha edulis* is a protected tree while in Israel, the plant itself is allowed to be chewed and sold as no harm was found in normal quantities even though *Cathinone* is classified as a dangerous drug and has been outlawed. Khat is illegal in Saudi Arabia, Finland, and France.

In Germany *Cathinone* is listed as a "non-trafficable substance" which makes the possession, sale and purchase of fresh Khat illegal. The derivative *Cathine* is only available on subscription while *norephedrine* is not listed. In Ireland and Iceland, Khat is a controlled drug for the purpose of the Misuse of Drugs Act 1977 and Schedule one of the Misuse of Drugs Regulations 1988 and as such its unauthorized possession and supply is prohibited. In Netherlands the active ingredient of Khat, *Cathine* and *Cathinone* are qualified as hard drugs and forbidden and was banned in 2012. This is also true for Norway and Poland

In Canada, Khat is a controlled substance under Schedule four of the Controlled Drugs and Substances Act while in the United States; *Cathinone* is a Schedule one drug according to the US Controlled Substance Act effectively banning Khat. The importation of Khat to Australia is nevertheless controlled under the Customs (Prohibited Imports) Regulations 1956 with individual orders expected to obtain permits from the Australian Quarantine and Inspection Service and the Therapeutic Goods Administration to import.

### **The History of Khat in Kenya**

The Khat history dates back in 1972 when a group of prominent African and Somalia business and politicians under a company known as East African Miraa Growers (EAMG) sought and was granted permission by Horticultural Crop Development Authority (HCDA) to be the sole exporters of Khat to Somalia.

In 1914, several Meru farmers and businessmen formed Nyambene Miraa Trading Association (NYAMITA) as a counterweight to EAMG and petitioned the late President Jomo Kenyatta to have Miraa removed from the scheduled crops under HCDA. This was granted and further the Miraa Prohibitive Ordinance (1951) was repealed. The Ministry of Agriculture later removed Khat from export control and regulations by HCDA.

Somalia continues to be the most important market for Kenyan Khat with volumes increasing from 1.59million kilograms in 2008 to 5.25 Million kilograms in 2012 followed closely by the United Kingdom.

In 1976, attempts were made to open up new markets in Europe, but while new markets are opening, others are closing down largely owing to pressure by WHO International Council on Alcohol Addiction (ICAA). Khat exported to Somalia and Europe is of the *Leboi* type with very high moisture content which ensures they get to their destinations while still fresh. This is unlike *Kangeta*, *Muguka* and *Kia* types which are sold locally and which dry within 2 days. The latter are more potent and expensive than the *Leboi* type and are harvested from very old trees (over 30 years).

According to report, Khat trading is dominated by rich businessmen and is very lucrative but the real beneficiaries are the agents who lease farms (sometimes for 5 years) and the wholesalers. This has created a lot of resentment among farmers who see businessmen as opportunists. Agents harvest and pack Khat destined for urban centers for local consumption or export while the wholesalers buy packed Khat from agents in specified collection centers (*biggest being Muringene*) and transport to urban areas. Transportation of Khat is highly specialized owing to its perishability.

Kenya enacted the Narcotic Drugs and Psychotropic Substances Act (1994) in which *Cathinone* and *Cathine* are included in the list of psychotropic substances. Khat is not controlled under this Act or any legislation since the Miraa Prohibitive Ordinance was repealed in 1974. Given the uncertainty and ambiguity surrounding the legality of Khat, technical information on its cultivation is lacking.

#### **UK's Position on the Impending Ban on Khat**

In early July 2013, the British Government announced it would ban Khat, even though the arguments for the ban were not clear. In a written Ministerial Statement delivered to the House of Commons by the Secretary of State for the Home Department, Theresa May, it said "The UK Government intends to control Khat under the misuse of drugs Act 1971 as a class C drug". Her communication also indicated that the Advisory Council on the Misuse of Drugs (ACMD) had undertaken a thorough and comprehensive scientific review which focused on the medical and social harms of the Khat consumption. She acknowledged that the report by the ACMD did not recommend control of the drug but given that there is absence of robust evidence in a number of areas, the UK Government will consider broader factors when making its decision. As such it was therefore clear that the decision to bring Khat under control takes in to account the expert scientific advice and these broader concerns.

According to the Ministerial Statement, the whole of Northern Europe and most recently the Netherlands and the majority of other European Union Member states, the G8 countries including Canada and USA had banned the exportation, importation, supply and possession or use of Khat. Fears were therefore rife by the UK government that failure to take decisive action and change in UK's legislative position on Khat would place the Country at a serious risk of becoming a single, regional hub for the illegal onward trafficking of Khat. The Communication also indicated that the report mentioned that seizures of Khat transiting the UK enroute to the Netherlands were on the increase both in size and frequency since the ban in Netherlands early 2013. The ACMD report being referred to could not however determine the scale of this activity based on the available evidence and acknowledged that the concerns form part of UK Government consideration on the matter.

The report also indicated that Khat continues to feature prominently amongst the health and social harms, such as low attainment and family breakdown, cited by affected communities and the police and local authorities working with them. The Ministerial statement went further to say that, much as the report acknowledged that there was insufficient evidence to enable the ACMD to advise if Khat use was a cause or a symptom of social harms, the UK Government is concerned that the risks of underestimating the actual harms of Khat within the UK community owing to its limitations of the evidence base cannot be ignored.

The Statement therefore concluded by stating that to ensure a "proportionate and robust policing response the Government intended to introduce an escalation framework for the possession of Khat for personal use, similar to the one in place for cannabis and as such will ban Khat so as to protect vulnerable communities". The UK Government also intended to use these as a message to its international partners and Khat smugglers that the UK is serious about stopping the illegal trafficking of the crop.

With the foregoing, the National Assembly formed the Select Committee to comprehensively investigate, inquire into all matters relating to Khat. Drawing from the motion, there was concern that most Countries have banned chewing of Khat and others are in the process of banning entry of the product into their markets including recommendation of severe penalties against consumers. The Members were therefore concerned about the implications of the ban on the economic mainstay of many people in Kenya and in particular the Meru and Mbeere communities given its economic contributions to the community and the country as a whole.

The Members noted that recent research has established that Khat is not a drug and therefore the Committee could not understand the rationale for the ban by Netherlands early in the year and the recent intended ban by the UK Government.

The Committee in its sittings reviewed research findings relating to Khat with particular interest on its adverse effects and the social-economic effects of the ban to the communities within which it is grown and the Country as a whole. The Committee further held sittings to investigate measurable contributions of Khat with the various government agencies among them, State Department of Agriculture, Ministry of Trade, Ministry of Health and Ministry of Labour and Social Welfare.

The matters inquired on Khat are outlined below including syntheses of the findings and presentations from the various witnesses who appeared before the Committee. Specific recommendations were also considered to address the policy gaps so as to ensure the issue of Khat is addressed from both an economic, social and legislative view point.

## CHAPTER TWO: FINDINGS

### MAILI TATU, MERU COUNTY

On 22<sup>nd</sup> July 2013, the Committee visited a Khat plantation at Maili Tatu in Meru County and later received submissions from Members of the public who included farmers, consumers and traders of Khat.

The Committee was informed that Khat takes about five to seven years to mature ready for yield when rain fed and under irrigation respectively and that it is one of the most affordable crops with huge return margins. The reasons for these are that, Khat;

- i) Can be intercropped with other crops among them beans, yams, and maize
- ii) Does not require expensive farm inputs like fertilizer but use of farm manure is common
- iii) The tree itself is an indigenous tree which remains productive after several harvests
- iv) Is harvested after every 14-30 days.

### Hon Joseph Muturia - Former Member of Parliament and a farmer

The Committee received submissions from Hon. Joseph Muturia on 22<sup>nd</sup> July 2013. The Committee was informed that;

- i) Khat farming troubles date back to the colonial era when Arab market rivalry was at its apex with tea and coffee grown by white settlers and Khat a predominately African crop.
- ii) Khat sales were up owing to its stimulating effect, a case that led to a ban pursuant to the Kenya Laws, Cap 339 of 1946 which became operational in 1948 as a legal framework implementing the ban and which latter resulted in the uprooting of the Khat trees.
- iii) With the help of Njuri Ncheke, the Ameru traditional leaders, Eliud Mathu, the Native Representative at that time, allowed the growing of Khat but failed to repeal Cap 339.
- iv) Cap 339 was later repealed by President Jomo Kenyatta on 23<sup>rd</sup> January 1977.

### National Chairman - Njuri Ncheke - Mr. Paul M'ethingia

On his part, the Chairperson of Njuri Ncheke reaffirmed that Khat is part of the community heritage and acts as a token of appreciation and a source of income for the Ameru people. He dismissed claims that Khat has negative effects on reproduction while at the same time challenging the President to fulfill his presidential campaign pledge to explore more markets for the crop.

### **Mohammed – Khat Exporter**

Mr. Mohammed informed the Committee that he indeed was a Khat trader in Europe including Britain. While dismissing the reproductive health effects caused by Khat as myth, he urged the Committee to advocate and intervene in the proposed ban.

### **Mr. Julius Mwereria a.k.a Omollo – Local Miraa Business man**

The Committee was informed by Mr. Julius Omollo, a user, grower and trader of Khat that he has suffered no ill health associated with Khat and that the ban by the UK will hamper the trade relations between the two countries.

### **Ms. Jeniffer Kathure – Businesswoman**

Ms Jeniffer while presenting her submissions before the Committee dismissed the assertions on the effects of Miraa on sexual potency and academic performance as a myth.

### **The Community, Local Traders and Exporters**

The Community, local traders and exporters were unanimous and informed the Committee that:

- i) Khat has no observable social, health and reproductive effects to their knowledge
- ii) Khat is the economic mainstay of the Ameru, e.g. proceeds are used to build churches, schools, Khat plantations used as collateral for Bank loans. There is therefore need to diversify on marketing of the crop.
- iii) The President of Kenya to endeavor to honor the campaign pledge on diversifying market for Khat sale

### **Dr Thiakunu C.K Mwirabua, MBChB – Medical Doctor and a member of the Community**

The Committee received submissions from Dr. Thiakunu Mwirabua on the 22<sup>nd</sup> July 2013 on issues relating to Khat as follows:

- i) Khat is not a drug by quoting page ten of the 34<sup>th</sup> World Health Organization (WHO) Technical Report Series 942: Expert Committee Report on Drug Dependence. In the Report, the Committee was informed that Khat has been considered and reviewed by the Expert Committee for several years and during its 33<sup>rd</sup> meeting, the Committee concluded that there was sufficient information on this substance to justify a critical review.
- ii) The major psychoactive compounds found in Khat are *Cathinone* and *Cathine (norpseudoephedrine)*, which are scheduled under the 1971 convention and which has the same configuration as amphetamines and norephedrine, a controlled substance under the 1988 convention.
- iii) The side effects associated with Khat are not necessarily a result of Khat but with other drugs or sweeteners taken alongside it. However, the WHO

report indicated that Khat produces a state of euphoria and decreased alertness and is also likely to produce insomnia and increase high blood pressure, heart rate and body temperature while psychotic reactions induced by Khat use have also been reported.

- iv) That the report acknowledges that there exist inconsistent data regarding the dependence potential of Khat with withdrawal symptoms after prolonged use including loss of energy, lethargy, depressive feelings and slight trembling with some intolerance expected.
- v) The report indicated that there were no confirmed therapeutic usefulness identified for Khat but also determined that the potential for abuse and dependence is low with the level of abuse and threat to public health rated as insignificant to warrant international control.
- vi) Similarly, a similar series by WHO Expert Committee on Dependence-producing drugs, the 14<sup>th</sup> Report of 1965 had noted as follows, "The Committee was pleased to note the resolution of the Economic and Social Council with respect to Khat, confirming the view that the abuse of this substance is a regional problem and may be best controlled at that level". It is therefore for this reason that Khat was not scheduled under the Single Convention on Narcotic Drugs but was however classified as a drug of abuse that can produce mild to moderate psychological dependence (less than tobacco or alcohol) but WHO in 1908 but did not consider it to be seriously addictive.
- vii) The report did not therefore recommend the scheduling of Khat but recognized the social and some health problems resulting from excessive use of Khat and as such suggested that national educational campaigns should be adopted to discourage the level of use that may lead to these adverse consequences

#### **Mr. Francis Kinyua – Khat Consumer and Trader**

The Committee was informed by Mr. Francis Kinyua whose submission they received on 30<sup>th</sup> July 2013 as follows: He has been a consumer of Khat since 1990 with his consumption equaling at least one and half per day and thereby spending almost Kshs 12,000 on its consumption. He also acknowledged not to have experienced any health side effects but was concerned about the impending losses associated with ban

#### **Mr. Kimathi Munjuri – Khat Consumer, Marketer and Exporter**

The Committee received personal submission from Mr. Kimathi Munjuri on 30<sup>th</sup> July 2013 where he indicated that he has not experienced side effects related to consumption of Khat ever since 1993

#### **Hon. Peter Munya - Governor of Meru County**

In his remarks, the Committee heard that:

- i) There exists no evidence on the effects of Khat on reproductive health
- ii) The importance of khat to the Meru community cannot be ignored as the statistics below attempts to show:

Area in Meru County (District)	Area under Miraa Coverage in Ha	People who directly depend on Miraa ('000)
Imenti South	3.6ha	2,250
Igembe North	11,500	298,668
Tigania West	10.5	3,500
Imenti North	57.2	1,924
Tigania East	160	9,000
Igembe South	8,437	194,555
<b>Total (People dependant on Miraa)</b>		<b>509,897</b>

Source: (Ministry of Agriculture – Research conducted in October 2008)

- iii) Going by the figures, the County Government plans to:
- Submit a petition to the British High Commissioner on Thursday 25 July 2013 calling to lift the ban by the UK Government on Miraa.
  - Submit a petition to the Netherlands High Commissioner on July 2013 calling to lift the ban by the UK Government on Miraa
  - Visit the Countries that have already banned Miraa entry
  - Draft a County Bill that will provide for the protection of the crop in Meru County.
  - Consider alternative markets for Khat, sentiments that were echoed by Mr. Kaberia, the Speaker of the Meru County Assembly
  - Institute punitive measures to NACADA including non-payment of license fees following the continuous campaign against the crop by the institution.

### Observations at a farm at Maili Tatu, in Meru County

The Committee made the following observations:

- Khat is intercropped with other crops for example beans, yams, maize
- Does not require expensive farm inputs like fertilizer.
- Khat farming is a major economic activity in Meru County with over half a million people depending directly on it and more others indirectly benefiting from Miraa proceeds.
- The Local community has a special connection with Khat given its cultural inclination. Khat is not only consumed as a stimulant but also acts as a token of appreciation during cultural rites like reconciliation and marriage ceremonies.
- The local community, consumers, traders and farmers are eager to have the Khat farming regulated like any other crop with adequate Government involvement from the point of farming to marketing. Further that Government intervention is likely to increase sales and consequently income.
- Khat is harvested after every 14-30 days, very early and tied into bundles

- g) No conclusive research has been undertaken on Khat
- h) The Consumers of Khat are not aware on any side effects associated with Khat
- i) The sudden ban on Khat is likely to cause economic losses in the County and region and consequently a financial crisis given that several businesses including the banking sector have financial connections.

### **Recommendations**

A Comprehensive research should be undertaken by a reputable institution to determine the conclusive effects of Khat

### **SIAKAGO, EMBU COUNTY**

The Committee on 21<sup>st</sup> August 2013 held various public hearing in Siakago. Before and visited Mr. John Kiragu Wachira's muguka farm and were informed as follows;

#### **Mr. John Kiragu Wachira**

##### **Profile and Submissions**

- i) A former teacher whose experience spans over 20 years owns 2.5 acres of Khat.
- ii) Khat is supplied to the following areas Nairobi, Nyeri and Lower Eastern with 30% of the harvest consumed locally in Embu.
- iii) The harvest from his farm ranges between 13 – 15 basins of Khat per day with each basin costing between Kshs 1,300 and Kshs 1,500. Total earnings per day are up to Kshs 22,500 exclusive of tax, a reason that led to his resignation.
- iv) Eight (8) people are employed to assist in picking of Khat
- v) Concerning Khat as a substance likely to be abused, the farmer affirmed that consumption in moderation is likely to cause no side effects while combining Khat with other substances for example sweeteners and alcohol have resulted in negative effects.
- vi) Khat is rarely consumed by children under twenty years
- vii) Khat farmers belong to SACCOs which have continued to provide them with affordable credit and saving facilities.
- viii) The perishable nature of Khat has resulted in transportation challenges for example the speed limits are in most cases exceeded by transporters of Khat, posing a threat to other road users.

#### **The Deputy County Commissioner – Mbeere Sub County**

##### **Submissions**

Following a courtesy call to the Deputy County Commissioner of Mbeere Sub-County the following emerged:

- i) Khat is grown in the following six out of the sixteen locations; Riandu, Nthawa, Gitiburi, Thura, Karambari and Muminji within the Mbeere

Sub- County and its farming is being taken up by farmers in other locations.

- ii) Khat farming is the most lucrative business in the sub-county and that its cultivation has greater returns compared to other horticultural crops like cotton and tobacco and livestock farming.
- iii) Khat farming has transformed households due to increased income as is evident through improved housing in the region, admission to expensive private schools by most children.
- iv) Khat farming has equally boosted other sectors of the economy like education, transport and recreational facilities.
- v) There have been cases of child Labour in the Khat growing areas, like is common with other cash crops leading to school dropout.
- vi) Malnutrition of children under five is rampant in the region following over emphasis on Khat farming by parents with very little time left to prepare balanced meals
- vii) Khat has compromised family cohesion owing to its abuse and poor financial management skills.
- viii) Rampant increase in low birth rate has also been recorded in Khat growing areas compared to other areas. Sometimes monthly returns show low birth rates, with deaths exceeding births.

### **Recommendations**

Some of the recommendations by the Deputy County Commissioners were:

- i) Enact legal framework that recognizes Khat as a protected crop so that farmers can be sensitized on issues of cultivation, marketing, effects among others.
- ii) Construct local markets specifically designated for Khat to deter its sale at road sides
- iii) Construction of a rehabilitation centre to provide care and rehabilitation services to those already addicted to alcohol, Khat and other hard drugs.

The Committee also received submission from the following witnesses with a summary of their submissions provided here below:

#### **Mr. Kiura Murengwa – Youth Representative (24 years)**

Khat has contributed to infrastructure development in schools, the ability of children in the area to join higher institutions of learning, created avenues for job employment and hence income generation

#### **Recommendations**

Khat needs to be classified as a cash crop and create an Authority to look into the cultivation and marketing of the crop.

#### **Mrs. Alusia Njoka Njeru – Miraa Farmer**

Khat is a cultural crop exchanged during formalization of marriage proposals in addition to having generated incomes for households and improving the living

standards of the people in the region. Households are currently able to take care of their basic needs including healthcare, education and food.

#### **Recommendations**

The Government needs to identify alternative markets for the crop, train farmers and provide for irrigation infrastructure to improve its cultivation

#### **Mr. Samuel Njeru – Miraa Farmer**

The Committee was informed that the returns on Khat are higher than that of alternative crops like cotton, tobacco and other agricultural activities

#### **Recommendations**

The Government to identify an alternative market for Khat and that household should be sensitized on investment and developing a saving culture.

#### **Mr. Nathan Kariuki – Religious Leader**

Churches in the region have benefited owing to the improved economic and social standards of their followers and this is attributed to the growing Khat farming. The Presenter refuted claims on the side effects associated to Khat saying that there exists no scientific proof to justify the allegations.

#### **Mr. Machaki Kanyenji – Plant Breeding and Genetic Expert (retired employee of The Kenya Agricultural Research Institute (KARI)**

He submitted to the Committee that in addition to the economic impact of the plant, Khat is a cultural plant for the Mbeere community alongside other indigenous plants found on the Kiangombe hill.

He argued that no reliable research has been undertaken to determine the side effects of Khat but affirmed that long-term users have reported mild depression, nightmares and trembling after ceasing to chew the Khat.

In terms of food, the Committee was informed that as a result of increased income from the business, the living standards of the people in the area has improved including the ability to access and afford other food crops.

#### **Recommendations**

Training the farmers to invest the Khat returns and embrace a saving culture  
The Government in collaboration with local universities to consider conducting a Kenyan initiated research on Khat.

#### **Mr. Francis N. Kimori – Chairman, Mbeere Muguuka SACCO Society Limited**

Mr. Kimori affirmed that the returns from Khat exceeded those in the teaching profession having been a teacher for over 20 years. He also confirmed that

several farmers were members of the numerous SACCOs and acknowledged pockets of child Labour in areas where Khat is grown

**David Miti Wanjuki – Chairman, Mbeere Elders Council**

The chairman of the Elders Council denied the allegations of the negative effects of Khat on reproduction and lauded the incomes from the crop which has enabled him educate his children.

**John Njiru Kith & James Fundi Nyaga – Mavuria Ward Miraa Growers**

The submission as presented before the Committee was as follows:

- i) That Mavuria ward grows the *Muguka* type of Khat.
- ii) Muguuka causes stimulation which increases alertness, reduces hunger and fatigue.
- iii) Khat has contributed immensely to the growth of the local economies within which it is grown by improving the living and education standards of the people
- iv) Khat plants being trees have assisted in conserving the environment.
- v) Khat trade challenges were identified as negative unfounded beliefs, poor market trends and lack of support from government.

**Recommendations**

Khat plant to be protected as a cultural and economic plant and policies put in place to counter and mitigate any undesirable effects  
Comprehensive research to be commissioned on Khat to ensure objectivity in the Khat debate

**ISILOLO TOWNSHIP**

The Committee on the 22<sup>nd</sup> August 2013 then proceeded to Isiolo and held a public hearing. Below is a summary of the submissions and recommendations:

**John Nthoiti Mugambi - Khat Trader**

Khat business remains the major income earner in the region

**Abdi Hassan - Khat Trader and Consumer**

A consumer of Khat since 1987, Khat farming is a major economic activity for Isiolo

**Abdikadir Happi - Paralegal and Youth**

Recommended that conclusive research be undertaken to determine the following among others:

- i) The economic contribution of Khat to the economy
- ii) Alternative economic activity to Khat farming

**Stanley Kubai – Khat Trader**

Khat business remains the major income earner in the region

**Rosemary Itabari – Khat Trader**

The economic impact of the ban on Khat will affect the livelihoods of the people of Isiolo

**Mohamed Abdikadir – Religious Leader**

- i) Advocated for the ban on Khat arguing that it does not have any nutritional value and its long term consumption is harmful to health.
- ii) Argued that economically, the returns in Isiolo County are insignificant
- iii) Khat chewing has led to numerous social ills including adultery, prostitution, gambling breakdown of families and marriages among others

**Recommendations**

Khat to be banned by all levels of Government

**Sheikh Salatt Jillo – Religious Leader**

The effects of Khat are visible among the youth and should therefore be banned.

**Samuel Kairi – Khat Consumer**

Associated Khat chewing to high unemployment levels

**MEMBERS OF PARLIAMENT**

**Hon. Joseph M'Eruaki, MP**

The Member of Parliament for Igembe North and a Member of the Adhoc Committee on Miraa declared his interest on the matter and testified before the Committee claiming that he is a Consumer and Farmer and informed the Committee that:

- i) There exists many myths surrounding Khat among them the health effects
- ii) Khat is a social and cultural plant used by the Communities in Meru County during rites of passage including marriages and reconciliation
- iii) Despite the contribution of Khat to the economy, the government has failed to acknowledge its contributions and has neither provided the farmers with the much required farm inputs
- iv) Classifying Khat as a drug and its consequent ban will result in economic losses within the County and a community condemned, the latter will feel condemned.

**Hon. Mohamed Abdullahi Diriye, MP**

Member of Parliament for Wajir South claimed that he represents a constituency which majority of the constituent chew miraa, The Member made his submission before the Select Committee on Khat on 17<sup>th</sup> October by citing

the side effects associated with Khat following the massive consumption of the crop by majority of his constituents. Among the side effects the Member highlighted and which are rampant in his constituency include misuse of family resources and as such high level of malnutrition, health effects, time wasting and consequently loss of jobs among the youth, family breakdowns and other social ills like prostitution, unhealthy packaging and security related outcomes.

With the foregoing the Member recommended the classification of Khat as a drug or the least; consider the introducing regulatory mechanisms arguing that WHO and other research organization have declared Khat, a drug.

## RESEARCH SCIENTISTS AND SCHOLARS

### Dr. Joseph Muriungi

The Committee on 25<sup>th</sup> July 2013 met with Dr. Joseph Muriungi, a holder of Doctors of Philosophy (PhD) in Plant Pathology from the University of Nairobi. Dr. Muriungi is a Lecturer at Karatina University College, School of Agriculture and Biotechnology. He informed the Committee as follows: (See Appendix 2)

- i) Khat is an 'orphan crop' meaning that little information or studies have been done around it
- ii) The chemical composition of Khat is monoamine alkaloid called *Cathinone* and *Cathine* (similar to amphetamine in configuration/structure) which are mild CNS stimulants and that *Cathinone* is not very stable and as such breaks down to produce *Cathine* and *Norephredine*.
- iii) *Cathinone*, *Cathine* and *norephredine* are chemicals belonging to the PPA (Phenylpropanolamine) family, a subset of the *Phenethylamines* related to *amphetamines* and the *catecholamines*, *epinephrine* and *norepinephrine*.
- iv) *Cathinone* and *Cathine* have very similar molecular structure to *amphetamine*
- v) When Khat leaves dry, the more potent chemical, *Cathinone*, decomposes within forty eight hours leaving behind the milder chemical *Cathine* and when chewed both are released and absorbed through the mucous membranes of the mouth and lining of the stomach.
- vi) The Nutritional value of Khat to the human body as some local studies done at the University of Nairobi on the Phytochemistry of Khat by Dr. Maitethia and Prof. Njoroge in 1970s concurred that although Khat may have negative side effects, the plant contains important molecules in the family of alkaloids (e.g. Orcene, Mycene) which can be a source of energy under dire starvation. Further, encyclopedia of Natural health reports that Khat (chewed green leaves, bark and seeds) offers alternative medicine supplements and vitamins to consumers such as Potassium, Calcium, Iron, Vitamin C, food flavoring products; digestive enzymes; Natural hormones used in hormone therapy e.g. blood glucose control, women health products, antioxidants, cholesterol control etc.

- vii) The negative effects of Khat in the human body include:
- a) Euphoria and excitement
  - b) Constipation
  - c) Dilated pupils (mydriasis)- sympathomimetic effects of the drug increasing the heart rate and blood pressure
  - d) Withdrawal symptoms following occasional use include mild depression and irritability; those following prolonged use include lethargy, mild depression, nightmares and slight tremor
  - e) Anorectic (Loss of appetite)
  - f) Long-term use can cause the following effects, negative impact on liver function, permanent tooth darkening (of a greenish tinge), and susceptibility to ulcers and diminished sex drive.
  - g) Kat (Cathinone, cathine and nerophedrine) can induce moderate to mild psychological dependence after continued use for longtime (hence abusable substance) like alcohol and tobacco and hence classified as Abusable Drug class C
  - h) Compared with other substance with psychological dependence effects such as coffee, tobacco, amphetamine, marijuana/bhang, inhalants and solvents, heroin, cocaine, prescription drugs, Khat appears safe
  - i) Comparison on physical harm and dependence regarding various drugs, Khat is positioned number one followed by Tobacco, Cocaine and then Heroin.
- viii) The Medicinal value include cure for obesity and gastric ulcers and as a stimulant to offset depression amid fatigue.

### **Prof. Isaac Kibwage**

The Committee met on 25<sup>th</sup> July 2013, with Prof. Isaac Kibwage, a Professor of Pharmaceutical chemistry, the Professor is the current Principal of the School of Health Sciences at the University of Nairobi who made submission on the morphological characteristics, effects and impacts of Khat/Miraa he informed the Committee as follows; (*See appendix 3*):

- i) Khat contains more than forty glycosides, tannins, vitamins, amino acids, alkaloids and minerals while the leaves contain *Cathinone* and *Cathine*, the most pharmacologically active compound.
- ii) Some of the subjective effects include:
  - a) Clouded thinking and low concentration
  - b) Depressive mood, irritability, anoxia and difficulty in sleeping
  - c) Lethargy and a sleepy state may follow the following morning
- iii) Cardiovascular effects like rise in blood pressure and heart rate
- iv) The main toxic effects include:
  - a) Insomnia, anorexia, constipation general malaise, irritability, migraine and impaired sexual potency in men

- b) Mild depressive reactions during Khat withdrawal while frequent use of high doses may evoke psychotic reactions
- v) Acute effects include:
  - a. Relief of fatigue, increased alertness, reduced sleepiness
  - b. Mild euphoria and excitement; improved ability to communicate, loquacity
  - c. Tachycardia, hypertension
  - d. Moderate hyperthermia
  - e. Mydriasis, blurred vision
  - f. Anorexia, dry mouth
  - g. Constipation supposedly due to tannins
  - h. Psychotic reactions at high doses
  - i. Irritability and depressive reactions at the end of the session
  - j. Lethargy and sleepy state ( next morning)
- vi) Long-term effects include:
  - a. Malnutrition
  - b. Psychotic reactions after chronic use; depressive reactions
  - c. Irritative disorders of the upper gastro-intestinal tract
  - d. Cardiovascular disorders
  - e. Hemorrhoids
  - f. Impaired sexual function, spermatorrhoea, impotence
  - g. Periodontal disease, mucosal lesions (keratosis)
- vii) On socio-cultural impact, a study done in Yemen shows that the social and economic impact of Khat chewing is phenomenal where the habit is too deep rooted in the society that valuable time is spent on buying and chewing.
- viii) On social -economic impact, it is one of the most lucrative cash crops in East Africa and the horn of Africa with Kenya is said to supply 50-56 tonnes of Khat to the United Kingdom. As to whether there exist a relationship between Khat and child labour, the Committee heard that a study done in Embu County revealed that children in primary schools were deeply involved in the Khat business and at different stages including selling, plucking, weeding, owning and transporting the plant. Overall, Khat had substantially affected school attendance, enrolment and performance in education sector.

### **Observations**

Based on the Scientists submissions, the Committee made the following observations:

- i) Khat chewing is a cultural practice dating over twenty five years and thus the ban is likely to be counter- productive.
- ii) Khat contributes to the Country's economy through revenue, as source of employment to farmers, traders and other support sectors. The concern however is the extent to which the returns from Khat benefit the farming communities.

- iii) Daily consumption of the plant is likely to have negative effects on the health, social and economic life of the user.
- iv) No substantive research has been undertaken on all the Khat varieties in the country and these has therefore disadvantaged the Khat business in the Country

### Recommendations

- i) Considering that research findings on Khat are scanty and not conclusive, the opinion was that the issues of Khat be addressed from a political standpoint as opposed to a scientific perspective.
- ii) Further, a Kenyan motivated research to be commissioned to determine the chemistry and the social and economic effects of Khat.

### GOVERNMENT MINISTRIES, DEPARTMENTS AND RELEVANT SAGAs

#### Ministry of East African Affairs, Commerce and Tourism

The Committee met with the Cabinet Secretary in the Ministry of East African Affairs, Commerce and Tourism on the 6<sup>th</sup> of August and again on the 16<sup>th</sup> September 2013. The Ministry began by clarifying that Khat is not under international control. However, two active substances present in Khat, *Cathinone* and *Cathine* are scheduled substances under the 1988 UN Convention on Psychotropic Substances. The Committee was therefore informed as follows on issues relating to Khat and the likely effect of the ban by the United Kingdom on Kenya's Balance of Trade:

- i) Khat is indeed a foreign exchange earner for the Country. It was revealed that Khat formed 1% of the total exports between 2008-2012, while in 2008 it represented 0.57% of Kenya's total exports

The table below summarizes the Exports of Khat in relation to total exports:

	VALUE IN KSHS BILLION				
Year	2008	2009	2010	2011	2012
Total Exports	344,947.00	344,949.00	409,794.00	512,604.11	517,846.94
Exports of Khat	1,973.36	5,539.18	4,750.83	6,932.68	5,387.10
% of Total Exports	0.57	1.61	1.16	1.35	1.04

Source: Customs Department, Kenya Revenue Authority

Compiled By: Centre for Business Information in Kenya (CBIK) - Export Promotion Council as cited by the Ministry of East Africa Affairs, Commerce and Tourism

- ii) Khat is exported to some twenty four (24) Destinations around the world with Somalia being the leading importer. Others are United Kingdom, Netherlands, New Zealand, and Japan (See Appendix 4).
- iii) Between 2008-2012, the value of Khat exported from Kenya is estimated at Kshs 24.58 Billion with 2011 reported to have the largest volume of export valued at Kshs 6.93 Billion compared to Kshs 1.97 Billion in 2008.
- iv) Somalia continues to be the most important market for Kenyan Khat with volumes increasing from 4.59 million kilograms in 2008 to 5.25 million kilograms in 2012.
- v) United Kingdom is the second largest importer of Kenyan Khat with a total of 1.5 Million Kilogram and worth Kshs 1.5 Billion between 2008-2012
- vi) Some of the countries which import Khat from Kenya albeit in small quantities of less than 50 kilogram per annum include Mozambique, Japan, Germany, United Arab Emirates, Sudan, United States of America.

Responding to the question on measures that the Ministry has taken to counter the negative campaign against Khat as a foreign exchange earner in the Country, the Ministry argued that it has not taken any concerted effort to promote Khat due to the nature and perception the drug faces in the various markets. However, the Cabinet Secretary assured the Committee that it will continue promoting the crop in Countries it does not face rejection. The Cabinet Secretary further added that some Countries have taken measures for example instituting a ban on Khat in the interest of its own citizens. Kenya cannot therefore compel such Countries to lift the ban as this is unacceptable practice in international trade.

The Cabinet Secretary also indicated to the Committee that the Ministry is not considering sourcing for alternative markets for Khat as it is classified as drug by the National Authority for the Campaign against Alcohol and Drug abuse (NACADA) and therefore proposed that studies be undertaken to clarify on its status before any consideration for alternative markets

While responding to the issue of national and global research on Khat, its health and socio-economic effects. The Committee heard that:

- i) Khat contains many different compounds and as such chewing may have different effects. Some of the effect the Ministry mentioned includes: A State of euphoria and elation with feelings of increased alertness and arousal, excited mood, constipation, depression mood, urine retention, dependence, tolerance and psychiatric symptoms among others.
- ii) As Cathinone and cathine are held responsible for the effects of Khat on the nervous system, the effects of the many other constituents of the plant are frequently overlooked.

- iii) In addition to the reported health problems, regular consumption of Khat is associated with a variety of social and economic problems, among them are effect on productivity owing to hours spent chewing the plant, cost implications are huge, its effects on schooling as outlined in a study funded by UNESCO in Kenya focusing on effects of Khat on school going children. Among the mentioned effects include lack of attention, absenteeism, poor academic performance high cases of indiscipline and teenage pregnancies. A study commissioned by NACADA revealed similar social ills e.g. idleness, irresponsibility, crime, wastage of resources and addiction.

#### **Ministry Recommendations**

- i) All stakeholder( Relevant Ministries, Members of Parliament, Farmers' and Traders Associations to utilize the window period before the ban to lobby the UK government to reconsider the ban
- ii) Lobby for a grace period to allow for the Khat farmers and traders association to put in place frameworks to manage Khat trading
- iii) The Ministry and Khat traders to strategize on diversification to other markets with less stringent measures e.g. Yemen, Djibouti, Somalia and South Africa
- iv) The Ministry and other stakeholders to consider value addition of Khat
- v) The Khat traders and other stakeholder to address the issue of bad publicity of Khat

#### **Observations of the Committee**

- i) Somalia remains the largest market for imported Khat from Kenya and that Kenya has not received any restriction on the crop
- ii) The Ministry has not made any attempts to promote Khat owing to the fact that it is perceived as a drug in various markets
- iii) The Ministry had written to the Kenya Medical Research Institute (KEMRI) to carry out a study on the effects of Khat use and determine its active ingredients.

#### **Ministry of Devolution and Planning**

The Committee met with the Principal Secretary in the Ministry Devolution and Planning on the 6<sup>th</sup> of August 2013 and later on the 16<sup>th</sup> of September 2013. The Principal Secretary provided the statistics of how the income tax from trading of Khat has contributed to previous planning in the last five years as follows:

- i) Khat, largely grown in the Counties of Meru (mainly Maua area), Embu (mainly Mbeere area) is consumed in major towns like Nairobi, Mombasa, Nakuru, Kisumu amongst other small towns.
- ii) On contributions of Khat to the GDP and balance of payment, the Committee was informed that the crop contributes about one percent of

asserted that the study confirmed the experience by schools on the ground that Khat business partly contributed to school drop outs and poor performance of children of school going age.

As to whether Khat has any positive contributions to education within the Khat growing region, the Committee was informed that the Education Field Officer reports show that Khat has a number of positive contributions as follows although such earnings are also associated with social vices like prostitution and instability in marriages:

- a. The earnings from Khat cater for family basic needs without which children may fail to attend school
- b. The number of Secondary schools for instance in Igembe South, has increased from 22 in 2010 to the current 35 schools in 2013 through community participation
- c. Parents contribute to the provision of school infrastructure that lead to increase in access and improvement of quality of education
- d. Improved transition rate from 32% from years ago to the current 56% has been noted
- e. Parents in Khat growing areas are able to support the education of their children beyond secondary school level through income derived from Khat business.

On the question of whether the education standards in the Khat growing areas have been compromised by Khat farming, the Select Committee was informed that there exists no strong indicator to qualify such argument. However, the Ministry was quick to add that unsubstantiated claims show that the boy-child in these areas is at risk and is negatively affected in terms of school attendance although actual data from the field shows minimal disparity between boys and girls as shown below:

#### **Primary Schools Boys/ Girls Ratio**

S/No.	DISTRICT	BOYS	GIRLS
1.	Igembe North	48%	52%
2.	Igembe South	50%	50%
3.	Tigania East	49%	51%
4.	Tigania West	54%	46%

### Secondary Schools Boys/ Girls Ratio

S/No.	DISTRICT	BOYS	GIRLS
1.	Igembe North	46%	54%
2.	Igembe South	50%	50%
3.	Tigania East	47%	53%
4.	Tigania West	47%	53%

**Source: as cited by the Ministry of Education, Science and Technology**

The Committee was informed that Khat has deep rooted cultural and economic importance to the producing and consuming communities in Kenya where it is majorly consumed during family and community events and that the country earns about Kshs 2 Billion annually in foreign exchange from its export.

As relates to Wajir and Garissa County, the Principal Secretary was categorical that reports reveal no significant difference in trends from that of Embu County. Further that Khat cannot be singled out as the main problem affecting education standards, but this could be attributed to poverty, nomadic and illiteracy.

The Committee was also informed as follows, that;

- i) The majority of Khat chewers spent more than half of their domestic budget on Khat daily at the expense of other essential requirements as education and medical care which has led to increased rates of divorce
- ii) The nocturnal activity of chewing Khat has contributed to truancy, absenteeism and ultimately school drop-out
- iii) Khat provides an alternative income for numerous households alongside livestock farming
- iv) The Muslim leaders in Garissa County propose that Khat be banned in Northern Kenya
- v) In Garissa County consumption has effects on early childhood education since most men in County consume Khat with the following effects:
  - a) Increased malnutrition among expectant women since majority of the men spend their resources on Khat
  - b) The impact on family is visible owing to the impact Khat has on reproduction where men are said to be either sexually active or inactive
  - c) Khat drains household resources, for example a bundle of Khat costs Kshs 2,500
  - d) Both men and women have been noted to neglect their duties owing to Khat. While men spend most of the time consuming the plant, women are preoccupied in the business of trading in the same.

### **Observations**

- i) There exist no known effects on ECDE in the Khat farming areas in the Country such as Igembe South and North District
- ii) Export of Khat in the last five years (2008-2012) has been on the increase from 2.2 Million to 8.8 Million
- iii) Formalization and trading on Khat has been hampered by legal issues where NACADA classifies the chemicals found in Khat as Psychotropic substances vide the Kenya Narcotic Drugs and Psychotropic Substances Act of 1994
- iv) Attempts towards formalizing and regulating trade in Khat would need to focus on addressing the legal barriers surrounding classification of Khat as a psychotropic drug, and review of laws that schedule cash crops as trade commodities.

### **Recommendations**

- i) Further research be conducted to establish the effects of Khat on the standards of education particularly in Khat growing areas
- ii) Extensive studies be undertaken on Khat to determine the socio-economic and cultural impact of Khat production or banning in Kenya.
- iii) Address the legal barriers surrounding classification of Khat as Psychotropic drug and review the laws that schedule cash crops to include Khat

### **Ministry of Foreign Affairs and International Trade**

The Committee met with the Principal Secretary in the Ministry of foreign Affairs on the 16th September 2013 where the Ministry indicated that there were no diplomatic implications resulting from the ban of Khat in the UK since other exports to the western markets for example cut flowers, fruits, and vegetables coffee have not been affected. The Committee was informed that alternative markets for Khat can be sought by the Ministry given that market in the Arab world are viable. Nevertheless there was need to harmonize the national position on Khat given NACADA's position. The Ministry therefore gave the following as the likely reasons for the ban of Khat by foreign governments:

- i) Affects the harmonious co-existence of communities in the Netherlands where it was first banned in February 2012
- ii) The UN Commission of Narcotic Drugs ruling that individual countries decide for their respective countries on the health advice to consumers
- iii) Concerns over Cathinone potential abuse as an amphetamine - like drug that led to WHO Expert Committee on Drug Dependence (ECDD) to recommend its addition to the UN Convention on Psychotropic substance in 1988 under Schedule 1 and III.
- iv) The majority of the importer and trader of Khat remain unregistered with no bank accounts and hence concealing the proceeds for products and therefore the fear of financing illegal activities.

- v) The secrecy surrounding the trade in Khat has been a concern to the UK authorities

Responding to the question on specific Miraa traders, the Committee was informed that in Kenya, Khat is not regulated and businesses therefore operate under unwritten rules with farmers lacking direct links to importers and hence depend on middlemen. The export market therefore is dominated by people of Somali origin who have links in Europe and other Western Countries. The Committee was informed that currently the Nyambene Miraa Traders Association (NYAMITA) remains the most renowned export association and is represented by Sakijo International Marketing solutions in the United Kingdom. The said agency has its physical address at South B shopping Centre in Nairobi Kenya. The Ministry was however unable to establish Kenyan traders on other countries.

The Ministry confirmed to the Committee that trading and farming of Khat does not pose a threat to external security since its growth and production in Kenya is legal. However the Committee heard that its export (owing to stringent restriction in some countries) does foster illegal underground market and such has a potential to pose a threat to Kenya's security.

The Ministry also informed the Committee that Khat comply with international quality standard having been cleared by the Kenya Plant Health Inspectorate Services (KEPHIS) as well as the Horticultural Crop Development Authority (HCDA)

#### **Observations**

- i) Concerns over *Cathinone* potential abuse as an amphetamine-like drug however, led the WHO Expert Committee on Drug Dependence (ECDD) to recommend its addition to the UN Convention on Psychotropic Substances in 1988 where it was added as a Schedule one substance meaning that it was to be subjected to the most stringent international restrictions.
- ii) Khat businesses in Kenya is generally unregulated with importers and traders largely unregistered,
- iii) Khat has been cleared by Kenya Planters Health Inspectorate (KEPHIS) as well as Horticultural Development Authority (HCDA)

#### **Recommendations**

- i) Address the legal barriers on Khat

#### **State Department of Agriculture**

The Committee met with the Principal Secretary under the State Department of Agriculture on the 20<sup>th</sup> August 2013. The Committee was informed that:

- a) Khat is mainly grown in Eastern Province in the Counties of Meru and Embu although cultivation is fast spreading to other suitable regions of the County like Pokot, Chyulu hills, Kieni, Kamulu and Athi River (Isinya).
- b) In the last five years, Kenya has exported Khat to other parts of the World at an average rate of 2.1million Kilograms per year and that this has earned the country approximately Ksh 2.69Billion annually. The table below summaries the report as presented by the State Department of Agriculture:

YEAR	VOLUMES (Kilograms)	Values (Kshs)
2008	1,980,385	2,717,454,080
2009	5,768,369	4,743,998,448
2010	2,617,485	4,413,054,464
2011	204,109	1,027,593,537
2012	559,948	567,369,682

Source: *Annual Reports by HCDA 2008-2012 as cited by the State Department of Agriculture*

- c) Trading in Khat is not regulated locally even though it is estimated that 12 tonnes of Khat is consumed locally at a cost of Kshs 8000 daily with major networks located across major towns like Mombasa, Nakuru, and Kisumu. The varieties that are consumed locally are *Kangeeta* and *Giza* and are said to be more expensive than the *Leboi* variety destined for export.
- d) Khat production, transportation, processing and sales are major sources of employment with Khat cultivation in the country spreading into non-traditional growing areas with over 500,000 people deriving direct and indirect benefits.
- e) Numerous businesses along the value –chain are likely to incur losses with the implementation of the ban
- f) Khat also known as Miraa is not classified as cash crop due to uncertainty and ambiguity surrounding the legality of Miraa production and concerns being expressed by the World Health Organization (WHO) and the International Council on Alcohols and Addition (ICAA) on the side effects associated with Miraa chewing.
- g) Kenya enacted the Narcotic and Drugs and Psychotropic substances Act of 1994 in which *Cathinone* and *Cathine* found in Miraa are included in the list of Psychotropic substances.
- h) Technical information on its cultivation is lacking and not much scientific research date has been done on Miraa cultivation and its effect on human health.

- i) Prior to 1972, Khat export was controlled and regulated by HCDA but in 1972, a company under the name East African Miraa Growers was granted permission by the HCDA to be the sole exporters of Khat to Somalia. On formation of NYAMITA in 1974, Miraa Prohibitive Ordinance (1951) was repealed and Khat was struck off the list of scheduled crops under the HCDA. The Ministry therefore concluded that for Khat to be classified as a scheduled crop, review of various laws and concurrence of various stakeholders and institutions will be required.
- j) Given that Khat is not a scheduled crop, the State Department of Agriculture has no jurisdiction over its promotion, production and marketing nor is it undertaking any measures to protect Khat. However, the affected farmers are advised to diversify to other high value agricultural crops to address the challenges facing Khat along the value chain. The Ministry further asserted that diversification will ease food insecurity in the areas since much of the land is utilized on Khat growing as opposed to the much needed food crops.
- k) Review and harmonization of these legislation is required for the State Department of Agriculture to consider regulating the production, processing and marketing of Khat

#### **Committee Observations**

- i) There has been a steady decline in the value of Khat exported between 2008 and 2012 with a significant decrease noted in 2011 ( 204,109 Kg) from 2012 (2,617,485 Kg)
- ii) Trading of Khat in Kenya is unregulated
- iii) Khat is not classified as a cash crop, neither is the crop scheduled and as such the State Department of Agriculture does not seem to have jurisdiction over its production, promotion and marketing. The Committee observed that the foregoing is a result of the uncertainties and ambiguities surrounding its legalities and concerns by the WHO and the ICAA.
- iv) The technical information on cultivation of Khat is absent and not much conclusive research has been undertaken on Khat
- v) The sustainability of the Khat as a cash crop is not guaranteed given the challenges arising from the legislation in other countries who categorize the plant as a drug making external markets ambiguous

#### **Recommendations by the Committee**

- i) Issues surrounding Khat require review of requisite legislation with concurrence by the various stakeholders and institutions
- ii) Given that scientific research data is not available to make any conclusive opinion, there is need to work with the Ministry of Health for define the parameters of research output.

## Ministry of Health

The Committee met with the Principal Secretary, Ministry of Health on 7<sup>th</sup> August 2013 and again on the 16<sup>th</sup> September 2013. The Committee received further submissions from the Ministry on the 22<sup>nd</sup> October 2013 where the Committee was informed that Khat (*Catha edulis*) is a plant native to the Horn of Africa and the Arabian Peninsula and that the leaves when chewed result in the release of the stimulants *Cathinone* and *Cathine*.

Further, that Kenya ratified three UN conventions and as such being state parties is obligated to implement the following conventions in full:

- i) Single Narcotic Convention of 1961 as amended by the 1972 protocol
- ii) The Convention of Psychotropic substances of 1971
- iii) United Nations Convention against illicit trafficking in (i) and (ii) of 1988

The Committee was also informed that Pharmacy and Poisons Board is the recognized competent National Authority regarding above Conventions with the Board expected to submit regular annual reports to the International Narcotic Control Board regarding the status of the Conventions. Kenya domesticated the three UN conventions through the enactment of the Narcotic Drugs and Psychotropic substances control Act No. 4 of 1994. The Convention on Psychotropic substances of 1971 lists *Cathinone* under Schedule one.

As to whether the Ministry categorizes Khat as a drug, the Ministry referred the Committee to page 49 of the WHO Report, 2013 (See appendix 1) where *Cathinone* is placed under category of new psycho-active compounds on the global markets. The Committee was therefore told that the Ministry recognizes Khat as a stimulant due to *Cathinone* which is the keto analogue of *amphetamine* and since Amphetamines and its analogues are classified as Central Nervous Stimulants and *Cathinone* being a derivative of Khat, makes Khat a stimulant.

Further, the 33<sup>rd</sup> ECDD pre review of Khat in 2002 concluded that there was sufficient information on Khat to justify a critical review.

On the chemical composition of Khat, the Committee was informed that Khat contains considerable amounts of three chemical which are structurally related to *amphetamines* and *noradrenaline*: *Cathinone*, *Cathine* and *Norephedrine*. It also contains *alkaloids*, *terpenoids*, *flavonoids*, *sterols*, *glycosides*, *tannins*, *amino acids*, *vitamins* and *minerals*.

The Committee also heard that as much as a large number of synthetic *Cathinone* derivatives have been produced, some of which are found and utilized as pharmaceutical agents, fresh Khat from different origin contains on the average 36mg *Cathinone*, 120mg *Cathine* and 8mg *norephedrine* per 100grams of leaves. This is while the Ministry acknowledged that the

nutritional content of Khat is not known and that the Ministry of Health recognizes Cathinone which is contained in Miraa as a stimulant.

Preliminary laboratory analysis undertaken the Ministry of Health (Government Chemist) with samples of freshly harvested leaves and shoots of Khat collected domestically from Mbeere, Embu, Igembe North, Central and South, Tigania West showed Cathinone levels of 0.14mg to 26.91mg per 100g. Cathine on the other hand was found to be ranging between 8.7mg to 131.5mg per 100g. With the foregoing the Ministry has not therefore classified Khat as a drug, however available literature indicate structural similarities between Cathine and Cathinone with amphetamine hence similar effects with the latter.

On the effects of Khat on the human body, the Committee was informed that:

- a) Khat contains many different compounds and therefore its chewing is likely to have several effects.
- b) The major effects include those on the gastro-intestinal system and on the Central Nervous System with moderate users seemingly having no excess morbidity compared to individual chewing in excess of two bundles per day which was associated with increased psychiatric morbidity.
- c) The tannins present in Khat leaves are held responsible for the observed gastritis while 50% of the chewers develop oral mucosal keratosis. Keratosis of the oral buccal mucosa is considered as pre-cancerous lesion that may develop into oral cancer and since the effects of Khat, tobacco and alcohol was found to be addictive, the result suggest that Khat consumption especially accompanied with alcohol and tobacco might be a potential cause of oral malignancy.
- d) The effect of Khat, tobacco and alcohol was found to be addictive with results linking potential oral malignancy to Khat consumption when accompanied by alcohol and tobacco consumption.
- e) Case reports confirm that adverse effects occur at high doses of Khat with a documented report by the Ministry on a situational analysis report at the Mathari Mental Hospital Rehabilitation Ward (See appendix 6 & 18). According to the analysis of the total 35 patients (34 male and 1 female) admitted under the Rehabilitation Program, 11 reported using Miraa and according to their files (as reported by Dr. Kisivuli, Medical Superintendent, Mathari Hospital), almost all the 11 had experienced symptoms and signs of either Psychosis or mood alterations although majority of the patients (82%) were using Miraa in combination with other substances (a pattern the Principal Secretary indicated was of multi drug use).
- f) A recent retrospective multicenter study by a team from the Ministry of Health around Mt Kenya region to provide baseline information on the mental health effects of Khat use among psychiatry patients in Kenya showed Khat use among patients with psychotic illness. However, 82% of

- patients use it together with other substances and hence no conclusive relationship between Khat use and psychiatric illness was arrived at.
- g) Khat is likely to cause urine retention and acute cardiovascular effects which are regarded as automatic (peripheral) nervous system effects; increased alertness, dependence, tolerance and psychiatric symptoms as effects of the Central Nervous System.
  - h) A high frequency of periodontal disease has been suggested as well as gastritis owing to tannins present in Khat leaves
  - i) Chewing Khat induces a state of euphoria and elation with feelings of increased alertness and arousal followed by a stage of vivid discussions, loquacity and an excited mood.
  - j) Thinking is characterized by a flight of ideas but without the ability to concentrate, however at the end of a Khat session, the user may experience depressive mood, irritability, anorexia and difficulty to sleep while lethargy and a sleepy state follows the next morning.
  - k) The effect on the urinary bladder are that Khat induces a fall in average and maximum urine flow rate in healthy men with the effects mediated through stimulation of alpha1-adrenergic receptors by Cathinone
  - l) Literature reviewed reported number of cases of psychiatric disorders secondary to Khat chewing with features of mania-like psychosis
  - m) The consumption of Khat is said to induce an increase in libido, spermatorrhoea and erectile dysfunction
  - n) On reproductive health, epidemiological data derived from 1181 deliveries in Yemen showed that at birth the mean weight of full term single infants from habitual or occasional chewers of Miraa was below average. Similar pregnancy outcomes were observed in a study by WHO in 2003.
  - o) On the Cardiovascular effects, chewing induces small and transient rises in blood pressure and heart rate with studies confirming a raised heart rate during three hours of Khat chewing
  - p) Acute or short term effects include;
    - a. Relief of fatigue, increased alertness, reduced sleepiness
    - b. Mild euphoria and excitement, improved ability to communicate, loquacity
    - c. Tachycardia, hypertension
    - d. Moderate hyperthermia
    - e. Mydriasis, blurred vision
    - f. Anorexia, dry mouth
    - g. Constipation (supposedly due to tannins and amphetamines)
    - h. Psychotic reactions at high doses
    - i. Irritability and depressive reactions at the end of a Khat session
    - j. Lethargy and Sleepy state the next morning
  - q) Long-term effects include:
    - a. Malnutrition
    - b. Psychotic reactions after chronic use; depressive reactions
    - c. Irritative disorder of the upper gastro-intestinal tract

- d. Cardiovascular complications of Khat chewing is the higher incidence of hemorrhoids and hemorrhoidectomy found in chronic Khat chewers ( 62% and 45%) as compared to non-Khat users (4% and 0.5%)
- r) The Ministry has not classified Khat as a drug, and has not carried out any research on Khat. However, based on available literature and structural formula similarities of *Cathinone*, *Cathine* with *amphetamines*, Khat may have amphetamine like effects when chewed. The Ministry therefore recommended for additional studies be undertaken to enable the Government put in place appropriate legislation to regulate the Khat industry.

### **Committee Observations**

The Committee observed that local studies undertaken on Khat are limited and majority of the conclusions on Khat have been arrived at based on studies undertaken in other Khat consuming states like Yemen

### **Ministry of Labour and Social Welfare**

The Committee met with the Cabinet Secretary under the Ministry on the 20<sup>th</sup> August 2013. The Committee was informed that the submissions as presented follows the Ministry visit to Khat growing areas of Meru (Igembe North) and Embu (Siakago) on the 14<sup>th</sup> and 15<sup>th</sup> August 2013. The following was the response on the issues as were requested by the Committee:

On how Khat has affected children of school going age, the Committee was informed that Khat farmers and stakeholder in Meru have noted no significant effect on children of school going age. However, according to the County Administration, Khat has contributed to the increase in child labour in the County as children are involved in its harvesting, selling and weeding. According to the County administration, these has contributed to high dropout rate, low transition rate from primary to secondary, and early exposure to drug abuse because of their interaction with brokers.

In Siakago area of Embu County where the variety '*Muguka*' is grown, farmers acknowledged that the crop has contributed to child labour although this was also attributed to poor parenting and absence of law enforcement by the relevant Government agencies..

From the Ministry position, Khat farming like other cash crops for example tea, coffee, sugar has led to arise in the incidence of child labour in the region. The transition rate in Igembe of 56-58% indicates a huge dropout rate, an area whose annual turnover from Khat is approximated as Ksh 2 Billion. These, according to the Ministry require early interventions to arrest the situation without compromising the growth of the sector.

On the impact of Khat ban on employment in the County, the Committee was informed that approximately four hundred thousand (400,000 residents in the County derive their livelihood from Khat. Further other related sectors like retail, wholesale, banking, transport derive indirect benefits from the trade and are likely to be impacted and as such the Ministry's position is that any eminent ban is likely to push up the unemployment numbers.

On the impact of Khat on social issues, the Committee heard that like other cash crops with the steady flow of income Khat has contributed to family break-ups, family neglect and even divorce owing to disagreements arising from income sharing and irresponsibility. The Ministry therefore felt the foregoing can be addressed through sensitization and educating farmers on financial literacy and management and the establishment of savings and cooperatives

On Khat and whether it is a security risk, the Committee heard that indeed it has contributed to a sharp increase in insecurity and other vices like drug abuse, general lawlessness and road carnage in the region. This is attributed to a situation where middlemen have resorted to peddling other hard drugs in addition to Khat. The position of the Ministry on the security risks posed by Khat are that they can be addressed through regulating the industry by way of legislation just like it is done for crops and products like tobacco and cigarettes.

The Committee was also informed of the positive and negative impact of the ban to the county as follows: increased school enrolment and retention, improved academic performance, improved health, reduced crime and violence incidences exploration of alternative income and family stability. Some of the negative highlighted include: loss of income, increase in drop out owing to lack of fees, increase in crime particularly among the youth, neglect of children and general increase in poverty levels due to limited economic capacities.

The socio economic impact of the ban on Khat was outlined as loss of foreign exchange; increase in cartels meaning that prices are likely to be pushed up on the international market, trafficking of the crop is likely to arise. Others are loss of taxes and increased social security burden.

The Ministry also shared some statistics with the Committee regarding the number of Kenyan in employment as a result of Khat trade. The summary is as shown below:

Category	No.	% total
Farmers	5,793	0.83
General	23,172	3.35
Pickers / harvesters	89,650	12.95
Middlemen	134,865	19.48
Small retailers	294,730	40.58
Graders/ Sorters	17,580	15.54
Loaders	2,567	0.37
Transporters	14,579	2.11
Drivers	19,158	2.77
Exporters	46	0.01

*Source: As cited by the Ministry of Labour and Social Welfare*

#### **Recommendations of the Ministry**

- i) Khat growing communities require education and sensitization on issues related to Khat among them the side effects, investment opportunities among others
- ii) Khat regulation is necessary through enactment of appropriate legislation so as to facilitate the financing, farming and marketing of the crop.
- iii) A culture of saving is paramount through the promotion and establishment of Khat Cooperative Societies and Financing Institutions.
- iv) Alternative sources of income should be considered by the communities by diversifying to other cash crops like coffee, horticulture among others
- v) Commission an independent research on Khat to ascertain among others the economic contribution to the region and the county

#### **Kenya Bureau of Standards (KEBs)**

During the submission by the Kenya Bureau of Standards (KEBs) before the Select Committee on the 20<sup>th</sup> August 2013, the Committee heard that KEBs has not developed a standard for Khat. The explanation for these was that the scientific background undertaken by WHO, classifies Khat as a drug that is likely to produce mild to moderate psychological dependence.

Further, KEBs position as relates to Khat is that the crop is a drug given its morphological structure and classification by WHO. With the foregoing the Pharmacy and Poisons Board (PPB) is the body that has a framework for the registration and regulation of drugs. Due to the aforementioned legal and environmental challenges KEBs has not standardized Khat but emphasis that the Bureau has the capacity to develop a code of practice for handling the crop

## Recommendations

The Bureau while indicating that scientific research is ongoing was of the opinion that the issues surrounding Khat (that is the pharmacology, economics) are multi-disciplinary and should be handled in a consultative multi-stakeholders approach through an Inter-Ministerial Committee. Further KEBs intends to establish a technical committee to establish the components of Khat.

## Kenya Medical Research Institute (KEMRI)

The Committee held a meeting with the KEMRI on the 19<sup>th</sup> of September 2013 where the CEO took the Committee through the chemical compositions of the Khat, the effects of the plant as documented in various literature. KEMRI's position as presented to Members and as reviewed from other literature was that most of the studies are inconclusive. The Committee was informed as follows: (See Appendix 16)

- a) Khat consists of various compounds with the side effects of Khat thought to be associated with *Cathinone* and *Cathine* which are structurally related to the stimulant drug *amphetamine*. Other constituents include *cathidine*, *eduline* and *ephedrine*. Cathinone however is presumably the main psychoactive component of Khat and as such fresh leaves are preferred since Cathinone easily breaks down to *cathine* after a while.
- b) The content composition of Khat leaves varies within wide limits for example, fresh Khat from different origins was found to contain on the average 36mg *Cathinone*, 120mg *cathine* and 8mg *norephedrine* in 100g of leaves while a different one was found to contain 114mg *Cathinone*, 83mg *Cathine* and 44mg *norephedrine* in 100g of Khat leaves.
- c) Research findings show beneficial effects of Khat to include increased levels of energy, alertness and self esteem, sensations of elation, enhanced imaginative ability and capacity to associate ideas, improved ability to communicate, is a social and cultural based activity and has potential as an anticancer agent.
- d) The potential side effects reported include: stimulation of locomotor and stereotypic behavioral activity causing seizures, transient rise in blood pressure and heart rate, chronic use can result in increased incidence of acute coronary vasospasms, stomatitis, and urine retention, oral cancer and esophageal carcinoma among other.
- e) Social and economic problems affecting consumer and their families
- f) Khat effects are similar to other stimulants such as cocaine and methamphetamine, while the latter cause's similar neurochemical responses as Khat even though for Khat the responses experienced were less dramatic. Further Methcathinone, also known as ephedrine, is a synthetic chemical that has a similar structure to that of Cathinone with its effects reported to be more intense than those of Khat

- g) Khat use has the potential to develop into dependency although this is less likely compared to stimulants such as amphetamine and more like that seen with caffeine.
- h) The majority of people who chew Khat do not use in a dependent fashion and there is no evidence of more widespread drug misuse
- i) Published research undertaken by the Institute scientists reported mainly the lack of awareness of possible oral and dental effects of chewing Khat with much of it being undertaken on animals
- j) Globally, the published literature on the medical effects of Khat in humans is inconclusive.
- k) The Institute has developed a concept paper for a proposed research on Khat health effects with objectives including establishing the prevalence, usage, health outcomes, experiences and perceptions relate dot Khat among users in South B, C and Nairobi West.

#### **Committee Observations**

The Committee therefore made the following observations:

- a) Most of the studies undertaken by the local and foreign scientists including KEMRI have not been conclusive and may therefore be difficult to make conclusive recommendations and adequate to guide policy. Considerations were put to undertake a comprehensive scientific study.
- b) The proposed research study to be undertaken by KEMRI with its specific objectives of establishing the prevalence, usage, health outcomes, experiences and perceptions relate dot Khat among users in South B, C and Nairobi West was skewed on objectives and study site. The Committee was of the opinion that the objective be expanded to include other areas like the benefits of Khat, chemical composition and components while the study site be carried out in other rural districts.
- c) Over 80% of the KEMRI budget is derived from donor funding. The budgetary allocation by the Government towards Research and Development and in particular the vote allocated to KEMRI as the National Research Institute cannot sustain meaningful research with much of it being utilized of recurrent expenditure.

#### **National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA)**

The Committee met with the National Campaign against Drug Abuse Authority (NACADA) on the 3<sup>rd</sup> and 22<sup>nd</sup> October 2013 where NACADA was expected to clarify on its position regarding Khat. NACADA's position was based on the literature reviews of documents (available scientific, policy and legislative framework) as tabled before the Committee. The Committee therefore heard that:

- i. Khat is a stimulant drug derived from a shrub (*Catha edulis*) and whose native is tropical East Africa and Arabian Peninsula but spread on to Somalia, Djibouti, Eritrea and Arabian Peninsula.
- ii. Khat contains the alkaloids known as Cathinone and the Cathine, an amphetamine like stimulant with the former indentified as the main psychoactive component of the plant.
- iii. Khat leaves are chewed to release Cathine and Cathinone and as such absorbed through the mucous membranes of the mouth and stomach lining. However, when the leaves dry, the more potent chemical Cathinone decomposes within 48hours to a milder Cathine.
- iv. In 1980, Khat was classified by the WHO as a drug of abuse that produces mild to moderate psychological dependence even though it was not scheduled under the Single Convention on Narcotics Drugs.
- v. Following the classification of Cathinone (the major psychoactive chemical constituent in Khat) under schedule 1 of the UN Convention on the Psychotropic Substances of 1971, Khat is considered illegal in several countries around the world including the USA.
- vi. Kenya has further domesticated the three UN Conventions (i.e. the Single Narcotic Conventions of 1961 as amended by the 1972 protocol, The Convention on Psychotropic substances of 1971, and the UN Convention against illicit trafficking in Narcotic Drugs and Psychotropic substances (i) and (ii) of 1988) through the enactment of the Narcotic Drugs and Psychotropic Substances Control Act no 4 of 1994.
- vii. NACADA's engagement with Khat is therefore based of the above stated facts where the public has been educated an informed by available literature.
- viii. NACADA has the responsibility of advising Government on situations relating to alcohol and drug abuse, educate the public on the negative effects of alcohol and drugs, design polices and legislation framework to control the abuse while devising strategies toward demand reduction and supply suppression.
- ix. NACADA does not have the capacity and legal mandate to classify or ban psychotropic substances and as such has not banned or classify Khat as a drug.
- x. NACADA therefore recommended that relevant Government research institutions conduct in depth and multi sectoral studies on Khat to ascertain opportunities presented by the chemical components of Khat. Further, NACADA identified the need to strengthen its capacity and that of its partners to undertake policy oriented and biomedical research.
- xi. Development of policy and legislative framework to guide the cultivation, classification, use and export of Khat was recommended by NACADA with a review of the Narcotic Drugs and Psychotropic Substances (Control) Act of 1994 and an appeal to the UN to Convention to de-classify the main constituents of Khat.

## RELIGIOUS ORGANIZATIONS

### **The National Council of Churches of Kenya (NCCCK)**

The Committee received submissions from the Council of Churches on the 17<sup>th</sup> October 2013. The following are the highlights of the submissions on the issues relating to Khat:

NCCCK proposed the need to regulate the production, trade and consumption of Khat. As regards production, NCCCK proposed that the law provides safeguards and guidelines for the farming of the herbs which should include:

- i. Restriction on the use of any dangerous insecticides and pesticides
- ii. Provision of agricultural extension services to ensure farmers are trained on Khat production, soil protection
- iii. Protection of farmers against exploitation by middlemen
- iv. Measures to address and prevent child labour in the areas where Khat is grown
- v. Identification and promotion of alternative cash crops in the Khat growing areas

NCCCK further noted that lucrative business that Khat has evolved into and proposed that:

- i. Clear guidelines of licensing requirements for traders' and hygienic handling of the products within the industry.
- ii. Introduce value addition in supply chain of Khat
- iii. Introduce taxation measures that will distribute the burden of paying taxes to Khat traders as well

On consumption, NCCCK noted the lack of consensus surrounding Khat and as such proposed that the legal framework adopted provides for the following measures among others:

- i. Restrict the sale and Khat to persons above eighteen years of age.
- ii. Proper labeling of Khat to provide for health information to the prospective consumers' of Khat
- iii. Public awareness on the negative effects of Khat while addressing the issues of advertising.

### **Supreme Council of Kenya Muslims (SUPKEM)**

Supkem made its submission before the Committee on the 17<sup>th</sup> of October 2013 where the secretary general acknowledged his reliance on the Quran for his arguments. According to SUPKEM, Khat is a toxicant since it has similar effects as other toxicants and therefore considered *Haram* among the Muslim faithful.

Supkem was also concerned about the effects of Khat on the family setup and societal decadence teachings of the Quran, productive time especially among the youth. As such SUPKEM is totally against Khat production, consumption and trading regardless of its economic benefits.

## FOREIGN VISITS

### Foreign visit to the United Kingdom and the Netherlands'

The Committee appointed two parallel delegations which conducted a study tour of the UK and the Netherlands between the 17<sup>th</sup> and 23<sup>rd</sup> November 2013 the purpose of the visit was to meet key stakeholders in both governments and learn the reasons behind the ban of Khat/Miraa in the Netherlands and the intended ban by the British Government.

During the visits the delegations met various stakeholders and were informed that Khat/Miraa ban in the Netherlands was due to health and social harm to those who chew miraa. That the social harm manifests itself around public order and security; and that there is a lot of nuisance in the use and selling of khat/Miraa and further that there is a lot of damage in the import, export and distribution of khat/Miraa because the Netherlands is one of the EU member States where the plant is forbidden and that the country is being used as a transit hub to other EU countries.

The intention of banning miraa in the UK was because Miraa had already been banned in some EU countries USA, Canada, and that UK is reluctant to become a "Hub" for the export or sale of Miraa if the trade was allowed to continue.

The Delegation in the UK learned that the Home Secretary of the British Government had drafted a statutory instrument meant to amend the table in section 1(1) of the criminal Justice and Police Act 2001 (c. 16) to add possession of Khat/Miraa and any preparation or other product containing khat as a further offence in respect of which a penalty notice may be given.

Due to the intervention of the joint delegation to both countries it was learned as follows;

1. That in the Netherlands a follow up appeal should be carried out by the Kenyan Government after 2 years of the enactment of the law to ban the crop for the government of the Netherlands to consider repealing the act.
2. That there are Judicial Review proceedings in the High Court in the UK with a view to quash the decision of the Home Secretary to ban khat/Miraa; The petition challenging the Home Secretary's decision to ban Khat in the UK is also based on the cultural significance of khat/miraa to some Communities, the ripple effects of the ban to the Kenyan economy, the lack of consultation by the British government concerning the ban and the knock-on effects of the ban to the Meru economy and population.

3. The UK delegation was able to advise the home affairs committee to recommend that the government halts immediately the plans to ban the crop, which is popular among many communities' for instance Kenyan, Ethiopian, Somali, Yemen and Djibouti communities. The Home affairs Committee noted that it is extremely worrying that such an important decision has not been taken on the basis of evidence or consultation and that a ban would rob many importers and exporters of their livelihood and drive them into the arms of Al-Shabab, an Al-Qaida-linked group operating in Somali. It criticised the Home Office for not undertaking any consultation at all with members of the Somali, Yemeni and Kenyan communities who use ~~the~~ Khat in the UK - or those who produce it abroad.
4. The Decision to ban Khat/miraa is irrational and lacks proportionality, inter alia since the Home Secretary, Theresa May, failed to take any, or sufficient, account of the expert scientific evidence and other evidence contained in the comprehensive and detailed report commissioned by and prepared for the government by the ACMD.
5. The Decision is incompatible with the Convention rights, under the Human Rights Act 1998, of ethnic communities throughout the UK in which the use of khat/Miraa is part of a long standing and established social, cultural and ethnic custom and tradition.

## CHAPTER THREE

### COMMITTEE OBSERVATIONS

The sittings of the Committee were held between the 22<sup>nd</sup> July 2013 to 2nd December 2013. The Committee observed that the issues of Khat require a multi stakeholder approach with numerous consultations and diplomacy at high levels. The Committee also observed that there was scanty information on Khat. The submissions and reports were therefore analyzed and the Committee makes the following observations:-

1. KEMRI acknowledged the absence of scientific studies to determine the exact chemical composition of the various components found in Khat grown and consumed in Kenya. The issue of low budgetary allocation towards research and development was also noted by the Committee. The Committee was concerned that similar ~~are~~ research on viable innovative projects likely to benefit the Country ~~are~~ remain unresearched owing to low budgetary allocation with over 80% of the KEMRI budget funded by development partners. Committee however noted the efforts made by KEMRI to undertake a local research study with objectives of establishing the prevalence, usage, outcomes, experiences and perceptions related to Khat among users in Nairobi.
2. With respect to the legal frameworks surrounding Khat, the Committee observed that Khat trading in the Country and internationally is undertaken in an adhoc manner. The Committee feared that the recent threat to ban Khat in the United Kingdom is likely to be associated with the absence of a regulatory framework governing the Khat trading in the Country and beyond Kenya's borders. This, the Committee was informed had led to secrecy surrounding the trade and fears of the trading financing illegal activities rampant.
3. On the issue of the legality of Khat, the Committee noted that Khat is treated differently in some countries in Europe.
4. The Committee observed that although the psychoactive alkaloids in Khat are restricted under the international drug Conventions, possessions and use of the Khat plant is not under international control. Kenya ratified three UN Conventions: Single Narcotic Convention of 1961 as amended by the 1972 protocol; the Convention of Psychotropic substances of 1971; and UN Convention against illicit trafficking of 1988. Being a state party, Kenya is obligated to implement them hence the enactment of the Narcotic Drugs and Psychotropic Substances Control Act No.4 of 1994. The 1971 Convention has scheduled *Cathinone*,

*Cathine* and *Amphetamines* as psychotropic substances. These convections have scheduled two active components present in Khat, *Cathinone* and *Cathine* and are scheduled substances under the 1988 UN Convention on Psychotropic substances.

5. For that matter the Committee felt that the inclusion of *Cathinone* and *Cathine* in the list of Psychotropic substances under international control has resulted to the legal uncertainties regarding its cultivation and export. These have remained undefined prompting individual countries to take unilateral decisions.
6. The Committee noted that Khat is one of the most lucrative cash crops in East Africa and the Horn of Africa according to a Publication by the East African Medical Journal on the socio-economic effects study undertaken in North Eastern Kenya. It is a foreign exchange earner for the country with annual returns approximated at Ksh 2.69 billion annually. The Ministry of EAAC&T revealed that Khat formed 1% of the total exports between 2008 and 2012 up from 0.57% in 2008. It was however noted that export volumes had reduced substantially in 2010 and 2012. The Committee therefore observed the contributions of Khat in reducing the Country's trade deficit after it was noted that Khat is exported to some twenty four (24) destinations around the World with Somali being a major importer. The Committee also noted a significant amount of export of Khat to countries like United Kingdom and Netherlands.
7. The Committee further noted that Khat/Miraa industry is a major employer in various categories like farmers, harvesters, middlemen, small retailers, graders, loader and drivers among others. The impact of the ban is therefore expected to hurt over 400,000 people who derive their livelihood of Khat. The Ministry of Labour and social welfare was keen to note that Khat trading has increased disposable income among the residents where it is grown thereby improving the socio-economic standards of the areas.
8. The Committee concluded that the only markets available for export of Khat from Kenya are likely to be based in Africa and Middle East and the Arab World in general. This is on the basis that Khat is grown for domestic use in Madagascar, while in Yemen it is grown and also imported to supplement the limited domestic supply. Ethiopia like Kenya grows Khat for domestic and export consumption while Somalia and Djibouti import all their Khat requirements.
9. The Committee observed that proceeds from trading of Khat have continued to have positive social impacts among them are the positive contributions to education through construction of schools and

community churches. The Committee therefore took cognizance of the contributions of Khat trading to provisions of basic needs for schooling, increased number of secondary schools for example in Igembe South from 22 in 2010 to the current 35 schools in 2013, provision of school infrastructure among others. Further in Igembe South and North Districts where the Ministry of Education stated no known effects on early childhood Development Education (ECDE). In actual fact, the Ministry in its submission presented positive trends on enrolment from 6749 in 2010 to 7800 in 2013 adding that unsubstantiated claims show that the boy-child in these areas is at risk although actual data from the field show minimal disparity between boys and girls.

10. On the social-cultural front, The Committee noted that no study has been undertaken to ascertain the socio-economic impact of Khat or the impact of banning the crop. Nevertheless, the Committees took note of the reports showing that Khat cannot be isolated from culture which predates recorded history in the Ameru culture. The Plant is said to be revered almost to a point of being considered sacred. Generally Khat chewing is a social activity in communities as it is consumed within homesteads, community parties and at Khat cafes. The Committee further noted the cultural rites where Khat is utilized as token of appreciation and which include but not limited to occasions of marriage, reconciliatory forum etc. Traditionally according to the ACMD, Khat has been used as medicine and was widely perceived to be food.
11. Scrutiny of scientific literature by the Committee revealed progressive attempts by the international health organization, WHO to restrict the use of the components *Cathinone* and *Cathine*. Further that Khat continues to be under review is not in dispute given that WHO Expert Committee on Dependence - Producing Drugs (ECDD), the 14<sup>th</sup> report of 1965 noted that the abuse of the substance, Khat is a regional problem. The report indicated that Khat causes mild to moderate psychological dependence compared to tobacco or alcohol and may be best controlled at that level (The report did not recommend the scheduling of Khat but recognized social and some health problems resulting from excessive use and as such suggested national educational campaigns to be adopted to minimize the effects.
12. The Committee observed that further review by the ECDD following concerns over Cathinone potential abuse as an *amphetamine* like drug recommended its addition to the UN Convention on Psychotropic drugs in 1988. *Cathinone* addition to Schedule one substances meant that it was to be subjected to the most stringent international restrictions. However, the 34<sup>th</sup> ECDD report concluded that there was insufficient evidence to justify international control.

13. The Committee was concerned that despite documented potential benefits and effects of Khat, the legal regime governing Khat production and consumption remains ambiguous where in some quarters; it is regarded as a cash crop while in others as a drug.
14. The Committee observed the need to evolve a regulatory mechanism for Khat. A framework which is likely to define production parameters including key sanitary requirements in the production value chain, sale, consumption and disposal of waste generated from Khat. Regulations should also focus on potential to minimize social effects of Khat.
15. In respect to the potential benefits of Khat, the Committee observed that minimal in-depth studies on the socio-economic impact of the Khat industry have been undertaken in the Country. The Ministry of Devolution and planning assured the Committee of an upcoming study to be undertaken by KIPPRA on the Socioeconomic impact of Khat in Kenya and whose finding are expected in December 2013. Nevertheless, the economic importance associated with Khat to the people of Meru, Embu, Makueni, Koibatek and West Pokot and the country in general was evident from the submission by the Ministry of East African Affairs, Commerce and Tourism (EAAC&T) and the Ministry of Trade.
16. It was also revealed that Khat trading has not been made official even though export quantities are captured by the Kenya Revenue Authority (KRA) and classified in the Harmonized System Code (HS 140490 – Vegetable products). This was revealed even as the Kenya Bureau of Standards (KEBS), a Government Agency mandated to set standards for all consumable goods confirmed the fact that Khat has not been standardized.
17. Based on the submission by the State Department of Agriculture the Committee noted with concern the challenges the Country is likely to face in securing the economic side of Khat in the long term. This follows the various restrictive legislations in other jurisdictions.
18. The Advisory Council on Misuse of Drugs (ACMD) an independent expert advisory body of the UK Government whose mandate is to keep under reviews the drug situation in the UK in its 2013 report asserted that there existed no anecdotal evidence linking Khat consumption with the range of health and social harms including organized crimes claimed.
19. On the Health effects, the Committee noted mixed reaction on its effects with some of the reviews and submissions indicating that the side effects associated with Khat are not necessarily as a result of Khat but with other drugs or sweeteners taken alongside it. The foregoing, which shows a strong linkage between use of Khat and other drugs was a concern to

the Committee. For example a recent retrospective multicentre baseline survey on mental health and Khat use among patients in Kenya conducted by doctors at Mathari Hospital, found out that amongst population of patients with history of Khat use, involving 298 patients, 91 or 31.6 percent had a history of Khat use. Further, a conservative proportion of 18% used it with a combination of other substances for example ecstasy, heroine, *Kubel* while only 5.4% were using Khat alone. 36% combined Khat with alcohol, while 29% with cannabis sativa and alcohol.

20. With the foregoing, future research should be on the pharmacology and toxicology of all chemical components present in Khat. As such pharmacological studies of *Cathinone* and *Cathine* dominate published literature with other chemicals present (Cathedulins, *tannins*, *amino-acids*, *vitamins* etc) considered relatively unimportant.
21. Reviewed literature indicated that health effects noted over 25 years ago and made against Khat were substantiated in controlled studies in humans. Further, similar conclusions were made by suggesting that the abuse potential of Khat is low and Khat dependence is low. The Committee also noted reports showing existence in inconsistent data regarding the dependence potential of Khat with scientist making submissions before the Committee highlighting low levels to warrant international control.
22. The Committee observed that there was no confirmed therapeutic usefulness identified, but scientists' submissions noted nutritional value of Khat to the human body according to the research undertaken by the University of Nairobi. According to documented research findings, Khat contains important plants molecules in the alkaloid (e.g. Orcene, Mycene) which can be a source of energy, increased levels of alertness and self esteem, enhanced imagination ability and capacity to associate ideas, improved ability to communicate and has potential as an anticancer agent. Further, it was noted that health reports show that the chewed green leaves, bark and seeds offers alternative medicine supplements and vitamins to consumers such as Potassium, Calcium, Iron, Vitamin C, food flavoring products, digestive enzymes, natural hormones used in hormone therapy, cholesterol control among other.
23. A critical review by the Independent Scientific Committee on Drugs (ISCD), utilizing the Multi-criteria Decision Analysis (MCDA) to assess extent of potential harms (in terms of physical harm, dependence and social harm) of 20 representative drugs that are relevant to the UK rated Khat at a distant position 15 (fifteen). This was compared to others like alcohol, heroin and tobacco which were positioned 1<sup>st</sup>, 2<sup>nd</sup> and 6<sup>th</sup> respectively.

24. The Committee observed that negative effects of Khat were also disputed by some of the longtime consumers and farmers of Khat from, Siakago, Meru and Isiolo indicating no side effects from the use of Khat for over ten years. This argument correlated with reviewed literature which indicated that a study of Khat use by Somali immigrants in the UK showed rare incidents of medical problems. This was further confirmed by the 34<sup>th</sup> meeting of the WHO ECDD where the potential for Khat abuse and dependence was said to be low. The 2006 report of the Committee also noted that the level of abuse to public health is not significant to warrant international control and as such the Committee did not recommend scheduling of Khat.
25. Contrary opinions were however registered from some religious leaders from Isiolo in particular asserting that economic returns of Khat to Isiolo County are insignificant. They further argued that Khat has no known nutritional value and its long time consumption is harmful to health with its effects visible among the Youth and should as such be banned. The Committee however noted that the submissions lacked scientific or analytical information to support their position.
26. The Committee also took note of KEMRI's conclusion that the information available on Khat is inconclusive and cannot be used to guide policy. Nevertheless, published research done by KEMRI scientists reported mainly lack of awareness of possible oral and dental effects of Khat chewing. It is with this background that the Committee was keen to have relevant institutions undertake a comprehensive Kenyan based research study with an objective of establishing the following:
- a) The chemical composition and safety (toxicology), concentrations of the various Khat components of Khat grown in Kenya
  - b) Prevalence of Khat usage in selected Khat growing areas
  - c) Khat usage exposure factors
  - d) Health effects related to Khat
  - e) Experiences and perceptions of Khat usage

## CHAPTER FOUR

### RECOMMENDATIONS

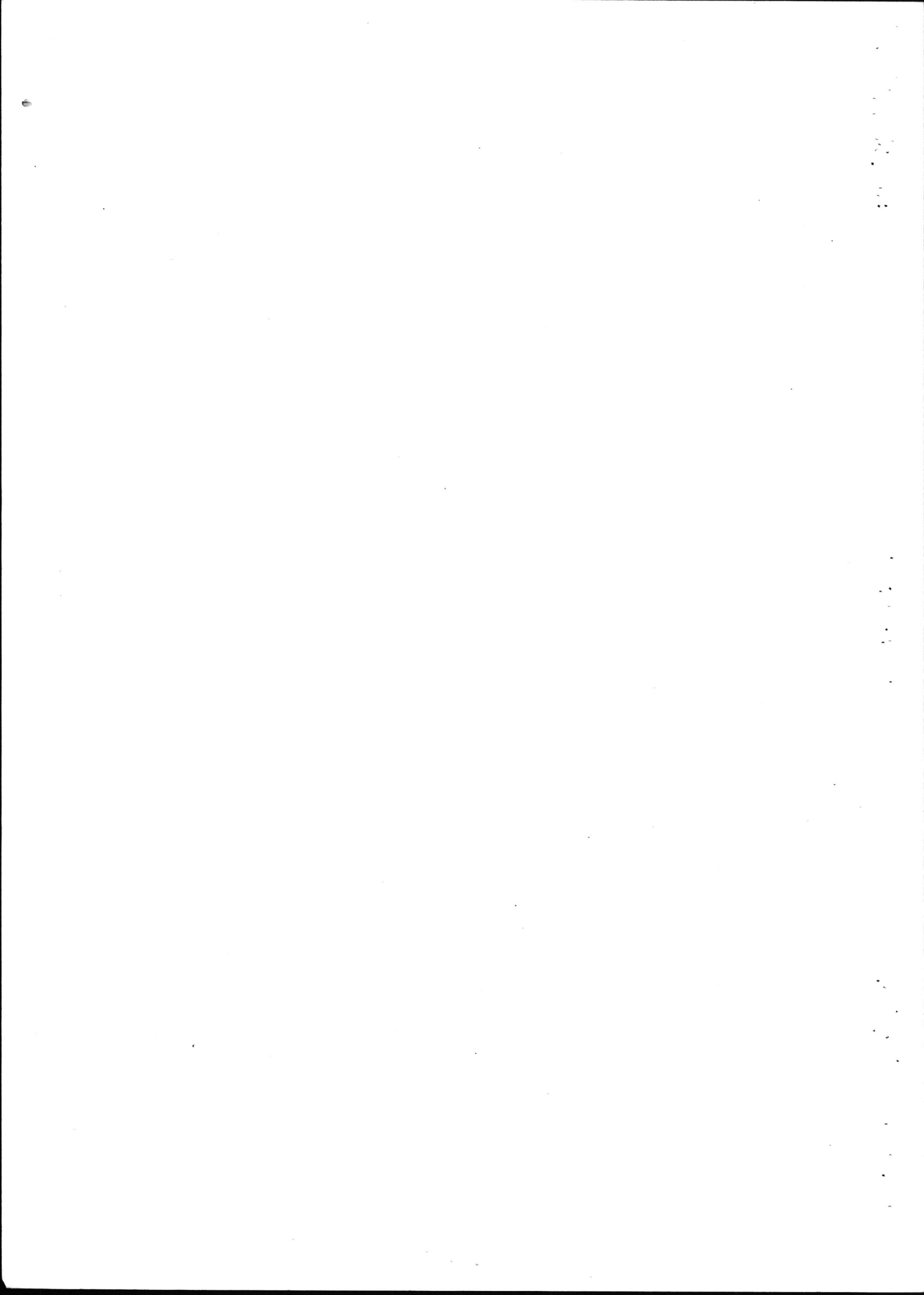
In View of the foregoing findings and observations the Committee arrived on the following Recommendations;

1. That the Crops Act 2013 be amended to include khat/miraa in the list of scheduled crops.
2. That Miraa Stakeholders' do establish concrete structures that will assist them to address their interests.
3. That the Government allocates funds to research institutions to enable them carry out extensive research on Khat/Miraa.
4. That the Government to petition countries which have banned Khat/Miraa to lift the ban.
5. That there should be Khat/Miraa stakeholders' participation to level the balance of trade in the business.
6. The Government should intervene in support of khat/miraa marketing and trade at both regional and international levels.
7. That the government should formulate foreign policies on miraa trade at the regional and international level.
8. That the Government should commission an Inter-Ministerial and Multi-stakeholders taskforce to address the legal barriers surrounding classification of Khat derivatives as Psychotropic substances.
9. That the relevant government Ministries, should consider creating alternative markets for Khat/miraa in other countries.

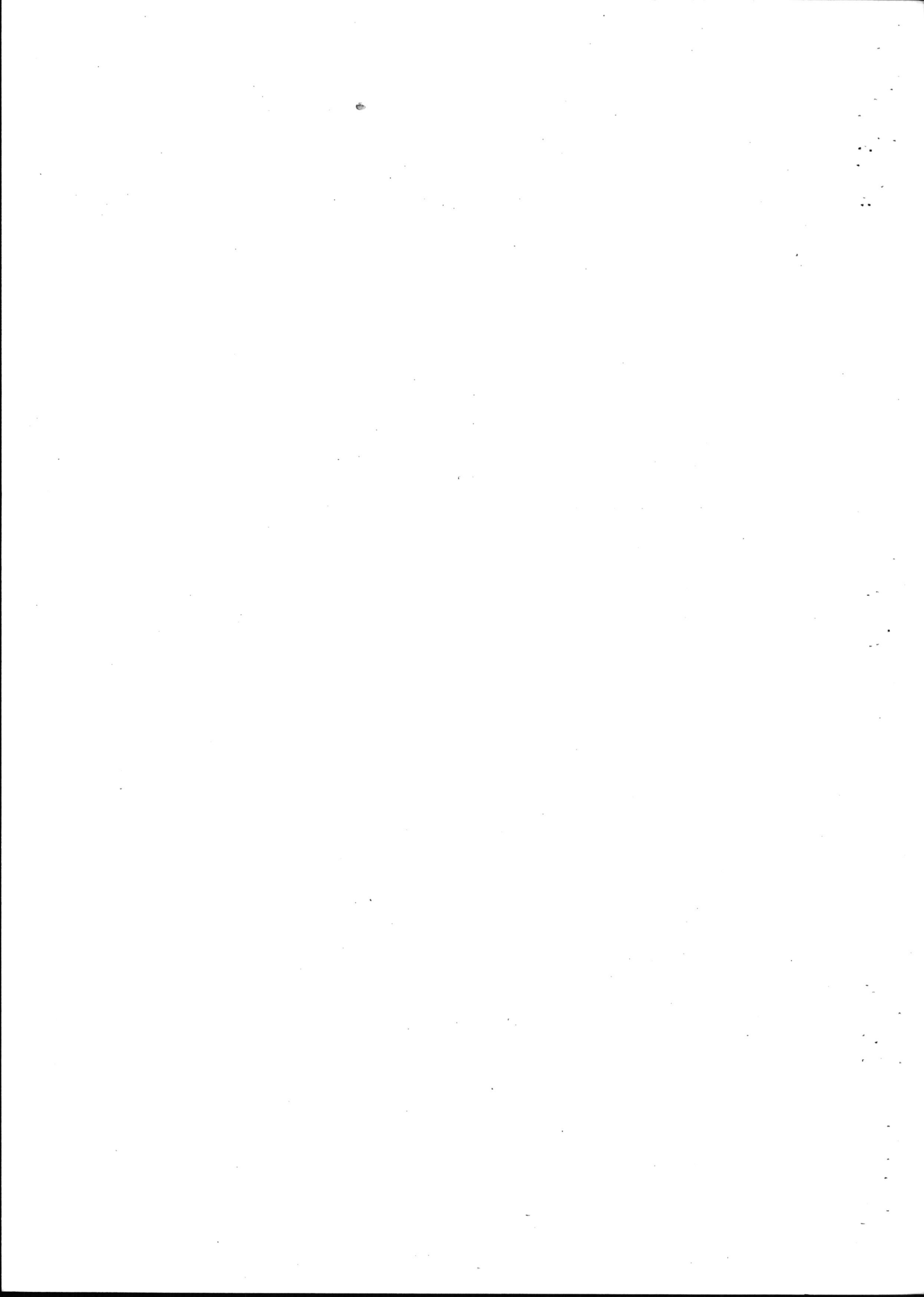
## REFERENCES & BIBLIOGRAPHIES

- Aden A., Dimab E.A.O., Ndolo. U.M. and Chinda, M.L. (2006) *Socio-economic Effects of Khat Chewing in North Eastern Kenya*. East African Medical Journal 2006; 83:69-72
- Aden, S., Stankovska, M., Klimidis, S., Minas, H. (2003) A preliminary review of the effects attributed to Khat chewing among the Somalia community in Melbourne (unpublished presentation)
- Advisory Council on the Misuse of Drugs (ACMD). (2005) *Khat (Qat): Assessment of risk to the individual and communities in the UK*. Home Office: London
- Advisory Council on the Misuse of Drugs (ACMD). (2013) *Khat: A review of its potential harms to the individual and communities in the UK*. Home Office: London
- Ageely, H. M (2008) Health and Socio-economic Hazards associated with Khat Consumption. *Journal of Family and Community Health* 2008; 15 (1) 3-11
- Al-Motarreb. A., Al-Habori, M., Broadley, K.J, *Khat Chewing, Cardiovascular diseases and other internal medical problems: The current situation and directions for future research*, *Journal of Ethno pharmacology* 2010; 132:540-548
- Al-Motarreb. A., Baker, K., Broadley, K.J, *Khat: Pharmacological and Medical Aspects and its Social Use in Yemen*, Reviewed Article 2002
- Anderson David, Beckerleg, Susan, Hailu, Degol and Klein, Axel (2007) *the Khat Controversy: Stimulating the Debate on Drugs*, Library of Congress, USA
- Dahifalah, I., Santavy, J., *Khat Habit and its health effects. A natural Amphetamine*. *Biomed Papers* 2004; 148(1)11-15
- Dessie Gessesse, *Is Khat a social ill? Ethical arguments about a 'stimulant' among the learned Ethiopians*, ASC working Paper 108/2013: African Studies Centre
- Government of Kenya (1994) *Narcotic Drugs and Psychotropic substances (Control) Act, No.4*
- Kikuvi, GM (Dr.), Karanja, S.M., (Dr.), (2012-2013) *Socio-economic and perceived Health Effects of Miraa/ Muguka Chewing among Persons aged 10-65years in selected counties in Kenya*. NACADA
- Louise Lawrence Research (2009) *Khat: A Literature Review*, Louise Lawrence Pty Ltd
- Magdum, S.S., MBBS, *An Overview of Khat* (2011) *Addictive disorders and their Treatment* Vol. 10, No. 2
- Michuki, George (Dr.) and Kivuva, Joshua (Dr.) (2013) *Producing for Whom? The Khat Question in Kenya*, NACADA,

- Mwenda, J.M., Arimi, M.M., Kyama, M.C., Langat, D.K., (2003) *Effects of Khat (Catha edulis) consumption on reproductive functions: a review*. East African Medical Journal, 80 (6): 318-23
- NACADA, (2013) *NACADA Brief on Miraa*, NACADA
- Nutt D.J., King, Leslie A., Philips, Lawrence D. (2010) Drug harms in the UK: a multicriteria decision analysis, *The Lancet*, Vol 376; 1558-65
- Pantelis, C Hindler, C.G., Taylor, J.C 91989) *Use and abuse of Khat (Catha edulis): a review of the distribution, pharmacology, side effects and a description of psychosis attributed to Khat chewing*. Psychol Med. 19: 657-68
- Patel, S.L., Wright, Sam., Gammampila, A., *Khat Use among Somalis in four English Cities*, Home Officer Online Report 47/05
- The National Council for Science and Technology (1996) *CATHA EDULIS: Detailed Review focusing on its Chemistry, Health implications, Economic, Legal, Social, Cultural, Religious, Moral aspects and its cultivation*. NCST NO. 40
- UNESCO (KNATCOM) (2012) *Effects of Miraa (Khat) Business on Schooling of Primary school children: A case study of Embu County*, UNESCO
- UN (1971) *Convection of Psychotropic Substances*, UN
- UN (1988) *Convection against illicit traffic in Narcotic Drugs and Psychotropic Substances*, UN
- WHO (2006a) *WHO expert committee on drug dependence Thirty-fourth Report*. WHO Technical Report Series 942. World Health Organization: Geneva
- WHO (2006a) ECDD 2006/4.4 *Assessment of Khat (Catha edulis Forsk)*. World Health Organization: Geneva
- Warfa, N., Klein, A., Bhui, K., Leavey, G., Craig, T. & Stansfeld, and S.A (2007) *Khat use and mental illness: a critical review*. Soc Sci Med, 65(2): 309 -18
- Zaghloul A., Abdalla, A. El Gammal H, Moselhy H. *The Consequences of Khat use: A review of literature*. European Journal of Psychiatry 17(2); 77-86



# COMMITTEE MINUTES



**MINUTES OF THE FIRST SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON TEUSDAY 16<sup>TH</sup> JULY 2013 IN BOARDROOM 11<sup>TH</sup> FLOOR,  
PROTECTION HOUSE AT 11.30 A.M**

**PRESENT:**

- |                                   |   |                  |
|-----------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP       | - | Chairperson      |
| 2. Hon. Philip Rotino, MP         | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP         |   |                  |
| 4. Hon. Muriuki Njagagua, MP      |   |                  |
| 5. Hon. Gladys Wanga, MP          |   |                  |
| 6. Hon. Jimmy Angwenyi, MP        |   |                  |
| 7. Hon. Dennitah Ghati, MP        |   |                  |
| 8. Hon. Beatrice Nkatha Nyaga, MP |   |                  |
| 9. Hon. Dr. Susan Musyoka, MP     |   |                  |
| 10. Hon. Benson Mutura, MP        |   |                  |
| 11. Hon. Fatuma Ibrahim, MP       |   |                  |
| 12. Hon. Cyprian Kubai Iringo, MP |   |                  |
| 13. Hon. James Kanini Kega, MP    |   |                  |
| 14. Hon. Joseph M'Eruaki, MP      |   |                  |
| 15. Hon. Farah Abdulaziz, MP      |   |                  |
| 16. Hon. Sabina Chege, MP         |   |                  |
| 17. Hon. George Wanjohi, MP       |   |                  |
| 18. Hon. Kathuri Murungi, MP      |   |                  |
| 19. Hon. Alice Ng'ang'a, MP       |   |                  |
| 20. Hon. Mpuru Aburi, MP          |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Dan Kazungu. MP
2. Hon. Franklin Mithika Linturi, MP
3. Hon. Mohamed Elmi, MP
4. Hon. Rachel Nyamai, MP
5. Hon. Wanjiku Muhia, MP
6. Hon. Alfred Kiptoo, MP
7. Hon. Zipporah Kering, MP
8. Hon. Ayub Savula, MP
9. Hon. Daniel Maanzo, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by the First Clerk Assistant.

**MIN. NO.01/2013**                      **REMARKS BY THE CLERK**

The Clerk Assistant welcomed and congratulated Members for their appointment to the Adhoc Committee. He cited relevant sections of the Standing Orders that directly relate to the elections of Chairperson and Vice Chairperson and operations of the Committee. He informed members that the Committee in discharging its mandate will be governed by the provisions of Standing Orders regarding Committee operations. He further emphasized the lifespan of the committee which automatically ends on 7<sup>th</sup> October 2013.

**MIN. NO.02/2013**                      **ELECTION OF VICE-CHAIRPERSON**

1. The Committee unanimously agreed that the sponsor of the Motion do retain the leadership of the Adhoc Committee.
2. The Clerk Assistant conducted the proceedings for the election of the Vice-Chairperson. He called for Proposals for Nomination for the Position of Vice Chairperson of the Committee;
  - i. **The Hon. Philip Retino, M.P.** was proposed by the Hon. Tiyah Galgalo, M.P. and Seconded by the Hon. Dennitah Ghati, M.P.

Members unanimously upheld the proposal. Being the only candidate, Hon. Philip Retino, MP was declared duly elected Vice Chairperson of the Select Committee on Khat (Miraa).

**MIN. NO.03/2009**                      **CONSIDERATION OF TERMS OF REFERENCE**

The Committee adopted its Terms of Reference as follows;

1. Comprehensively investigate, inquire into all matters relating to Khat;
2. Comprehensively review the actions the government is taking to ensure that Khat is a suitable product for export;
3. Consider and review all research findings relating to Khat;
4. Make recommendations to the House on necessary action to be taken by the Government to legitimize the usage of Khat;
5. Propose appropriate legislation to regulate the industry aimed at protecting Khat (*Miraa*) as a cash crop which is a major foreign exchange earner to the country;
6. Address the continued negative campaign by the National Authority for the Campaign Against Alcohol and Drug Abuse(NACADA) against consumption of the commodity and classification of Khat as a drug;
7. Appeal to countries which have banned the chewing of Khat and those in the process of banning entry of the product into their markets including recommendation of severe penalties against consumers, to consider rescinding such a decision;
8. Look into the possibility of proposing development of policy and legal framework to address the challenges identified as facing the Khat (*Miraa*) as a crop;
9. Search for new market opportunities for Khat;
10. Suggest alternative crops to *Miraa* growing areas so as to help communities in these areas diversify their farming;

MIN. NO.04/2009

CONSIDERATION OF THE COMMITTEE WORK  
PROGRAMME

The Committee considered and adopted the proposed work. *Attached as Annex  
2*

MIN. NO.05/2009

ANY OTHER BUSINESS


There was no any other business

MIN. NO.06/2009

ADJOURNMENT

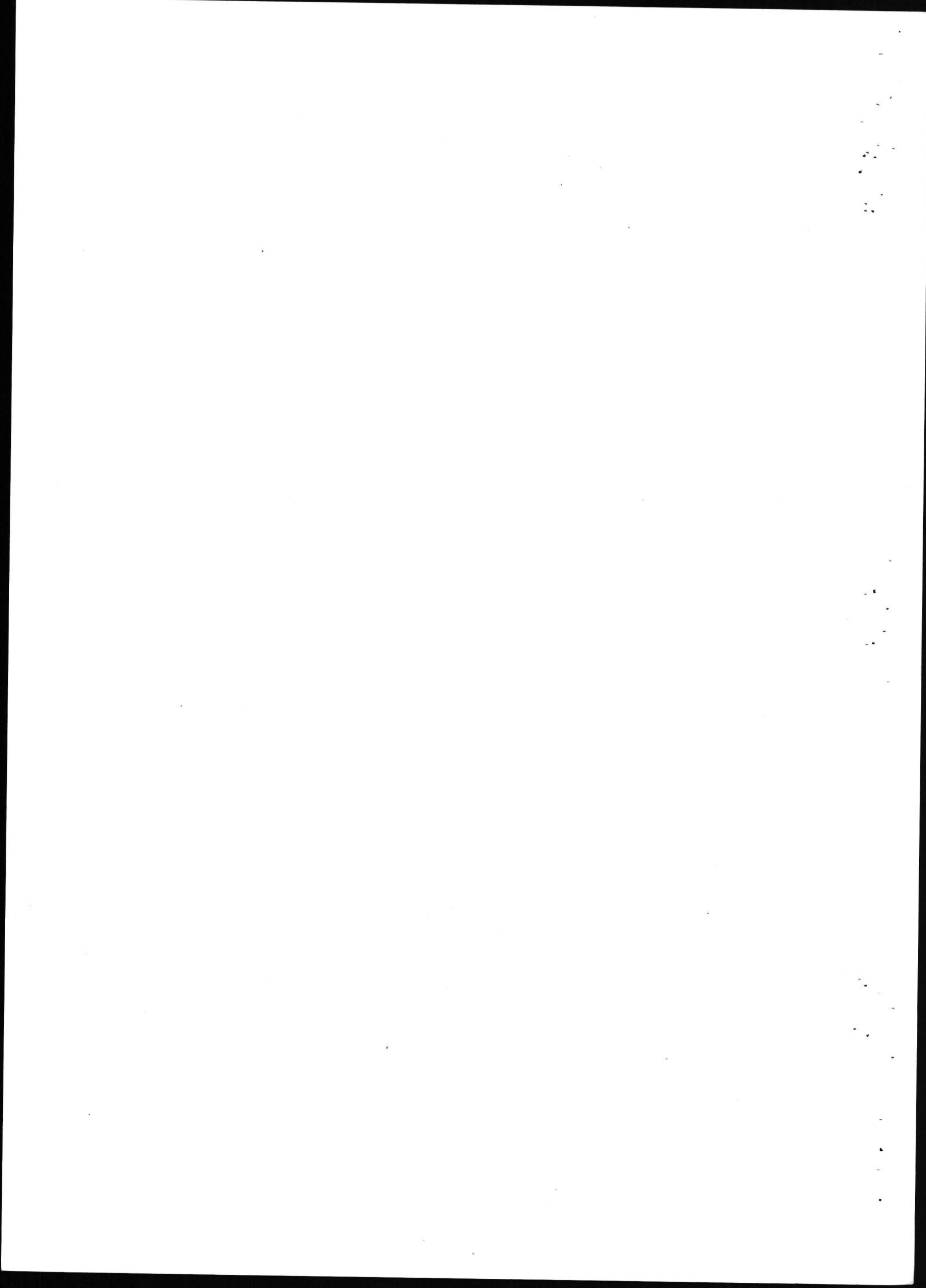
And the time being forty five minutes past one O'clock, the chairperson  
adjourned the meeting; the date of the next meeting will be by notice.

Signed

  
\_\_\_\_\_  
HON. FLORENCE KAJUJU, MP  
(CHAIRPERSON)

Date

\_\_\_\_\_  
30/7/2013



## THE PARLIAMENTARY SELECT COMMITTEE ON KHAT (MIRRA) WORKPLAN

NO.	Committee Activity	Time/Date	Responsibility	Remarks
1.	<p>First Committee Meeting</p> <ul style="list-style-type: none"> <li>• Remarks by the Clerk</li> <li>• Election of the Vice Chairperson</li> <li>• Adoption of Committee Workplan</li> <li>• Adoption of the Terms of References</li> </ul>	16 <sup>th</sup> July 2013.	Clerk Assistant	
2.	<p>Fact finding tour in Miraa Growing Zones and meeting the following:</p> <ul style="list-style-type: none"> <li>• Farmers, Consumers and Trade operating in Meru County</li> <li>• Consumers and Traders in Meru County</li> </ul>	21 <sup>st</sup> - 23 <sup>rd</sup> July 2013	Clerk Assistant Hon. Rotino, Hon. Kubai, Hon. Wanjohi, Hon. Muriuki, Hon. M'Eruaki	
3.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• Meeting with the Cabinet Secretary Ministry of Foreign Affairs</li> </ul>	30 <sup>th</sup> July 2013	Clerk Assistant	
4.	<p>Committee Meeting the following:</p> <ul style="list-style-type: none"> <li>• Traders from around Nairobi</li> <li>• Consumers in Nairobi</li> <li>• Scientists</li> <li>• Experts in the Miraa Sector</li> </ul>	25 <sup>th</sup> July 2013	Clerk Assistant Hon. Rotino, Hon. Kubai, Hon. Wanjohi, Hon. Muriuki, Hon. M'Eruaki	
5.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• House Keeping</li> </ul>	30 <sup>th</sup> July 2013.	Clerk Assistant	
6.	<p>Committee Meeting the following:</p> <ul style="list-style-type: none"> <li>• Cabinet Secretary, Ministry of Agriculture (9:00 am)</li> <li>• Cabinet Secretary, Ministry of Education, Science &amp; Technology (11:30 am)</li> <li>• Cabinet Secretary, Ministry of East African Affairs, Commerce &amp; Tourism (2:00 pm)</li> </ul>	6 <sup>th</sup> August 2013.	Clerk Assistant	
7.	<p>Committee Meeting the following:</p> <ul style="list-style-type: none"> <li>• Cabinet Secretary, Foreign Affairs (9:00am)</li> </ul>	7 <sup>th</sup> August 2013.	Clerk Assistant	

## THE PARLIAMENTARY SELECT COMMITTEE ON KHAT (MIRRA) WORKPLAN

	<ul style="list-style-type: none"> <li>• Cabinet Secretary, Devolution and Planning (10:00 am)</li> <li>• Cabinet Secretary, Labour (11:30 am)</li> <li>• Cabinet Secretary, Ministry of Health (2:00 pm)</li> </ul>			
8.	<p>Committee Meeting the following:</p> <ul style="list-style-type: none"> <li>• Cabinet Secretary, Ministry of Agriculture (9:00 am)</li> </ul> <p>(Local tour) Fact finding tour in Miraa Growing Zones and meeting the following:</p> <ul style="list-style-type: none"> <li>• Farmers, Consumers and Trade operating in Mbeere</li> <li>• Consumers and Traders in Isiolo.</li> </ul>	12 <sup>th</sup> August 2013,	Clerk Assistant	
9.		16 <sup>th</sup> -17 <sup>th</sup> August 2013,	Clerk Assistant	
10.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• House keeping</li> </ul>	20 <sup>th</sup> August 2013,	Clerk Assistant	
11.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• Meeting National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA)</li> </ul>	21 <sup>st</sup> August 2013,	Clerk Assistant	
12.	<p>Committee Foreign Tour to Britain &amp; Netherlands:</p> <ul style="list-style-type: none"> <li>• British Home Secretary</li> <li>• Traders and Consumers in Britain and Netherlands</li> <li>• Interior Minister of the Netherlands</li> <li>• Traders and Consumers in the Netherlands</li> </ul>	24 <sup>th</sup> to 29 <sup>th</sup> August 2013,	Clerk Assistant	
13.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• House keeping</li> </ul>	2 <sup>nd</sup> September 2013,	Clerk Assistant	
14.	<p>Committee Foreign Tour to Canada:</p> <ul style="list-style-type: none"> <li>• Canadian Interior minister/Home Secretary</li> <li>• Traders and Consumers in Canada</li> </ul>	3 <sup>rd</sup> to 9 <sup>th</sup> September 2013,	Clerk Assistant	
15.	<p>Committee Meeting</p> <ul style="list-style-type: none"> <li>• House Keeping</li> <li>• Invite stakeholders e.g. Religious Organizations and other groups: through the media</li> </ul>	12 <sup>th</sup> September 2013,	Clerk Assistant	
16.	<p>Committee Retreat:</p> <ul style="list-style-type: none"> <li>• Fact finding tour to Malindi</li> <li>• Consideration and Writing of the Committee Report in</li> </ul>	13 <sup>th</sup> to 16 <sup>th</sup> September 2013,		

# THE PARLIAMENTARY SELECT COMMITTEE ON KHAT (MIRRA) WORKPLAN

	Malindi			
17.	Committee Meeting (House Keeping) • Adoption of the Committee Report	19 <sup>th</sup> September 2013,	Clerk Assistant	
18.	Tabling of the Committee Report	24 <sup>th</sup> September 2013,	Clerk Assistant	



**MINUTES OF THE SECOND SITTING OF THE SELECT COMMITTEE ON  
KHAT HELD ON MONDAY 22<sup>ND</sup> JULY 2013 IN MERU AT 10.00 A.M**

**PRESENT:**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Franklin Mithika Linturi, MP |   |                  |
| 5. Hon. Dennitah Ghati, MP           |   |                  |
| 6. Hon. Dr. Susan Musyoka, MP        |   |                  |
| 7. Hon. James Kanini Kega, MP        |   |                  |
| 8. Hon. Muriuki Njagagua, MP         |   |                  |
| 9. Hon. Gladys Wanga, MP             |   |                  |
| 10. Hon. Benson Mutura, MP           |   |                  |
| 11. Hon. Cyprian Kubai Iringo, MP    |   |                  |
| 12. Hon. Joseph M'Eruaki, MP         |   |                  |
| 13. Hon. George Wanjohi, MP          |   |                  |
| 14. Hon. Kathuri Murungi, MP         |   |                  |
| 15. Hon. Mpuru Aburi, MP             |   |                  |
| 16. Hon. Dan Kazungu. MP             |   |                  |
| 17. Hon. Alfred Kiptoo, MP           |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Rachel Nyamai, MP
3. Hon. Wanjiku Muhia, MP
4. Hon. Ayub Savula, MP
5. Hon. Beatrice Nkatha Nyaga, MP
6. Hon. Jimmy Angwenyi, MP
7. Hon. Fatuma Ibrahim, MP
8. Hon. Sabina Chege, MP
9. Hon. Daniel Maanzo, MP
10. Hon. Zipporah Kering, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Farah Abdulaziz, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |   |                           |
|--------------------------|---|---------------------------|
| 1. Mr. James Ginono      | - | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | - | Junior Legislative Fellow |

**MIN. NO.07/2013**

**COMMITTEE FINDINGS IN MERU**

The committee had a chance to visit a miraa plantation at Maili Tatu and later proceeded to Maili Tatu Open grounds where various miraa stakeholders testified and stated their position regarding miraa and its banning.

**MIN. NO.08/2013**

**MIRAA PLANTATION FINDINGS**

1. Miraa takes about 7 years to reach maturity ready for yield when rain fed. It takes 5 years when under Irrigation to mature. Miraa seedlings result from root propagation whereby the root of the main plant sprouts out of the ground as a new plant. This is cut off and planted as an independent Miraa plant. Also there are branches mainly sprouting from the base of the mature trees. These are plucked off and planted to grow as new Miraa plants.
2. Miraa can be planted along side other crops. These include beans, yams, maize etc.
3. No fertilizer is used in Miraa growing. Manure is used instead hence miraa does not get affected by chemicals resulting from usage of fertilizers.
4. A miraa tree can remain productive for up to 800 years
5. Miraa is harvested after every 14-30 days. The harvesting of raw Miraa is done so early in the morning. The twigs are tied into bundles.
6. Some of the farms have been leased by middlemen under a system called 'mainga' where the middlemen give the farmers a lump sum of money for a specified number of harvests.

**MIN. NO.09/2013**

**ANY OTHER BUSINESS**

There was no any other business

**MIN. NO.10/2013**

**ADJOURNMENT**

And the time being forty five minutes past four O'clock, the chairperson adjourned the meeting, the date of the next meeting will be by notice.

Signed



**HON. FLORENCE KAJUJU, MP  
(CHAIRPERSON)**

Date

30/7/2013

MINUTES OF THE THIRD SITTING OF THE SELECT COMMITTEE ON  
KHAT HELD IN MAILI TATU GROUNDS ON MONDAY 22<sup>ND</sup> JULY 2013 IN  
MERU AT 2.00 P.M

**PRESENT:**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Franklin Mithika Linturi, MP |   |                  |
| 5. Hon. Dennitah Ghata, MP           |   |                  |
| 6. Hon. Dr. Susan Musyoka, MP        |   |                  |
| 7. Hon. James Kanini Kega, MP        |   |                  |
| 8. Hon. Muriuki Njagagua, MP         |   |                  |
| 9. Hon. Gladys Wanga, MP             |   |                  |
| 10. Hon. Benson Mutura, MP           |   |                  |
| 11. Hon. Cyprian Kubai Iringo, MP    |   |                  |
| 12. Hon. Joseph M'Eruaki, MP         |   |                  |
| 13. Hon. George Wanjohi, MP          |   |                  |
| 14. Hon. Kathuri Murungi, MP         |   |                  |
| 15. Hon. Mpuru Aburi, MP             |   |                  |
| 16. Hon. Dan Kazungu. MP             |   |                  |
| 17. Hon. Alfred Kiptoo, MP           |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Rachel Nyamai, MP
3. Hon. Wanjiku Muhia, MP
4. Hon. Ayub Savula, MP
5. Hon. Beatrice Nkatha Nyaga, MP
6. Hon. Jimmy Angwenyi, MP
7. Hon. Fatuma Ibrahim, MP
8. Hon. Sabina Chege, MP
9. Hon. Daniel Maanzo, MP
10. Hon. Zipporah Kering, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Farah Abdulaziz, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |   |                           |
|--------------------------|---|---------------------------|
| 1. Mr. James Ginono      | - | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | - | Junior Legislative Fellow |

The following testified before the Parliamentary Committee on Miraa and gave their testimonies as follows:

**1. Miraa Farmer – Hon Joseph Moturia (Former member of Parliament)**

- i. Testified that Miraa farming troubles begun during the colonial rule. This was as a result of Arab market rivalry between tea and coffee which was grown by white settlers and Miraa which was grown by Africans. Miraa sold more than tea because of its stimulating effect. The colonial government consequently banned miraa by introducing Cap 339 of 1946. The act became operational in 1948 and the witness saw miraa being uprooted.
- ii. Hon Joseph Moturia farther stated that Somali Women from Isiolo were coached to falsely testify before the Kenya Colony Governor then that Miraa affected human reproduction. This farther strengthened the ban.
- iii. Njuri Ncheke under the leadership of Angaine paid a visit to the then Native representative, Eliud Mathu protesting the move to ban Miraa.
- iv. The governor allowed Miraa growing but never repealed Cap 339 after intervention from Eliud Mathu.
- v. In 1952 during the uprising of Mau Mau, Miraa was consumed by the war veterans to keep them awake and alert while fighting for Kenya freedom.
- vi. It was until 23/01/1977, when President Kenyatta, who had also planted an acre of Miraa in his Gatundu farm, that Cap 339 was repealed allowing miraa to be legally grown.
- vii. The witness wondered why obviously dangerous substances like cigarettes are licensed for marketing but miraa which is not harmful is condemned for banning by NACADA.

**2. Njuri Ncheke National Chairman**

- i. Miraa is a Meru community heritage and hence a lot of Cultural significance. He stated that among the Meru people, Miraa chewing is deeply rooted in their culture which predates recorded history. The plant is revered almost to the point of being considered sacred. The emphasis on Miraa as a cash crop is a relatively new phenomenon. A young Meru man is expected to offer a bundle of Miraa to prospective father-in-law in way of introduction. Similarly reconciliation process is often preceded by an offer of Miraa.

Acceptance of Miraa by the aggrieved party is a positive signal to continue with reconciliation.

- ii. He underscored that the Njuri Ncheke jealously guards the plant as it does a lot of paramount cultural functions
- iii. The chairman emphasized that Miraa is the major source of income for the Meru Community and banning it will render a majority families in Meru poor.
- iv. He went farther and dismissed the notion that Miraa chewing affects reproductive Health citing that since long time ago, such allegations have not been proved in Meru.
- v. The chairman went ahead and challenged the president to fulfill his presidential campaign pledge of looking for more markets for miraa

### **3. Miraa Exporter- Mr. Mohammed**

- i. Mr. Mohammed trades Miraa in Europe including Britain
- ii. He dismissed reproductive health effects caused by miraa citing his family as an example. He said he has 14 children and he has been chewing miraa since he was young. He also said he is in good health.
- iii. Mr. Mohammed asked the government to intervene in the banning and challenged the president to fulfill his presidential campaign pledge of looking for more markets for miraa

### **4. Local Miraa Business Man – Mr. Julius Omolo**

- i. Mr. Julius Omolo dismissed health effects claims against Miraa now that he grows, sells and consumes Miraa and he has suffered no health problem.
- ii. He supported starting a Miraa Bank geared towards strengthening miraa business.
- iii. Mr. Julius Omolo wondered why Miraa is being banned from a country where they buy vehicles that transport Miraa from

### **5. Business Woman – Esther Kathure**

- i. Mrs Esther Kathure, a business lady in Meru County, dismissed the notion that Miraa incapacitates men sexually citing her case since she is comfortably married to her husband who chews miraa
- ii. She farther disapproved the belief that miraa reduces the academic capability of children saying her children are in national schools though her husband and herself chew miraa.

- iii. She confirmed sexually Miraa does not affect women but instead she alluded that Miraa assists women during pregnancy as it makes women not crave for soil or stones during pregnancy.

**6. Medical Doctor - Dr Thiakunu C.K Mwirabua, MBChB.**

- i. He confirmed Miraa is not a drug by quoting the WHO Expert Committee 34<sup>th</sup> Report on Drug Dependency Pg 10 (See Appendix 1)
- ii. The doctor farther stated that the side effects associated with Miraa are not as a result of miraa chewing but as a result of other drugs or sweeteners taken alongside miraa
- iii. From the report he confirmed that Miraa potential for abuse and dependence is low. The level of abuse and threat to public health is not significance enough to warrant international control. Therefore, scheduled crop.

**7. Religious Leader - Rev. Jacob Monoru, Methodist Church in Kenya**

- i. Rev. Jacob Monoru said that churches in Meru County are built from the proceeds from Miraa.
- ii. The Reverend confirmed that cases brought for church counseling have not based Miraa as a reason in any way.
- iii. He finally dismissed human reproduction side effects as a result of chewing miraa

**8. Miraa Committee Chairman**

- i. He confessed having eaten Miraa since age six and now at 43 he is still of good health.
- ii. Approved Miraa for human consumption since he found nothing negative about miraa especially pertaining human health.

**9. Chamber of Commerce Chairman**

- i. The chairman reiterated the economic significance of Miraa in Meru community.
- ii. He revealed that Miraa generates about 20 Billion annually
- iii. He explained that Meru has 18 Banks which have already given loans to locals thus banning miraa in some countries will create an uphill task in repaying these loans.
- iv. He alleged that miraa was approved by the London Chamber of Commerce and promised to submit the London Chamber of Commerce report that did the approval.

**10. Speaker of the County Assembly Mr. Kageria**

- i. The speaker said Miraa is a major income generating in Meru County and banning it will affect County income.
- ii. He confirmed that the issue of miraa is a major agenda in the County Assembly
- iii. The speaker said the County is looking for alternative markets for miraa

**11. Governor of Meru County Hon. Munya**

The Governor dismissed effects of miraa on reproductive Health. The Governor gave the following statistics from the ministry of Agriculture in a research conducted in October 2008

<b>Area in Meru County (District)</b>	<b>Area under Miraa Coverage in Ha</b>	<b>People who directly depend on Miraa</b>
<b>Imenti South</b>	3.6ha	2250
<b>Igembe North</b>	11,500	298,668
<b>Tigania West</b>	10.5	3,500
<b>Imenti North</b>	57.2	1,924
<b>Tigania East</b>	160	9000
<b>Igembe South</b>	8,437	194,555
<b>Total People Directly dependant on Miraa</b>		<b>509897</b>

**From the above figures, the Governor said the County government plans to;**

- i. Visit to the British High Commissioner on Thursday 25 July 2013 to give the ambassador a petition calling for lifting of the ban by the UK Government
- ii. Plans are underway to do the same to the Ambassador of the Netherlands
- iii. If the above fails, the County governor is planning to visit the countries that have banned Miraa with the hope of meeting their home affairs ministers.
- iv. The County Government is drafting a bill that will see miraa treated as a protected crop in Meru County. The County farther shall stop trading with counties which have banned miraa
- v. The County Government plans to look for alternative markets for miraa
- vi. The governor declared that he had instructed NACADA not to issue any licenses in Meru County and urged residents not to pay for any licences for bars. This is because NACADA has been campaigning against Miraa.

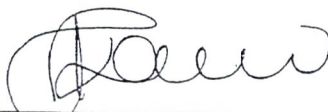
MIN. NO.12/2013      ANY OTHER BUSINESS

There was no any other business

MIN. NO.13/2013      ADJOURNMENT

And the time being forty five minutes past four O'clock, the chairperson adjourned the meeting, the date of the next meeting will be by notice.

Signed



\_\_\_\_\_  
HON. FLORENCE KAJUJU, MP

(CHAIRPERSON)

Date

30/7/2013  
\_\_\_\_\_

**MINUTES OF THE FOURTH SITTING OF THE SELECT COMMITTEE ON KHAT HELD ON TUESDAY 23<sup>RD</sup> JULY 2013 IN MERU AT 10.00 A.M**

**PRESENT:**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Franklin Mithika Linturi, MP |   |                  |
| 5. Hon. Dennitah Ghati, MP           |   |                  |
| 6. Hon. Dr. Susan Musyoka, MP        |   |                  |
| 7. Hon. James Kanini Kega, MP        |   |                  |
| 8. Hon. Muriuki Njagagua, MP         |   |                  |
| 9. Hon. Gladys Wanga, MP             |   |                  |
| 10. Hon. Benson Mutura, MP           |   |                  |
| 11. Hon. Cyprian Kubai Iringo, MP    |   |                  |
| 12. Hon. Joseph M'Eruaki, MP         |   |                  |
| 13. Hon. George Wanjohi, MP          |   |                  |
| 14. Hon. Kathuri Murungi, MP         |   |                  |
| 15. Hon. Mpuru Aburi, MP             |   |                  |
| 16. Hon. Dan Kazungu. MP             |   |                  |
| 17. Hon. Alfred Kiptoo, MP           |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Rachel Nyamai, MP
3. Hon. Wanjiku Muhia, MP
4. Hon. Ayub Savula, MP
5. Hon. Beatrice Nkatha Nyaga, MP
6. Hon. Jimmy Angwenyi, MP
7. Hon. Fatuma Ibrahim, MP
8. Hon. Sabina Chege, MP
9. Hon. Daniel Maanzo, MP
10. Hon. Zipporah Kering, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Farah Abdulaziz, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |   |                           |
|--------------------------|---|---------------------------|
| 1. Mr. James Ginono      | - | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | - | Junior Legislative Fellow |

**MIN. NO.14/2013**

**REVIEW OF EXISTING MATERIALS**

Members reviewed the following documents;

- **W.H.O Expert Committee On Drug Dependence (Thirty-fourth Report) ---Khat (Catha edulis Forsk)**

#### ***Substance identification***

Khat refers to the leaves and the young shoots of the plant *Catha edulis* Forsk., a species belonging to the plant family Celastraceae. It is also written and/or known as qat, q'at, kat, kath, gat, chat, tschat (Ethiopia), Miraa (Kenya) and murungu. The dried leaves of khat are known as Abyssinian tea or Arabian tea.

#### ***Previous review***

Khat had been considered and reviewed by the Expert Committee many years previously, and at its thirty-third meeting the Committee pre-reviewed khat and concluded that there was sufficient information on this substance to justify a critical review

#### ***Similarity to known substances and effects on the central nervous system***

The major psychoactive compounds found in khat are cathinone and cathine (norpseudoephedrine), which are scheduled under the 1971 Convention, and norephedrine, which are controlled under the 1988 Convention. The plant contains only the (-)-enantiomer of cathinone, which has the same absolute configuration as S-(+)-amphetamine. Use of khat produces a state of euphoria and increased alertness. It can also produce insomnia and an increase in blood pressure, heart rate and body temperature. Psychotic reactions induced by khat use have also been reported.

#### ***Dependence potential***

There is inconsistent data regarding the dependence potential of khat. Withdrawal symptoms after prolonged use may include loss of energy, lethargy, depressive feelings and slight trembling, but these symptoms are mild and resolve rapidly. Some tolerance may also develop.

#### ***Actual abuse and/or evidence of likelihood of abuse***

Khat leaves are chewed habitually in the south-western part of the Arabian Peninsula and in East Africa. However, khat chewing has spread to other African countries and to Australia, Europe and the USA. Daily consumption of khat may have negative effects on the social and economic life of the user. Khat is used in social gatherings.

#### ***Therapeutic usefulness***

No confirmed therapeutic usefulness has been identified for khat.

#### **RECOMMENDATION**

The Committee noted the Recommendation of the of the WHO report which is as follows;

The Committee reviewed the data on khat and determined that the potential for abuse and dependence is low. The level of abuse and threat to public health is not significant enough to warrant international control. Therefore, the Committee did not recommend the scheduling of khat. The Committee recognized that social and some health problems result from the excessive use of khat and suggested that national educational campaigns should be adopted to discourage use that may lead to these adverse consequences.

#### COMMITTEE OBSERVATIONS

- I. Miraa farming is the major economic activity in Meru County with over half a million people depending directly on Miraa and more others indirectly benefitting from Miraa proceeds.
- II. The local community has a special connection with Miraa as it is not only used as a stimulant (during leisure time) but also to conduct important cultural rituals like reconciliation, paying bride price etc.
- III. The locals are not aware of any side effects of Miraa growing, trading or consuming.
- IV. Locals are eager to have the Miraa market better structured, strategically managed and financed. This could be through customized banking for Miraa and government regulation.
- V. Locals yearn to have the Miraa market diversified through government intervention to increase their sales and consequently income.
- VI. Miraa farming could trigger a ripple effect on other businesses in Meru whose clients are Miraa growers, traders and consumers. There are 18 banks in Meru benefitting from financial transactions majorly from Miraa related businesses.


#### MIN. NO.15/2013      ANY OTHER BUSINESS

There was no any other business

#### MIN. NO.16/2013      ADJOURNMENT

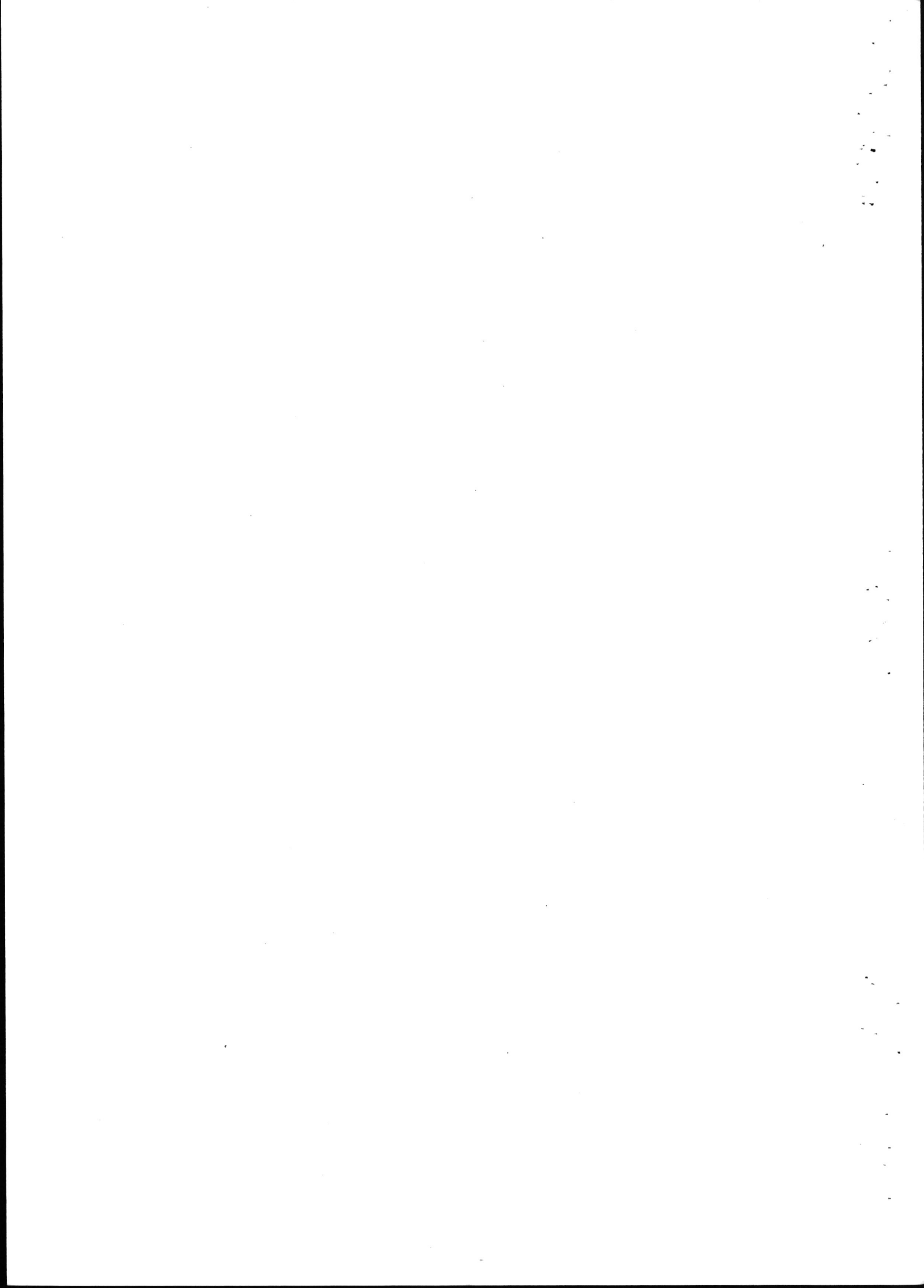
And the time being forty five minutes past four O'clock, the Chairperson adjourned the sitting; the date of the next meeting will be by notice.

Signed

  
\_\_\_\_\_  
HON. FLORENCE KAJUJU, MP  
(CHAIRPERSON)

Date

30/7/2013



**MINUTES OF THE FIFTH SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 25<sup>TH</sup> JULY 2013 IN BOARDROOM 4<sup>TH</sup> FLOOR,  
PROTECTION HOUSE AT 9.00 A.M**

**PRESENT:**

1. Hon. Florence Kajuju, MP
2. Hon. Philip Rotino, MP
3. Hon. Tiyah Galgalo, MP
4. Hon. Franklin Mithika Linturi, MP
5. Hon. Jimmy Angwenyi, MP
6. Hon. Dennitah Ghati, MP
7. Hon. Benson Mutura, MP
8. Hon. Fatuma Ibrahim, MP
9. Hon. Cyprian Kubai Iringo, MP
10. Hon. Joseph M'Eruaki, MP
11. Hon. Farah Abdulaziz, MP
12. Hon. Sabina Chege, MP
13. Hon. George Wanjohi, MP
14. Hon. Kathuri Murungi, MP
15. Hon. Mpuru Aburi, MP
16. Hon. Dan Kazungu, MP
17. Hon. Daniel Maanzo, MP
18. Hon. Zipporah Kering, MP
19. Hon. Alfred Kiptoo, MP

- Chairperson  
- Vice Chairperson

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Rachel Nyamai, MP
3. Hon. Wanjiku Muhia, MP
4. Hon. Ayub Savula, MP
5. Hon. Muriuki Njagagua, MP
6. Hon. Gladys Wanga, MP
7. Hon. Beatrice Nkatha Nyaga, MP
8. Hon. Dr. Susan Musyoka, MP
9. Hon. James Kanini Kega, MP
10. Hon. Alice Ng'ang'a, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

1. Mr. James Ginono - First Clerk Assistant
2. Mr. Wycliff Nyang'ate - Junior Legislative Fellow

**PRAYERS**

Prayers were said by the Vice Chairperson, Hon. Philip Rotino, MP.

**MIN. NO.17/2013**

**REMARKS BY THE CHAIRPERSON**

The Vice Chairperson welcomed members to the second sitting and informed members that the agenda of the day was meeting two experts who are expected to shed light on the controversial issues regarding Miraa.

The witness is a lecturer at Karatina University College, School of Agriculture and Biotechnology. He studied BSc. Agriculture for his undergraduate and currently holds a masters and PhD in Plant Pathology from the University of Nairobi. Dr. Muriungi informed Members that Miraa is an orphaned crop meaning that little and very scanty information or studies have been conducted about it. The witness informed the Committee as follows:

**a) The chemical composition of Khat(Miraa)**

That Khat contains a monoamine alkaloid called cathinone and cathine (similar to amphetamine in configuration/structure) which are mild CNS stimulants.

**b) The nutritional values of Khat to the human body**

That the plant contains important molecules in the family of alkaloids (e.g. Orcene, Mycene) which can be a source of energy under dire starvation, Miraa also has medicinal value. Chewed green leaves, bark and seeds of Khat plant contain such minerals as Potassium, Calcium and Iron; Vitamin C, food flavoring products, etc; digestive enzymes; Natural hormones used in hormone therapy e.g. blood glucose control, women health products, antioxidants, cholesterol control

**c) Effects of Khat in the human body**

Khat which is chewed for its stimulatory effects contains Cathinone (amphetamine-like alkaloid which causes excitement, Euphoria and Aneroxia and it's a DEA (Drug Enforcement Administration of Justice Ministry USA) schedule controlled substance.

**d) Negative and positive effects of using Khat.**

Miraa is a shrub with a high content of cathinone, and cathine(d-norpseudophedrine)-A mild CNS stimulant capable of causing euphoria and excitement, similar to that conferred by strong coffee. Individuals become very talkative under the influence of the plant. The use of khat results in constipation. Dilated pupils (mydriasis) are prominent during khat consumption, reflecting the sympathomimetic effects of the drug, which are also reflected in increased heart rate and blood pressure.

Withdrawal symptoms that may follow occasional use include mild depression and irritability. Withdrawal symptoms that may follow prolonged khat use include lethargy, mild depression, nightmares, and slight tremor. Khat is an effective anorectic (causes loss of appetite).

***Long-term use can precipitate the following effects:***

- Negative impact on liver function,
- Permanent tooth darkening (of a greenish tinge),
- Susceptibility to ulcers,
- Diminished sex drive.

***Effects of Abuse of Khat***

Khat can be abused: Khat (Cathinone, cathine and nerophedrine) can induce moderate to mild psychological dependence after continued use (hence

abusable substance) like alcohol and Tobacco hence classified as abusable drug class C.

**e) Medicinal value:**

Miraa can cure obesity and gastric ulcers and as a stimulant to offset depression and fatigue. However khat should not be used during pregnancy and lactation, in children or those with known hypersensitivity. People with renal, cardiac or hepatic disease also should avoid its use for it may cause hepatotoxicity, cerebral haemorrhage, it's possibly tetragogenic.

**f) The social cultural/economic effect of banning Miraa in the foreign market.**

Miraa has a unique cultural value to Ameru community where it is grown as it forms integral part during dowry payment, Passing of rites and used for dispute resolution. Also an important cash crop bringing in revenue to growers from sale of the produce, local government (in form of ches collected from traders) and national government from export (foreign exchange). Also offers direct and indirect employment hence playing important role in the rural economy of these producing communities. Currently Miraa production and marketing directly and indirectly employs about 100 million people worldwide. Miraa is also medicinal plant used for healing of various chronic illnesses.

**MIN. NO.19/2013**

**MEETING WITH PROF ISAAC KIBWAGE**

Professor Kibwage is the Principal of the School of Health Sciences in the University of Nairobi. He is a Professor of Pharmaceutical Chemistry. In his submission, the Professor stated as follows:

**1) Chemical Composition:**

The major psychoactive compounds found in khat are cathinone and cathine. Professor Kibwage said that it is because of cathinone that Miraa is chewed. This is because it has the stimulating effect.

**2) Nutritional Value of Miraa**

Miraa has no nutritional value but it has vitamins and minerals. This however is not a conclusive statement since no research has been done to ascertain this. Professor indicated that all the researches that have been conducted on Miraa have been to find out the negative effects of Miraa consumption.

**3) Effects of Miraa on the human Body**

Miraa causes appetite reduction leading to anorexia. Use of Miraa produces a state of euphoria and increased alertness. It can also produce insomnia and an increase in blood pressure, heart rate and body temperature. Psychotic reactions induced by Miraa use have also been reported. However, Professor noted that these symptoms are mild and resolve rapidly hence a chance of creating dependence is minimal.

#### 4) Effects of banning Miraa on culture and the Economy

The University of Nairobi don indicated Miraa chewing is a culture in some communities in Kenya. He told the committee that it takes 25 years to end a culture thus it is really catastrophic to ban Miraa abruptly. He emphasized that traditionally Miraa chewing was controlled and mostly consumed by elders. To communities like Meru, Miraa is close to being sacred as it is used in important cultural rites like marriage and reconciliation. The professor noted that overconsumption could be in urban areas and with the youths of the current generation who might fail to understand Miraa relevance in culture.

#### 5) Economically,

- i. Miraa is a major export and earns billions to the country. It is a source of employment to Miraa farmers, traders and other support sectors like transport and financial institutions. The professor however wondered whether the huge amounts earned from Miraa help the locals on the ground. The professor farther noted that daily consumption of Miraa may have negative effects on the social and economic life of the user.
- ii. The professor was asked whether Miraa can be processed to produce its chemicals in a better way or be a raw material of other products. In his reply, he said, Miraa chemical components break down fast as they dry losing their original content and effect to the body hence extracting them is possible but it can be way too expensive than synthesizing the same in the laboratory.
- iii. The professor said no substantive research has been done to related muguka leaves indicate that muguka has more cathinone than miraa.
- iv. Professor Kibwage recommended that Miraa banning needs a political decision and not a decision based on scientific research. This is because the current researches did clash in findings and the data available is not enough to take such an action. He suggested that the government should commission a Kenyan motivated research to find out the chemistry, social and economic effects of miraa.

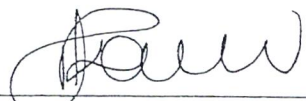
#### MIN. NO.20/2013      ANY OTHER BUSINESS

Members proposed to have the number meetings increased in a week to beat the time constraints the committee has.

#### MIN. NO.21/2013      ADJOURNMENT

And the time being Thirty five minutes past one O'clock, the Chairperson adjourned the sitting; the date of the next meeting will be by notice.

Signed

  
\_\_\_\_\_  
**HON. FLORENCE KAJUJU MP**  
**(CHAIRPERSON)**

Date

30/7/2013  
\_\_\_\_\_

**MINUTES OF THE SIXTH SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON TUESDAY 30<sup>TH</sup> JULY 2013 IN BOARDROOM 2<sup>ND</sup> FLOOR,  
PROTECTION HOUSE AT 9.30 A.M**

**PRESENT:**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Franklin Mithika Linturi, MP |   |                  |
| 4. Hon. Tiyah Galgalo, MP            |   |                  |
| 5. Hon. Muriuki Njagagua, MP         |   |                  |
| 6. Hon. Benson Mutura, MP            |   |                  |
| 7. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 8. Hon. Joseph M'Eruaki, MP          |   |                  |
| 9. Hon. Kathuri Murungi, MP          |   |                  |
| 10. Hon. Gladys Wanga, MP            |   |                  |
| 11. Hon. Jimmy Angwenyi, MP          |   |                  |
| 12. Hon. Farah Abdulaziz, MP         |   |                  |
| 13. Hon. Sabina Chege, MP            |   |                  |
| 14. Hon. Dr. Susan Musyoka, MP       |   |                  |
| 15. Hon. Alfred Kiptoo, MP           |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. George Wanjohi, MP
2. Hon. Fatuma Ibrahim, MP
3. Hon. Mpuru Aburi, MP
4. Hon. Beatrice Nkatha Nyaga, MP
5. Hon. James Kanini Kega, MP
6. Hon. Alice Ng'ang'a, MP
7. Hon. Dan Kazungu, MP
8. Hon. Dennitah Ghati, MP
9. Hon. Mohamed Elmi, MP
10. Hon. Rachel Nyamai, MP
11. Hon. Wanjiku Muhia, MP
12. Hon. Zipporah Kering, MP
13. Hon. Ayub Savula, MP
14. Hon. Daniel Maanzo, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                     |
|--------------------------|-------------------------------------|
| 1. Mr. James Ginono      | -First Clerk Assistant              |
| 2. Ms Marale Sande       | -Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | -Junior Legislative Fellow          |

**MIRAA CONSUMERS**

1. Mr. Kimathi Munjuri
2. Mr. Francis Kinyua

## PRAYERS

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

## MIN 22/2013 CONFIRMATION OF MINUTES

1. The Minutes of the First Sitting held on 16<sup>th</sup> July 2013 were proposed by the Hon. Jimmy Angwenyi, MP and seconded by Hon. Gladys Wanga, MP as a true recording of the proceedings of the Meeting and signed by the Chairperson.
2. The Minutes of the Second Sitting held on 22<sup>nd</sup> July 2013 were proposed by the Hon. Benson Mutura, MP and seconded by Hon. Kathuri Murungi, MP as a true recording of the proceedings of the Meeting and signed by the Chairperson.
3. The Minutes of the Third Sitting held on 22<sup>nd</sup> July 2013 were proposed by the Hon. James Kanini Kega, MP and seconded by Hon. Dr. Susan Musyoka, MP as a true recording of the proceedings of the Meeting and signed by the Chairperson.
4. The Minutes of the Fourth Sitting held on 23<sup>rd</sup> July 2013 were proposed by the Hon. Franklin Mithika Linturi, MP and seconded by Hon. Gladys Wanga, MP as a true recording of the proceedings of the Meeting and signed by the Chairperson.
5. The Minutes of the Fifth Sitting held on 25<sup>th</sup> July 2013 were proposed by the Hon. Farah Abdulaziz, MP and seconded by Hon. Sabina Chege, MP as a true recording of the proceedings of the Meeting and signed by the Chairperson.

## MIN 23/2013 MATTERS ARISING

No matters arose.

## MIN 24/2013 MEETING WITH MIRAA CONSUMERS AND TRADERS

The following miraa Consumers testified before the committee:

1. Mr. Kimathi Munjuri
2. Mr. Francis Kinyua

### 1. MR. KIMATHI MUNJURI

The Committee was informed by Mr. Kimathi Munjuri as follows:

- a) That he was born and brought up in Meru North, he is a holder of a Bachelor of Commerce Degree, Marketing option from the University of Nairobi, married with 3 children and the wife is expecting; That he is a responsible husband/father who take all his responsibilities seriously including educating his children,
- b) That his income is purely from miraa business;
- c) That he is a Miraa chewer and he markets the same, further tha he works for Sakijo International ltd; a miraa marketing and exporting agency,

- d) That he has consumed/chewed miraa since 1990 and he spends approximately Kshs 12,000 per month on miraa; that he chews the *kisa* type of miraa and takes water or milk as a softener during chewing,
- e) That his health has been good and the Chewing of has not affected him in any way and he dismissed claims that miraa drains family resources claiming that miraa chewing is a leisure activity which can be managed,
- f) That in his community miraa chewing is controlled traditionally and that challenges could be in urban areas where there are no controls;
- g) That miraa chewing gives the consumer an imaginative mind hence enabling one to come up with solutions of any challenges they are undergoing
- h) That miraa is a vegetable and does not cause constipation and it acts as a roughage in the human health;
- i) That collectively, 50 tonnes of miraa are exported weekly to foreign markets but since the crop is a zero rated item dealers pay a concession fee of Ksh 250 per shipment to Kenya Airports Authority; However losses are incurred due to the current ban;
- j) That exporters pay duty to Kenya Revenue Authority(KRA) and Kenya Plant Health Inspectorate (KEPHIS) have accurate data on the amount collected from miraa business.

## **2. MR. FRANCIS KINYUA**

The Committee was informed by Mr. Francis Kinyua as follows:

- a) That he was born and brought up in Igembe Central; He holds a Bachelors Degree in Agricultural Economics and a Diploma in Crop Protection from the University of Nairobi; He is married and has two children and that he has chewed miraa since 1993; That he has not experienced any health issues emanating from miraa chewing;
- c) That during chewing of miraa he does not mix miraa with alcohol' he clarified that the negative effects normally attributed to miraa chewing are as a result of the other substances consumed while chewing miraa such as alcohol, and sugary subsatances when mixed with miraa during chewing may cause teeth decay;
- d) That the ban on miraa by foreign countries is based on myths and no conclusive research has been done to associate miraa with the effects claimed;
- e) That the income from miraa is sustaining his family and has helped him to educate his children;
- f) That Miraa farming is done semi arid areas in Meru where its viewed as an alternatives crop for farming;
- g) That Miraa does not cause bad breadth and lack of sleep but this can vary from consumer to consumer to consumer depending on the lenth of time spent in chewing miraa;
- h) That Miraa is not associated with crime. The root cause of crime is unemployment;

**HON. JOSEPH M'ERUAKI, MP**

Hon. M'Eruaki who is a member of the Committee sought to give information to the Committee pursuant to Standing Order 90 submitted as follows:

- a) That he has chewed miraa for over 30 years and is married with children;
- b) That there exists many myths surrounding khat among them health effects;
- c) That thee substances eaten alongside chewing miraa are the causes of the many side effects associated with Miraa;
- d) That Miraa enhances concentration and involvement in activities engaged by the consumer;
- e) That Khat is a social and cultural plant used by the Meru Community during rites of passage including marriage and reconcialiation;
- f) That Khat contributes to the economy of Meru County and the government has failed to acknowledge this contributions and has not provided khat farmers with required inputs;
- g) That classfying khat as a drug and its consequent ban has resulted in economic losses within the county of Meru and given its cultural significance among the community members, the latter feels condemned and discrimated upo;
- h) That research conducted on miraa has labored to prove how miraa is harmful hence not objective as sometimes the outcome of these researches tend to be influenced by the funders;
- i) That politics may have a hand in the banning of miraa and that banning miraa is the worst case scenario and these is like condeming the Meru culture and the Meru People.

**MIN 25/2013      ANY OTHER BUSINESS**

There arose no any other business.

**MIN 26/2013      ADJOURNMENT**

There being no any other business and the time being a quarter past One O'clock the meeting was adjourned, the date of the next meeting will be by notice.

Signed.....

**HON. FLORENCE KAJUJU MP  
(CHAIRPERSON)**

Date.....19/9/2013

**MINUTES OF THE SEVENTH SITTING OF THE SELECT COMMITTEE ON  
KHAT HELD ON THURSDAY 6<sup>TH</sup> AUGUST 2013 IN BOARDROOM 2<sup>ND</sup>  
FLOOR, CONTINENTAL HOUSE AT 9.00 A.M**

**PRESENT**

1. Hon. Florence Kajuju, MP
2. Hon. Philip Rotino, MP
3. Hon. Franklin Mithika Linturi, MP
4. Hon. Tiyah Galgalo, MP
5. Hon. Muriuki Njagagua, MP
6. Hon. Benson Mutura, MP
7. Hon. Cyprian Kubai Iringo, MP
8. Hon. Joseph M'Eruaki, MP
9. Hon. Jimmy Angwenyi, MP
10. Hon. Rachel Nyamai, MP
11. Hon. Kathuri Murungi, MP
12. Hon. James Kanini Kega, MP
13. Hon. Dennitah Ghati, MP
14. Hon. Sabina Chege, MP
15. Hon. Daniel Maanzo, MP
16. Hon. Zipporah Kering, MP
17. Hon. Alfred Kiptoo, MP

- Chairperson
- Vice Chairperson

**ABSENT WITH APOLOGY**

1. Hon. Farah Abdulaziz, MP
2. Hon. Dr. Susan Musyoka, MP
3. Hon. George Wanjohi, MP
4. Hon. Fatuma Ibrahim, MP
5. Hon. Mpuru Aburi, MP
6. Hon. Gladys Wanga, MP
7. Hon. Beatrice Nkatha Nyaga, MP
8. Hon. Alice Ng'ang'a, MP
9. Hon. Dan Kazungu, MP
10. Hon. Mohamed Elmi, MP
11. Hon. Wanjiku Muhia, MP
12. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

1. Mr. James Ginono
2. Ms Marale Sande
3. Mr. Wycliff Nyang'ate

- First Clerk Assistant
- Senior Research and Policy Analyst
- Junior Legislative Fellow

**MINISTRY OF EAST AFRICAN AFFAIRS, COMMERCE & TOURISM**

1. Ms. Phyllis Kandie
2. Mr. Mohamed Ibrahim

- Cabinet Secretary
- Principal Secretary

- |                    |                           |
|--------------------|---------------------------|
| 3. Simon Chacha    | Secretary, External Trade |
| 4. Winnie Cheserem | State Counsel             |
| 5. Joseph Kasure   |                           |

**STATE DEPARTMENT OF EDUCATION**

- |                       |                                  |
|-----------------------|----------------------------------|
| 1. Dr. Belio Kipsang  | Principal Secretary Education    |
| 2. Kimathi Mgambi     | CFO                              |
| 3. Obiero Charles     | Snr. Asst. Director of Education |
| 4. Dr. George Ombakho | Director DRMD                    |
| 5. Gitonga Angelo     | D/H/ICTAE                        |
| 6. Edith Torome       | Principal State Counsel          |

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 27/2013      ADOPTION OF THE AGENDA**

The Committee adopted the agenda subject to deletion of agenda 1, 2 & 3; further the meeting was informed the apology from the Ministry of Agriculture as follows;

1. Meeting the Cabinet Secretary, Ministry of Agriculture
2. Meeting the Cabinet Secretary, Ministry of East African Affairs, Commerce and Tourism
3. Meeting the Cabinet Secretary, Ministry of Education, Science and Technology
4. Any Other Business
5. Adjournment

**MIN 28/2013      CABINET SECRETARY, MINISTRY OF AGRICULTURE**

The CS Sent apologies requesting that the Meeting should be rescheduled and the Committee ascending to the request rescheduled the meeting to be held in a fortnight's time.

**MIN 29/2013      CABINET SECRETARY, MINISTRY OF EAST AFRICAN AFFAIRS, COMMERCE AND TOURISM**

The Cabinet Secretary informed the Committee as follow;

**a) How Banning of Miraa will affect Balance of Trade in the country**

That the ban of miraa exports will affect the balance since Kenya exports 60 tonnes of Miraa weekly to the Europe, this will surely affect the flow of foreign exchange into the country to the tune of over KES 2 Billion per year.

### b) Countries that import Miraa from Kenya

That Somali is the largest importer of miraa from Kenya since that market earns the county Kshs. 4 Billion per year. Somali is followed by United Kingdom, Netherlands, Mozambique, Japan, India and Philippines.

YEAR	Value in KES Billions				
	2008	2009	2010	2011	2012
Total Exports	344,947.00	344,949.00	409,794.00	512,604.11	517,846.94
Exports of Khat	1,973.36	5,539.18	4,750.83	6,932.68	2,387.10
% of Total Exports	0.57	1.61	1.16	1.35	1.04

Table i: value of total exports in comparison to

### c) Measures the Ministry has taken to counter negative campaign

That the ministry has not taken any efforts to promote miraa due to the nature of perception the crop faces in various markets; but that it has promoted the sale of the crop in Markets where it has been accepted as a legal and is in the fore front of ensuring that traders do not face any hindrance in these export market, further the ministry informed members that Kenya cannot force such countries to lift the ban as this is an acceptable practice in international trade world over.

### d) Whether the ministry considers sourcing for alternative markets

The Committee was informed that the ministry cannot consider sourcing for alternative markets of miraa as it is classified as a drug unless studies are be undertaken to reverse the situation on the status of the crop before considering sourcing for alternative markets and further that NACADA classifies miraa as a drug.

### Committee Observations

The Committee expressed disappointments on how lightly the Ministry handles the issue and rescheduled the meeting to allow the Cabinet Secretary to be prepared so that she can provide the committee with an appropriate report.

MIN 30/2013

CABINET SECRETARY, MINISTRY OF EDUCATION,  
SCIENCE AND TECHNOLOGY

The meeting noted that the Cabinet Secretary has been represented by the Principal Secretary who informed the Committee as follows:

**a) Effects of miraa on early childhood education**

- i. That Farming of miraa has no known effects on early childhood Development and Education;
- ii. That Reports from the Education field offices in Miraa farming areas in the country such as Igembe South and Igembe North Districts, indicate that enrollment increased from 6749 in 2010 to 7800 in 2013 and the number is still growing and further that in the last three years the demand for schooling at this level has been on the rise in the said regions.

**b) Effects of miraa to children of school going age.**

The Committee heard that a study had been conducted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in primary schools in Embu County, and showed the Following:

- i. That the school going children are involved in picking, selling, planting, weeding and transporting miraa to markets while others chew the crop;
- ii. That there is a rise in dropout rates of students from schools and the main reasons advanced is their involvement in miraa business cycle;
- iii. That there is reported high cases of indiscipline, school drop outs, truancy and absenteeism, poor academic performance and lack of concentration in class in schools in Embu;

**Ministry Observations**

The Ministry observed that the findings confirms that the experience by schools on the ground that miraa business partly contributes to school drop outs, poor performance of children of school going age and the negative effects of miraa on school going age can be felt at upper primary levels is true.

**c) Positive contribution to miraa growing regions in regards to education.**

The Committee heard that the Education field office reports indicate that miraa has a number of positive contributions to miraa growing region with regard to education in the following manner:-

- i. That the earnings from miraa cater for family basic needs without which children may not attend schools;
- ii. That the number of secondary schools in Igembe South District has increased from 22 in 2010 to current 35 schools in 2013 through community effort as a result of income from Miraa;
- iii. That parents contribute to the provision of school infrastructure that lead to increase in access and improvement of quality of the education;

- iv. That there is Improved transition rate from 32% four years ago to 56% currently of pupils joining secondary school from;
- v. That parents in miraa growing areas are able to support the education of their children beyond secondary school level by the income from miraa business;
- vi. That the ministry of Education is aware that in spite of the above virtues, the earnings from miraa could be associated with social vices like prostitution, failed marriages and crime as deduced from anecdotal evidences.

#### **d) Influence of miraa farming on Education Standards**

The ministry informed the committee that Education standards in miraa growing areas has been influenced predominantly by khat farming. However, there are unsubstantiated claims (Myths) that the boy child in the miraa growing areas is negatively affected in terms of school attendance but actual data from the field shows minimal differences between boys and girls who are in both primary and secondary schools in selected miraa growing districts.

#### **e) Previous researches conducted on miraa farming, trading, consumption and recommendations given.**

The ministry of Education confirmed that it was aware of previous researches conducted on khat farming, trading and consumption plus their recommendations and some of the researches among others are:

1. Report of the National Council and Technology: A detailed review focusing on catha Edulis (Miraa) and its cultivation. June 1996
2. The status of periodontal health and oral hygiene of miraa (catha Edulis) chewer by Jorgensen E. and Kaimenyi J., 1990
3. Khat (catha Edulis); health aspects of khat chewing by N.A.G.M Hassan, A.A. Gunaid and I. Murray - Lyon, 2007

#### **Recommendations from Report of the National Council and Technologys are as follows;**

- i. Report of the status of periodontal health and oral hygiene of miraa (Catha Edulis) chewer by Jorgensen E. and Kaimenyi J., 1990 found out **that there was no evidence to show that miraa was detrimental to periodontal health.**
- ii. Report from Khat (Catha Edulis) a controversial Plant: Blessing or Curse, Erica Eva Balint, M.D. (Szeged) **recommended that follow up studies seem to be needed to establish the effects of khat on gastrointestinal system and that follow up detailed accounts on medical and psychological aspects of khat was needed.**
- iii. Report from the research by Workinen Getahun, Taferi Gedif and Eikrutes Faye, 2010 titled *Miraa Regular Khat (Catha Edulis)* recommends **that khat chewing may contribute to elevated high blood pressure with more pronounced effect on diagnostic blood pressure. It was therefore recommended that programs for the**

**prevention and control of high blood pressure in the population need to devise strategies to counter the expansion of khat chewing and other substance use behaviours.**

- iv. Report on a research conducted by N.A.G.M. Hassan, A.A. Gunaid and Murray- Lyon in 2007 titled *Khat (Catha edulis); health aspects of khat chewing* recommended that;
- a. That there is need to increase public awareness of the health hazards of khat chewing,
  - b. That Support scientific research on khat in different universities and institutions to explore the different effects of khat on public health,
  - c. That Integrate education about khat into the curricula of primary and secondary schools,
  - d. That Legislation on the use of pesticides in the cultivation of khat in view of their potentially harmful effects on human health.

**The Ministry recommends as follows;**

- a. That meaningful pharmacological investigations regarding the chemical composition of miraa and its effects need to be done.
- b. That legal issues, cultivation, export and use of miraa need to be defined
- c. That more investigations need to be conducted on the relationship between miraa chewing and possible cases of impotence.
- d. That research into the alternative utilization of miraa should be carried out

**Social cultural effects of the ban of khat by foreign countries**

The ministry informed Committee as follows:

- i. That miraa has deep rooted cultural and other social benefits in various communities in Kenya and is mostly consumed socially and during family and community events which includes during traditional rituals and ceremonies;
- ii. That Kenya earns about Kshs 2 Billion annually in foreign exchange from the export of the crop;
- iii. That the Foreign governments that have banned khat in their countries have no credible evidence of the perceived adverse effects to the consumers;
- iv. That the act of banning the crop is likely to raise disaffection among the miraa growing communities against the concerned countries; the ministry of Education gave a case in point that farmers in miraa growing are angry since acts are branding the crop a drug

**Committee Observations**

The Committee comended the Ministry on its worth contribution to the ongoing activities of the committee and requested the Ministry to:

1. to onduct a comprehensive research and submit a more detailed information to the commitee; with a view to create a long term and a more solid and informational base about miraa, This research, unlike previous ones which have labored to find negative elements of miraa should be objective and include the benefits of consuming miraa and its socio-economic importance;
2. The Committee further informed the Principal Secretary for Education that an earlier witness, Prof Isaac Kibwage, the Principal for the School of Health Sciences, Nairobi University had offered to form a team to conduct research. It was therefore prudent for the ministry to support Professor Kibwage's team in conducting the research.

**MIN 31/2013      ANY OTHER BUSINESS**

- Members raised a concern on attendance of committee sittings noting that there is a lot of absenteeism and walking in and out of Members.

**MIN 32/2013      ADJOURNMENT**

There being no any other business and the time being half past One O'clock the meeting was adjourned, the date of the next meeting will be by notice.

Signed.....  
**FLORENCE KAJUJU MP**  
**(CHAIRPERSON)**

Date.....19/9/2013



**MINUTES OF THE EIGHT SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 7<sup>TH</sup> AUGUST 2013 IN BOARDROOM 2<sup>TH</sup> FLOOR,  
CONTINENTAL HOUSE AT 2.00 P.M**

**PRESENT:**

- |                                  |   |                  |
|----------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP      | - | Chairperson      |
| 2. Hon. Philip Rotino, MP        | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP        |   |                  |
| 4. Hon. Muriuki Njagagua, MP     |   |                  |
| 5. Hon. Benson Mutura, MP        |   |                  |
| 6. Hon. Fatuma Ibrahim, MP       |   |                  |
| 7. Hon. Cyprian Kubai Iringo, MP |   |                  |
| 8. Hon. Joseph M'Eruaki, MP      |   |                  |
| 9. Hon. Farah Abdulaziz, MP      |   |                  |
| 10. Hon. George Wanjohi, MP      |   |                  |
| 11. Hon. Kathuri Murungi, MP     |   |                  |
| 12. Hon. Alfred Kiptoo, MP       |   |                  |
| 13. Hon. Daniel Maanzo, MP       |   |                  |
| 14. Hon. Dan Kazungu. MP         |   |                  |
| 15. Hon. Jimmy Angwenyi, MP      |   |                  |
| 16. Hon. Zipporah Kering, MP     |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Gladys Wanga, MP
2. Hon. Franklin Mithika Linturi, MP
3. Hon. Beatrice Nkatha Nyaga, MP
4. Hon. Dr. Susan Musyoka, MP
5. Hon. James Kanini Kega, MP
6. Hon. Sabina Chege, MP
7. Hon. Alice Ng'ang'a, MP
8. Hon. Dennitah Ghati, MP
9. Hon. Mohamed Elmi, MP
10. Hon. Rachel Nyamai, MP
11. Hon. Wanjiku Muhia, MP
12. Hon. Ayub Savula, MP
13. Hon. Mpuru Aburi, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant              |
| 2. Ms. Marale Sande      | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

### MINISTRY OF LABOUR, SOCIAL SECURITY AND SOCIAL SERVICES

- |                    |   |
|--------------------|---|
| 1. Hon. S.K. Kambi | Cabinet Secretary, Ministry of Labour   |
| 2. Ali N. Ismail   | Principal Secretary, Ministry of Labour |
| 3. Mwakio Kigha    | Director, Social Development            |
| 4. S.T. Nyambari   | Commissioner, Labour                    |
| 5. Ahmed Hussein   | Director, Children Services             |
| 6. Joel N. Mwanzia | PA, Commissioner for Labour             |

### MINISTRY OF HEALTH

- |                         |                     |
|-------------------------|---------------------|
| 1. Prof. Fred Sigor     | Principal Secretary |
| 2. Dr. Kipkarius Koskei | Chief Pharmacist    |
| 3. Mr. William Munyoki  |                     |
| 4. Dr. A.J Kasirdi      |                     |

### MINISTRY OF DEVOLUTION AND PLANNING

- |                       |                              |
|-----------------------|------------------------------|
| 1. Eng. Peter Mangiti | Permanent Secretary Planning |
| 2. Mr. Evans Masara   | Director of Employment       |

### PRAYERS

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

### MIN 33/2013 ADOPTION OF THE AGENDA

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. meeting the cabinet secretary, ministry of labour, social security and social services
3. meeting the cabinet secretary, ministry of health
4. meeting the cabinet secretary ministry of devolution and planning
5. any other Business
6. Adjournment

### MIN.34/2013 MEETING THE CABINET SECRETARY, MINISTRY OF LABOUR, SOCIAL SECURITY AND SOCIAL SERVICES

The Cabinet Secretary requested the Committee to give him a fortnight to travel to Meru and Embu in order to finalizethe report which he intended to table to the Committee. Upon deliberations the Committee agreed to grant the Cabinet Secretary the time he requested and set the date of the next meeting to be 20<sup>th</sup> August 2013.

The Committee was informed that Khat (*Catha edulis*) is a plant native to the Horn of Africa and the Arabian Peninsula and that the leaves when chewed result in the release of the stimulants *Cathinone* and *Cathine*.

Further, that Kenya ratified three UN conventions and as such being state parties is obligated to implement the following conventions in full:

- i) Single Narcotic Convention of 1961 as amended by the 1972 protocol
- ii) The Convention of Psychotropic substances of 1971
- iii) United Nations Convention against illicit trafficking in (i) and (ii) of 1988

The Committee was also informed that Pharmacy and Poisons Board is the recognized competent National Authority regarding above Conventions with the Board expected to submit regular annual reports to the International Narcotic Control Board regarding the status of the Conventions. Kenya domesticated the three UN conventions through the enactment of the Narcotic Drugs and Psychotropic substances control Act No. 4 of 1994. The Convention on Psychotropic substances of 1971 lists *Cathinone* under Schedule one.

As to whether the Ministry categorizes Khat as a drug, the Ministry referred the Committee to page 49 of the WHO Report, 2013; where *Cathinone* is placed under category of new psycho-active compounds on the global markets. The Committee was therefore told that the Ministry recognizes Khat as a stimulant due to *Cathinone* which is the keto analogue of *amphetamine* and since *Amphetamines* and its analogues are classified as Central Nervous Stimulants and *Cathinone* being a derivative of Khat makes Khat a stimulant. Further, the 33<sup>rd</sup> ECDD pre review of Khat in 2002 concluded that there was sufficient information on Khat to justify a critical review.

On the chemical composition of Khat, the Committee was informed that Khat contains considerable amounts of three chemical which are structurally related to *amphetamines* and *noradrenaline*: *Cathinone*, *Cathine* and *Norephedrine*. It also contains *alkaloids*, *terpenoids*, *flavonoids*, *sterols*, *glycosides*, *tannins*, *amino acids*, *vitamins* and *minerals*.

The Committee also heard that as much as a large number of synthetic *Cathinone* derivatives have been produced, some of which are found and utilized as pharmaceutical agents, fresh Khat from different origin contains on the average 36mg *Cathinone*, 120mg *Cathine* and 8mg *norephedrine* per 100grams of leaves. This is while the Ministry acknowledged that the nutritional content of Khat is not known and that the Ministry of Health recognizes *Cathinone* which is contained in *Miraa* as a stimulant.

Preliminary laboratory analysis undertaken the Ministry of Health (Government Chemist) with samples of freshly harvested leaves and shoots of Khat collected domestically from Mbeere, Embu, Igembe North, Central and South, Tigania West showed Cathinone levels of 0.14mg to 26.91mg per 100g. Cathine on the other hand was found to be ranging between 8.7mg to 131.5mg per 100g. With the foregoing the Ministry has not therefore classified Khat as a drug, however available literature indicate structural similarities between Cathine and Cathinone with amphetamine hence similar effects with the latter.

On the effects of Khat on the human body, the Committee was informed that:

- a) Khat contains many different compounds and therefore its chewing is likely to have several effects.
- b) The major effects include those on the gastro-intestinal system and on the Central Nervous System with moderate users seemingly having no excess morbidity compared to individual chewing in excess of two bundles per day which was associated with increased psychiatric morbidity.
- c) The tannins present in Khat leaves are held responsible for the observed gastritis while 50% of the chewers develop oral mucosal keratosis. Keratosis of the oral buccal mucosa is considered as pre-cancerous lesion that may develop into oral cancer and since the effects of Khat, tobacco and alcohol was found to be addictive, the result suggest that Khat consumption especially accompanied with alcohol and tobacco might be a potential cause of oral malignancy.
- d) The effect of Khat, tobacco and alcohol was found to be addictive with results linking potential oral malignancy to Khat consumption when accompanied by alcohol and tobacco consumption.
- e) Case reports confirm that adverse effects occur at high doses of Khat with a documented report by the Ministry on a situational analysis report at the Mathari Mental Hospital Rehabilitation Ward; According to the analysis of the total 35 patients (34 male and 1 female) admitted under the Rehabilitation Program, 11 reported using Miraa and according to their files (as reported by Dr. Kisivuli, Medical Superintendent, Mathari Hospital), almost all the 11 had experienced symptoms and signs of either Psychosis or mood alterations although majority of the patients (82%) were using Miraa in combination with other substances (a pattern the Principal Secretary indicated was of multi drug use).
- f) A recent retrospective multicenter study by a team from the Ministry of Health around Mt Kenya region to provide baseline information on the mental health effects of Khat use among psychiatry patients in Kenya showed Khat use among patients with psychotic illness. However, 82% of patients use it together with other substances and hence no conclusive relationship between Khat use and psychiatric illness was arrived at.
- g) Khat is likely to cause urine retention and acute cardiovascular effects which are regarded as automatic (peripheral) nervous system effects;

- increased alertness, dependence, tolerance and psychiatric symptoms as effects of the Central Nervous System.
- h) A high frequency of periodontal disease has been suggested as well as gastritis owing to tannins present in Khat leaves
  - i) Chewing Khat induces a state of euphoria and elation with feelings of increased alertness and arousal followed by a stage of vivid discussions, loquacity and an excited mood.
  - j) Thinking is characterized by a flight of ideas but without the ability to concentrate, however at the end of a Khat session, the user may experience depressive mood, irritability, anorexia and difficulty to sleep while lethargy and a sleepy state follows the next morning.
  - k) The effect on the urinary bladder are that Khat induces a fall in average and maximum urine flow rate in healthy men with the effects mediated through stimulation of alpha1-adrenergic receptors by Cathinone
  - l) Literature reviewed reported number of cases of psychiatric disorders secondary to Khat chewing with features of mania-like psychosis
  - m) The consumption of Khat is said to induce an increase in libido, spermatorrhoea and erectile dysfunction
  - n) On reproductive health, epidemiological data derived from 1181 deliveries in Yemen showed that at birth the mean weight of full term single infants from habitual or occasional chewers of Miraa was below average. Similar pregnancy outcomes were observed in a study by WHO in 2003.
  - o) On the Cardiovascular effects, chewing induces small and transient rises in blood pressure and heart rate with studies confirming a raised heart rate during three hours of Khat chewing
  - p) Acute or short term effects include;
    - a. Relief of fatigue, increased alertness, reduced sleepiness
    - b. Mild euphoria and excitement, improved ability to communicate, loquacity
    - c. Tachycardia, hypertension
    - d. Moderate hyperthermia
    - e. Mydriasis, blurred vision
    - f. Anorexia, dry mouth
    - g. Constipation (supposedly due to tannins and amphetamines)
    - h. Psychotic reactions at high doses
    - i. Irritability and depressive reactions at the end of a Khat session
    - j. Lethargy and Sleepy state the next morning
  - q) Long-term effects include:
    - a. Malnutrition
    - b. Psychotic reactions after chronic use; depressive reactions
    - c. Irritative disorder of the upper gastro-intestinal tract
    - d. Cardiovascular complications of Khat chewing is the higher incidence of hemorrhoids and hemorrhoidectomy found in chronic

Khat chewers ( 62% and 45%) as compared to non-Khat users (4% and 0.5%)

- r) The Ministry has not classified Khat as a drug, and has not carried out any research on Khat. However, based on available literature and structural formula similarities of *Cathinone*, *Cathine* with *amphetamines*, Khat may have amphetamine like effects when chewed. The Ministry therefore recommended for additional studies be undertaken to enable the Government put in place appropriate legislation to regulate the Khat industry.

### **Committee Observations**

The Committee observed that local studies undertaken on Khat are limited and majority of the conclusions on Khat have been arrived at based on studies undertaken in other Khat consuming states like Yemen;

The Ministry requested for 40 days to analyses Khat and report to the Committee conclusively. Thereupon the Committee agreed to give the Ministry the time requested subject to the Extension of the Select Committee's by the House.

### **MIN 36/2013      MEETING THE CABINET SECRETARY MINISTRY OF DEVOLUTION AND PLANNING**

The Principal Secretary informed the Committee as follows;

- i) Khat, largely grown in the Counties of Meru (mainly Maua area), Embu (mainly Mbeere area) is consumed in major towns like Nairobi, Mombasa, Nakuru, Kisumu amongst other small towns.
- ii) On the reasons why Khat trading has not been made official, the Committee was informed that as much as Khat may not be formally legalized, it's trading in the Country is carried out in a similar manner as other agricultural commodities and hence considered legal. On export of Khat, quantities are well captured by the Kenya Revenue Authority and classified in Harmonized System Code (HS 140490 – Vegetable products)
- iii) While responding to the Socio-economic impact to the economy for banning Khat, the Ministry asserted that very minimal studies have been done on the socio-economic and cultural impact of Khat production or banning in Kenya. Nevertheless, the production, transportation, and sale of Khat is a major source of employment and income to the communities in upper Eastern and other Kenyans at large. As such there is likely to be loss of income for the farmers, traders, increased unemployment and effects on foreign earnings.
- iv) The Ministry undertook to commission KIPPRA to carry out an in-depth study on the Socio-Economic Impacts of Khat Industry in Kenya. The study whose findings are to be released in December 2013, will focus on the following aspects :

- i) The factors of production employed in the industry (land use and spatial distribution, labor intensity and capital distribution)
- ii) The structure of Khat market in Kenya (establish existing market structures, market value of each group, identify regulatory and governance structure)
- iii) The Volume and value of Khat trade and related revenues (value sold locally and exported)
- iv) The socio-economic impact of Khat consumption

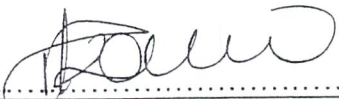
The Committee directed the Permanent Secretary to compile a comprehensive report on Khat and table it before the Committee within two weeks.

**MIN 37/2013      ANY OTHER BUSINESS**

There arose no any other Business.

**MIN 38/2013      ADJOURNMENT**

And the time being ten minutes past four O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP  
(CHAIRPERSON)**

Date.....  




**MINUTES OF THE 9<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 20<sup>TH</sup> AUGUST 2013 IN BOARDROOM 2<sup>ND</sup> FLOOR,  
CONTINENTAL HOUSE AT 12.00 A.M**

**PRESENT:**

- |                                  |                    |
|----------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP      | - Chairperson      |
| 2. Hon. Philip Rotino, MP        | - Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP        |                    |
| 4. Hon. Muriuki Njagagua, MP     |                    |
| 5. Hon. Benson Mutura, MP        |                    |
| 6. Hon. Fatuma Ibrahim, MP       |                    |
| 7. Hon. Cyprian Kubai Iringo, MP |                    |
| 8. Hon. Joseph M'Eruaki, MP      |                    |
| 9. Hon. Farah Abdulaziz, MP      |                    |
| 10. Hon. George Wanjohi, MP      |                    |
| 11. Hon. Kathuri Murungi, MP     |                    |
| 12. Hon. Alfred Kiptoo, MP       |                    |
| 13. Hon. Mpuru Aburi, MP         |                    |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Gladys Wanga, MP
3. Hon. Franklin Mithika Linturi, MP
4. Hon. Beatrice Nkatha Nyaga, MP
5. Hon. Dr. Susan Musyoka, MP
6. Hon. James Kanini Kega, MP
7. Hon. Sabina Chege, MP
8. Hon. Alice Ng'ang'a, MP
9. Hon. Dan Kazungu, MP
10. Hon. Dennitah Ghati, MP
11. Hon. Mohamed Elmi, MP
12. Hon. Rachel Nyamai, MP
13. Hon. Wanjiku Muhia, MP
14. Hon. Zipporah Kering, MP
15. Hon. Ayub Savula, MP
16. Hon. Daniel Maanzo, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant              |
| 2. Ms. Marale Sande      | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

### MINISTRY OF LABOUR

- |                    |   |
|--------------------|---|
| 1. Hon. S.K. Kambi | Cabinet Secretary, Ministry of Labour   |
| 2. Ali N. Ismail   | Principal Secretary, Ministry of Labour |
| 3. Mwakio Kigha    | Director, Social Development            |
| 4. S.T. Nyambari   | Commissioner, Labour                    |
| 5. Ahmed Hussein   | Director, Children Services             |
| 6. Joel N. Mwanzia | PA, Commissioner for Labour             |

### STATE DEPARTMENT OF AGRICULTURE

- |                           |                     |
|---------------------------|---------------------|
| 1. Mrs. Sicily K. Kariuki | Principal Secretary |
| 2. Dr. Johnson Irungu     | DA                  |
| 3. Timothy Ogwang         | PAO                 |
| 4. Esther Magambo         | SADA                |

### KENYA BUREAU OF STATISTICS (KEBS)

- |                           |                                  |
|---------------------------|----------------------------------|
| 1. Dennis N. Moturi       | Head of Metrology Department     |
| 2. Dr. Henry Kibet Rotich | Head of Research and Development |
| 3. Immaculate Oduor       | Manager, Quality Assurance       |
| 4. Joel M. Kioko          | Director, Mett. Testing          |
| 5. John W. Abongo         | DL                               |
| 6. Christopher Kibet      | Director, H R & Communication    |

### PRAYERS

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

### MIN 39/2013 ADOPTION OF THE AGENDA

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. **Cabinet Secretary, Ministry of Labour**
3. **Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries**
4. **Kenya Bureau of Standards**
5. Any Other Business
6. Adjournment

### MIN.40/2013 CABINET SECRETARY, MINISTRY OF LABOUR AND SOCIAL SERVICES

The cabinet Secretary confirmed to the committee that he visited Meru and Embu Counties between 14<sup>th</sup> and 15<sup>th</sup> August 2013 and that the visit was majorly to interact with major stakeholders, mainly farmers, business people, elected leaders, Provincial Administration, religious leaders, education officials, youths and women among others with a view to collecting relevant and actual information on the crop.

The Cabinet Secretary submitted the following as his Ministry's position to enquiries made by the committee:

**a) How Miraa has affected Children of School going age.**

The Committee heard that miraa farming, like tea, coffee, sugar and other cash-crops has led to a rise in the incidence of child labour in the two regions and further that the transition rate in Igembe is 56-58% which is an indicator of a huge drop-out rate in an area which reportedly records an annual turnover of over Kshs. 2 Billion.

It was observed that there is a need to initiate interventions to arrest the situation without compromising on the growth Sector.

**b) The impact of miraa ban on employment in the Country**

The Committee was informed that a ban will create direct and immediate unemployment in the two counties and the country as a whole, thus increasing poverty and crime among other social ills.

**c) How Miraa encourages Child Labour**

The Committee heard that there are reported cases of child labour as some children in miraa growing areas own miraa farms by virtue of succession and their participation on the farms and also in harvesting. Employers also find it easy to hire children because they are willing to accept low pay and work at odd hours like early morning and late evening after school.

The Ministry observed that there is need for concerted action between relevant Government agencies and stakeholders to address the problem in a holistic manner.

**d) How Gender issues have been affected by Miraa farming**

The Cabinet secretary observed that there is a challenge in the management of the steady flow of income to households which needs to be addressed through education of farmers in financial literacy and management and establishment of savings and cooperatives society among others. This is because family break ups owing to disagreement in sharing and use of the income have been reported.

**e) Effects of miraa farming to the country's internal and external social security**

The Committee was informed as follows;

- i. That miraa trade to some extent contributed to the rise of insecurity in the regions where it is grown. The buyers/brokers, who buy the product, have been known to sell hard drugs to sellers as well as guns thus contributing to increase of crime, drug abuse and general lawlessness.
- ii. That the addictive nature of the crop results in some consumers to engage in criminal activities and prostitution in order to acquire it.
- iii. Those drivers in the transportation of the product have been known to drive carelessly on the road, which has contributed to increasing road carnage.

- iv. That the Consumption of miraa, has a health risk and more resources will be used to take care of the resultant increase in health burden.
- v. That the ministry position is that while acknowledging the challenges, the solution is not to ban miraa but to regulate its farming and trade through legislation the way it has been done for other crops like Tobacco and cigarette smoking. A comprehensive legislation will promote its growth control and marketing.

**f) Social Economic Impacts of banning miraa in the country**

- i. That the positive impacts include increased school involvement and retention, improved academic performance of affected children, improved health, reduced crime and violence, exploration of alternative sources of income and family stability.
- ii. That among the Negative impacts are losses of income increased school dropout, increase in crime, neglect of children due to limited economic capacities, increase in street children and general increase in poverty levels more so in areas where miraa is the only source of income.
- iii. The impacts of the ban in other countries include loss of foreign exchange accrued from miraa which may result in to smuggle making the crop expensive in the foreign market hence resulting in Kenya likely to suffer punitive laws such as those that are applied against other drug substances.

**g) Kenyans Employed by the Miraa Trade**

The Cabinet Secretary presented the following figures;

Category	Number	Percentage
Farmers	5,793	0.83
General	23,172	3.35
Pickers/Harvesters	89,650	12.95
Middlemen	134,865	19.48
Small Retailers	124,730	40.58
Graders/Sorters	1 - 7,580	15.554
Loaders	2,567	0.37
Transporters	14,579	2.11
Drivers	19,158	2.77
Exporters	46	0.01
<b>Total</b>	<b>692,140</b>	<b>100</b>

**The Cabinet Secretary recommended the following:**

- I. Creation of awareness programs on the harmful effects of miraa on education, health and to the society
- II. Enactment of an appropriate legislation to regulate miraa
- III. Promote establishment of miraa cooperative societies and financing institutions

- IV. Advocate for alternative sources of income to diversify dependency on miraa
- V. Start role modeling and mentorship programs mainly to pupils and students in the miraa growing areas to encourage them to appreciate the value of education as a future investment.
- VI. Commission an independent research on miraa to inform proper policy formulation for management control and marketing of the product

**MIN 41/2013      CABINET SECRETARY, MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES**

The Cabinet Secretary was represented by the Principal Secretary of Agriculture, Mrs. Sicily K. Kariuki. She presented the apologies of the Cabinet Secretary to the committee and continued by making the following submissions:

**A. The Economic Value of Khat to the local farmers, traders and the Country**

The Principal Secretary informed the Committee as follows;

- i. that in the last five years, Kenya has exported miraa to other parts of the world at an average of 2,114,070 Kg Per year and this has earned the country foreign exchange of approximately Kshs. 2, 693, 894, 042.00 per year.
- ii. That miraa trade locally is not regulated however it is estimated that 1 tons of miraa is consumed locally at a cost of Kshs. 8,000 per Kg on a daily basis. This tonnage is distributed to retailers in major towns in the country.

**B. The effect of banning Miraa export by foreign countries to the local farmers, traders and the Country**

- The ministry submitted that over 500,000 people directly or indirectly benefit from miraa trade. These include farmers, harvesters, packers, loaders, wholesale and retail traders and transporters. The principal Secretary added that the County Council of Meru charges cess money on miraa which they use for development. It is estimated that 60% of Nyambene sub-county population depend directly on miraa for their livelihood.
- That the banning will result to a number of businesses along the value chain incurring huge losses thereby creating unemployment and reduction of the much needed foreign exchange from miraa export which in turn is used for National Development Projects.

**C. Why Miraa is not classified as a cash crop**

The Committee heard that miraa is not classified as cash crop due to uncertainty and ambiguity surrounding the legality of miraa production and the concerns being raised by the World Health Organization (WHO) and International Council on Alcohol and Addiction (ICAA) on the side effects

associated with miraa chewing. Further, Kenya enacted the Narcotic Drugs and Psychotropic Substances Act (1994) in which Cathinone and Cathine found in miraa are included in the list of psychotropic substances. Further the technical information on its cultivation is lacking and not much scientific research data has been done on miraa cultivation and its effects on human health.

**D. Is the ministry considering identifying miraa as a scheduled crop?**

The Principal Secretary presented a historical legal journey of miraa stating that before 1974, miraa export to other countries was controlled and regulated by Horticultural Development Authority (HCDA) which later permitted a company under the name East African Miraa Growers. This was later changed and even miraa removed from the scheduled crops under HCDA. In 1976, by a letter dated 14/08/1976, the permanent secretary, ministry of Agriculture removed miraa from export control and regulations by HCDA.

In conclusion, the principal secretary advised the committee that for miraa to be classified as a scheduled crop, it will require a review of various laws and concurrence of various stakeholders and institutions.

**E. Measures the Ministry is taking to address the challenges facing miraa as a crop in the country**

The Principal Secretary explained to the committee that since miraa is not a scheduled crop, the State Department of Agriculture is not involved in its promotion, production and marketing. However, the ministry advises affected farmers to diversify to other high value agricultural crops which it has capacity to promote and look for both local and international markets.

**F. Measures the Ministry is taking to ensure that Miraa is a protected crop**

The Principal Secretary said that at the moment the State Department of Agriculture is not undertaking any measures to protect miraa until various legislations are reviewed, harmonized and appropriate legislation put in place to regulate the production, processing and marketing of miraa.

**MIN 42/2013      MEETING THE CHIEF EXECUTIVE OFFICER, KENYA BUREAU OF STANDARDS**

Mr. Dennis N. Muturi, the acting Chief Executive Officer Kenya Bureau of Standards made the following submission to the committee;

**i. Classification:**

That based on scientific background, World Health Organization, (WHO) has classified miraa as a drug that can produce mild to moderate psychological dependence. He went further and informed the committee that the Pharmacy and Poisons Board (PPB) is the body that has the framework for registration and regulations of drugs.

ii. **Standardization:**

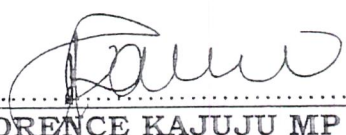
- That on standardization of cash crops by KEBS for local and international markets, KEBS provides for secretariat for developing standards of products and services. Miraa was recognized as a crop under the repealed *Agricultural Act, Cap 318* Laws of Kenya however the *Agriculture, Fisheries and Food Authority Act, 2013* is silent on Miraa.
- To facilitate trade and transcontinental business, KEBS uses international standards and can develop a code of practice on handling of miraa from the farm to the point of export. KEBS admitted that the fact that miraa lacks a legal framework makes it difficult to standardize.
- In conclusion, the acting CEO submitted that KEBS mandate is to develop standards of products, however in regards to drugs, PPB is the agency mandated to register and regulate drugs in the country. Due to the legal and environmental challenges, KEBS has not standardized miraa; however KEBS can develop a code of practice for handling miraa.
- Members challenged the team from KEBS of their opinion that miraa is a drug now that no research has proved that miraa is a drug. KEBS withdrew the opinion and informed the committee that they have samples of miraa which they are testing and shall be able to give their verdict when empirical research results are ready in one and half months.

**MIN 43/2013      ANY OTHER BUINESS**

The Committee proceeded to the Embu and Isiolo for a fact finding mission.

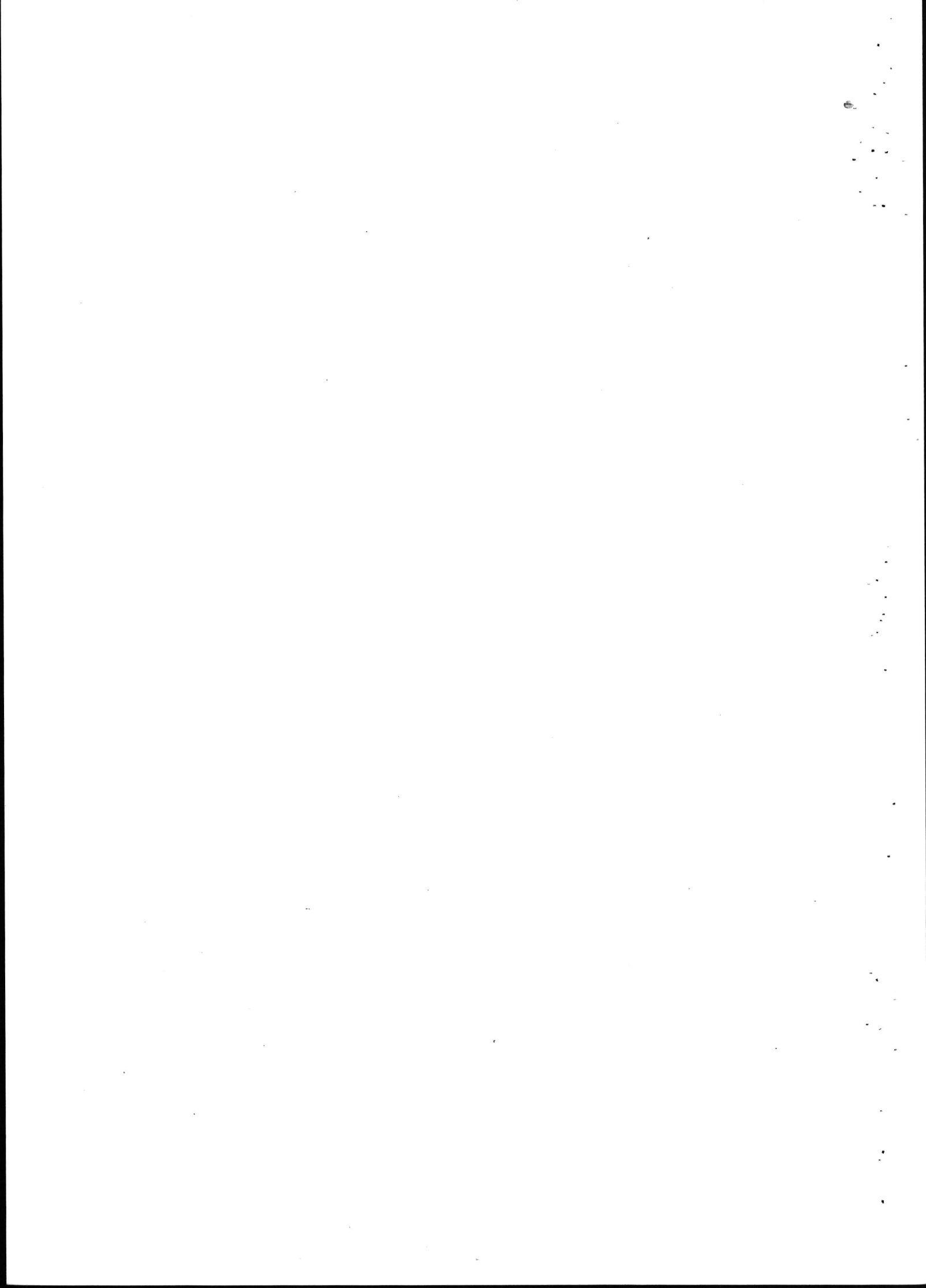
**MIN 44/2013      ADJOURNMENT**

And the time being ten minutes past four o'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP  
(CHAIRPERSON)**

Date.....  
19/9/2013



**MINUTES OF THE 10<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 21<sup>ST</sup> AUGUST 2013 IN MR JOHN KIRAGU WACHIRA'S MIRAA FARM, MBEERE AT 11:00 AM**

**PRESENT**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Muriuki Njagagua, MP         |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 6. Hon. Franklin Mithika Linturi, MP |   |                  |
| 7. Hon. Daniel Maanzo, MP            |   |                  |
| 8. Hon. Zipporah Kering, MP          |   |                  |
| 9. Hon. Kathuri Murungi,             |   |                  |
| 10. Hon. Beatrice Nkatha Nyaga, MP   |   |                  |
| 11. Hon. Joseph M'Eruaki, MP         |   |                  |
| 12. Hon. Mpuru Aburi, MP             |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Gladys Wanga, MP
3. Hon. Farah Abdulaziz, MP
4. Hon. Alfred Kiptoo, MP
5. Hon. Benson Mutura, MP
6. Hon. George Wanjohi, MP
7. Hon. Dr. Susan Musyoka, MP
8. Hon. James Kanini Kega, MP
9. Hon. Fatuma Ibrahim, MP
10. Hon. Sabina Chege, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Dan Kazungu. MP
13. Hon. Dennitah Ghati, MP
14. Hon. Mohamed Elmi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. Wanjiku Muhia, MP
17. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**MIN 45/2013      REASON FOR VISITING MIRAA FARM IN MBEERE**

The Vice Chair explained to witnesses why members visited Mr. John Kiragu Wachira's miraa farm stating that the Committee was out for a fact finding mission. Visiting the farm gave members of the committee an opportunity to learn more on miraa.

**MIN 46/2013      FINDINGS FROM MIRAA FARM**

Mr. John Kiragu Wachira's miraa who resigned from a teaching job which he had practiced for over 20 years owns 2.5 acres of miraa. He has had the farm since 2006 and supplies his miraa to Nairobi, Nyeri and Ukambani majorly.

- i. The farmer furthered told members that about 30% of his harvest is consumed locally in Embu and generally that miraa is a major income earner. The huge profits accrued from miraa business prompted him to resign from his teaching career. The farmer disclosed to members that he harvests 13 – 15 basins of miraa per day. Each basin costs Kshs 1,300 - 1,500 per basin. On a higher scale, the farmer makes 22,500 per day tax free.
- ii. On Employment creation, he has employed 8 people to assist in picking of miraa who he pays Kshs 150 per basin. The farmer informed members that he does not employ children as he is against child labour. However, he told members that one of his employees comes with her child to assist in miraa picking only during weekends when out of school. He has also other service providers who rely on him for service hire like transporters and parkers.
- iii. Concerning miraa as a substance of abuse, the farmer stated that miraa when consumed moderately has no side effects. He however confessed that too much consumption just like any other consumable product can result to side effects. He was also very categorical that if one mixes miraa with other substances like chewing gums, soda and alcohol, then the consumer is likely to be affected. The effects caused by mixing miraa with other substances are not as a result of chewing miraa but as a result of the substances mixed with miraa. The farmer disputed miraa affecting reproductive health in men since women in the region never complained and that instead more children are being born. Mr. Kiragu also said that he hardly sees children chew miraa. He informed members that only people about 20 years chew miraa.
- iv. The farmer informed members that as miraa farmers they have a SACCO which he is a member. The SACCO has been a great benefit for members in terms of providing credit and saving facilities.
- v. On other side effects, the farmer acknowledged fast driving of vehicles transporting miraa is a recipe for accidents. However, he was quick to link the fast dangerous driving with the perishable nature of the miraa, the urgency involved and competition for market.
- vi. The farmer disclosed to members that he uses fungicides and insecticides in his farm. Members expressed deep concern about observation of the pre-harvest period before miraa is picked for consumption. The farmer confirmed to members that he follows

instructions of pre-harvesting after spraying which is 7 days for fungicides and insecticides while it is 3 days for pesticides. The pre-harvest period is normally prescribed at in packages.

**MIN 47/2013      ANY OTHER BUINESS**

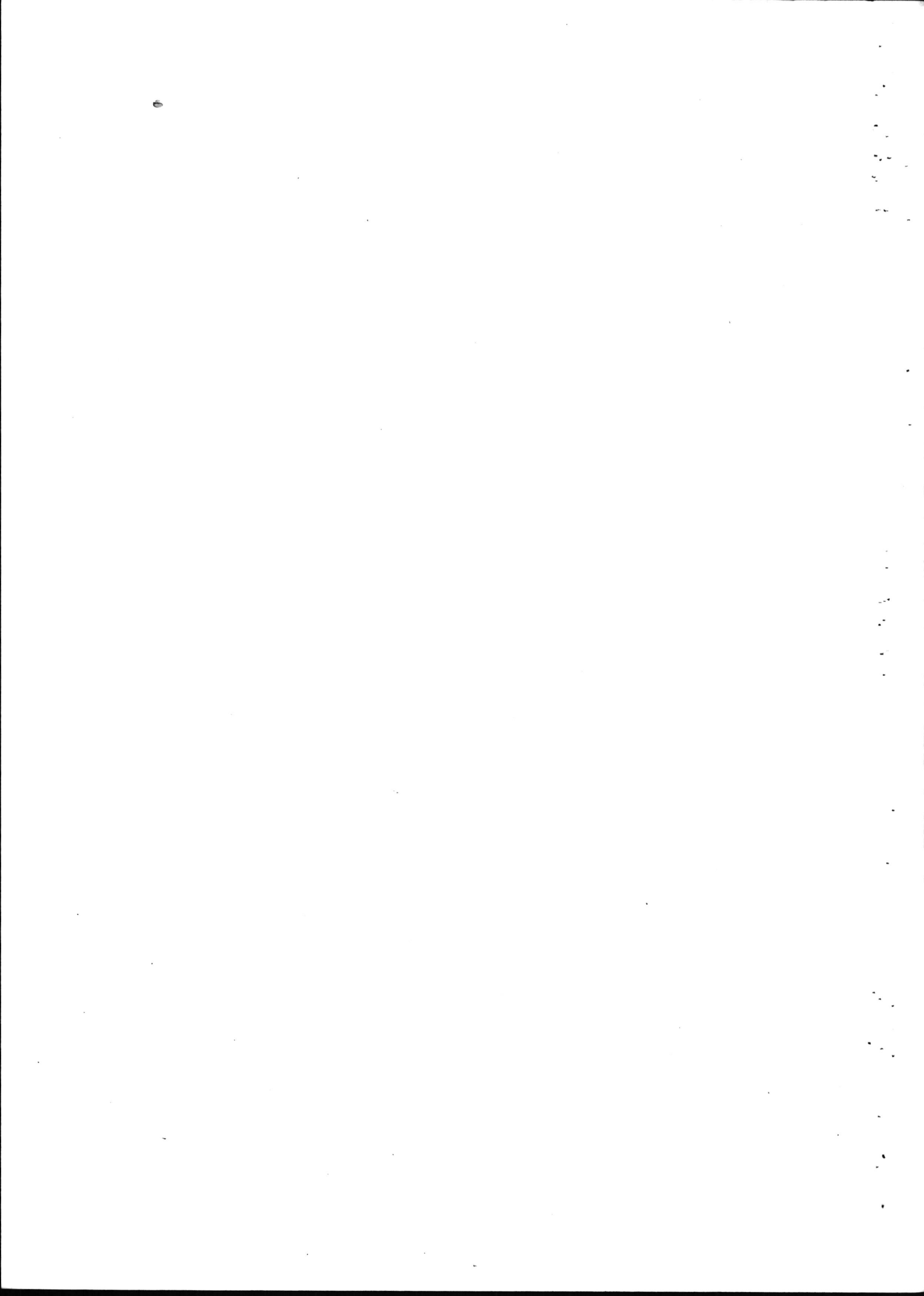
There arose no any other Business.

**MIN 48/2013      ADJOURNMENT**

And the time being ten minutes past noon O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....  
**FLORENCE KAJUJU MP**  
**(CHAIRPERSON)**

Date.....19/9/2013.....



**MINUTES OF THE 11<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 21<sup>ST</sup> AUGUST 2013 AT THE DEPUTY COUNTY COMMUSSIONER'S OFFICE - MBEERE SUB-COUNTY AT 12:00 NOON**

**PRESENT**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Muriuki Njagagua, MP         |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 6. Hon. Franklin Mithika Linturi, MP |   |                  |
| 7. Hon. Daniel Maanzo, MP            |   |                  |
| 8. Hon. Zipporah Kering, MP          |   |                  |
| 9. Hon. Kathuri Murungi,             |   |                  |
| 10. Hon. Beatrice Nkatha Nyaga, MP   |   |                  |
| 11. Hon. Joseph M'Eruaki, MP         |   |                  |
| 12. Hon. Mpuri Aburi, MP             |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Gladys Wanga, MP
3. Hon. Farah Abdulaziz, MP
4. Hon. Alfred Kiptoo, MP
5. Hon. Benson Mutura, MP
6. Hon. George Wanjohi, MP
7. Hon. Dr. Susan Musyoka, MP
8. Hon. James Kanini Kega, MP
9. Hon. Fatuma Ibrahim, MP
10. Hon. Sabina Chege, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Dan Kazungu. MP
13. Hon. Dennitah Ghati, MP
14. Hon. Mohamed Elmi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. Wanjiku Muhia, MP
17. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

## PRAYERS

Prayers were said by the Vice Chairperson, Hon. Philip Rotino.

## MIN 49/2013      MEETING WITH THE DEPUTY COUNTY COMMISSIONER -

### MBEERE SUB-COUNTY

The Deputy County Commissioner (DCC) informed members that in his sub county miraa is grown in six out of sixteen locations namely: Riandu, Nthawa, Gitiburi, Thura, Karambari and Muminji locations. He added that miraa farming is spreading fast to other locations.

- i. The DCC informed members that miraa farming is the most lucrative business in the sub county. Miraa also does well than any other horticultural crops like cotton and tobacco. It is even more profitable than livestock farming. He informed members that it is estimated that the miraa farming areas earn millions per day.
- ii. People who do miraa farming have seen a turnaround in the livelihoods due to increased income. This is evidenced by better housing and having children in expensive private schools. The business has also boosted other sectors like education, transport, bars and food outlet areas.

Despite the above positive contribution, the DCC brought to the attention of members the following negative effects of miraa farming:

1. Miraa is grown in the most productive areas thus reducing the acreage under food crops as well as grazing land. This makes the area an importer food crops.
2. Child labour, school dropout and exhaustion during class time of school going children who pluck miraa at night has been observed in the area.
3. Malnutrition of children under five has been noticed as a result of parents involved in miraa business lacking time to prepare proper meals for these small children.
4. Cash generated from miraa growing has attracted many investors who have established bars in the area. This has greatly contributed to abuse of alcohol. The cash has also attracted hard drug peddlers into those areas.
5. Social disputes and family breakdown have also been observed. The huge amounts of cash have led to social disputes and family break downs as a result of alcohol and drug abuse and poor financial management skills.
6. Low birth rate has also been recorded in miraa growing areas compared to other areas. Sometimes monthly returns show low birth rates, with deaths exceeding births.

### **The DCC suggested to the committee the following:**

- I. There is need to establish law that recognizes miraa as a crop so that farmers can be sensitized as it is done for other cash crops.
- II. There is need to construct markets where miraa can be sold. Most miraa selling is today done on the road sides.

- III. A training program for farmers should be establish to encompass how to engage in commercial farming, culture of saving and education on effects of chewing miraa.
- IV. A savings and credit facility should be established by empowering the existing Muguka Sacco to provide credit and banking services.
- V. A rehabilitation centre should be established to take care of those already affected by long term abuse of alcohol, miraa and other hard drugs.

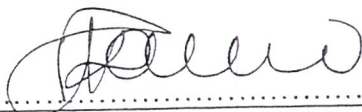
Members asked the DCC to share the Nutrition Survey with the committee. The DCC was farther informed that should need arise; he could be invited to Parliament.

**MIN 50/2013      ANY OTHER BUSINESS**

There rose no any other business.

**MIN 51/2013      ADJOURNMENT**

And the time being ten minutes past one O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP  
(CHAIRPERSON)**

Date.....19/9/2013



**MINUTES OF THE 12<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 21<sup>ST</sup> AUGUST 2013 AT THE DEPUTY COUNTY COMMUSSIONER'S BARAZA GROUNDS - MBEERE SUB-COUNTY AT 1:30 PM**

**PRESENT**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Muriuki Njagagua, MP         |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 6. Hon. Franklin Mithika Linturi, MP |   |                  |
| 7. Hon. Daniel Maanzo, MP            |   |                  |
| 8. Hon. Zipporah Kering, MP          |   |                  |
| 9. Hon. Kathuri Murungi,             |   |                  |
| 10. Hon. Beatrice Nkatha Nyaga, MP   |   |                  |
| 11. Hon. Joseph M'Eruaki, MP         |   |                  |
| 12. Hon. Mpuru Aburi, MP             |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Gladys Wanga, MP
3. Hon. Farah Abdulaziz, MP
4. Hon. Alfred Kiptoo, MP
5. Hon. Benson Mutura, MP
6. Hon. George Wanjohi, MP
7. Hon. Dr. Susan Musyoka, MP
8. Hon. James Kanini Kega, MP
9. Hon. Fatuma Ibrahim, MP
10. Hon. Sabina Chege, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Dan Kazungu. MP
13. Hon. Dennitah Ghati, MP
14. Hon. Mohamed Elmi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. Wanjiku Muhia, MP
17. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |   |                           |
|--------------------------|---|---------------------------|
| 1. Mr. James Ginono      | - | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | - | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by Rev. Crispus Nyaga.

**MIN. 52/2013 PUBLIC WITNESSES**

The following members of the public testified before the committee as follows:

### **1. Mr. Kiura Muregwa – Youth Representative**

The 24 year old young man outlined the benefits of miraa emphasizing its contribution in supporting education, facilitation of improved livelihoods and Agriculture.

- i. In education, students are currently proceeding to university even through parallel programs as a result of funds generated from miraa business. People in the area can currently afford school fees in private schools. He also said that better housing in the area is as a result of miraa money.
- ii. As a youth, he stated that the youth are currently engaged in miraa business and thus generating their own income. Youths have invested in *Boda Bodas* that has facilitated transport and created employment.
- iii. Mr. Kiura pleaded that miraa should be classified as a cash crop and create an Authority to look into the welfare of miraa farming.

### **2. Mrs. Alusia Njoka Njeru – Miraa Farmer**

The witnesses began by saying miraa is important in marriage formalization and added the following:

- i. Miraa farming income has enabled parents to educate their children in the mushrooming private schools in the miraa growing regions.
- ii. The income they earn has also enabled them to pay for their medical bills besides seeking better health services. She shared a bitter experience with members when her ID was held by one hospital simply because she would not clear her medical bills. Currently, she said, she is proud she can pay her bills comfortably because of miraa farming.
- iii. Mrs. Alusia also noted that ever since the residents of Mbeere started growing miraa, relief foods which were distributed to the area are no longer wanted as people can now buy their food comfortably from proceeds from miraa business.
- iv. She asked the government that instead of banning miraa, it should support miraa through seeking alternative markets, training farmers and provision of irrigation to miraa farming.
- v. Mrs. Alusia challenged young men who had not cleared on marriage formalization to take miraa to parents-in-law.

### **3. Mr. Samuel Njeru – Miraa Farmer**

- i. He told the committee that the people of Mbeere had tried growing cotton, tobacco and rearing bees but none of these did well compared to miraa. Mr. Njeru said he belongs to a Sacco of miraa which is empowering farmers with finance and general management skills on miraa farming and income management.
- ii. Mr. Njeru acknowledged that some farmers got overwhelmed with income from miraa and misused their money on alcohol. He advised that farmers should practice a saving culture.
- iii. According to Mr. Njeru, there is a brighter future for Mbeere because of miraa. He pleaded with government to search for miraa markets.
- iv.

### **4. Mr. Nathan Kariuki – Religious Leader**

- i. The local religious leader told the committee that Anglican Churches in miraa growing areas clear their parish allocations of up to Kshs. 800,000 well in advance because members of these churches earn enough money from miraa and thus are able to support the church.

- ii. He also informed members that the living standards of pastors in miraa growing areas are high indicating that this is a reflection of the living standards of their followers.
- iii. The Pastor said that miraa does not cause teeth decay neither does it have any other negative effects since no scientific proof has been established to confirm side effects.
- iv. He suggested that miraa farmers should get laptops to manage their farming with. Finally he invited local residents to attend an interdenominational prayer service for miraa organized by Hon. Njagagua Muriuki .

#### **5. Mr. Machaki Kanyenji - Plant Breeding and Genetic Expert**

Mr. Machaki is a retired employee of The Kenya Research Institute (KARI). He submitted to the committee that miraa has been since time immemorial and to the Mbeere community the plant is God Sent. He referred to Kiangombe hill which has a lot of indigenous significant plants to the Mbeere community and miraa is one of them.

- i. Mr. Machaki was surprised that whereas some countries like Yemen have dedicated their 40% of irrigation water to miraa farming, Kenya is not promoting miraa in any way. He farther stated that even the most recognizable health organization like WHO have found nothing majorly wrong with chewing miraa. He associated the current miraa ban with political influence since according to his findings, there is no scientific proof to warrant miraa ban. This is because the cathinone in Miraa breaks down very fast in about 30 minutes hence cannot cause dependence.
- ii. He informed the committee that it is unclear whether miraa causes tolerance, physical dependency, addiction or withdrawal but long term users have reported mild depression, nightmares and trembling after ceasing to chew miraa.
- iii. The Plant Breeding and Genetic Expert was however quick to recognize that miraa business has been infiltrated by vices and other hard drugs. He said that this was as a result of foreigners who in the process of buying miraa bring along other drugs. These drugs are the ones that have side effects and not miraa. On the contrary, Mr. Machaki approved the significant contribution of miraa farming in Mbeere in terms of huge economic income to the people and improved education standards facilitated by better many schools in the region and high school enrollment transition rates.
- iv. In terms of food, he told the committee that as a result of increased income from miraa business, the people of Mbeere can now afford quality food and no longer depend on relief foods.
- v. Health status of the people has greatly benefited from as affordability of services and drugs unavailable in government health centers are procured elsewhere irrespective of added cost. Mother/ child survival rate has greatly improved as number of mothers attending pre/post natal maternity services has increased as evident in available clinic attendant records.

The expert however advised that the current negative aspects of usage of miraa income need to be addressed in order to improve acceptability of the crop. He recommended the following:

- i. Training the miraa income earners on investing available cash and embracing a saving culture.
- ii. Social interventions to curb mismanagement of miraa income, miraa and other drugs abuse through community policing and creation of awareness.
- iii. Conduct a Kenyan initiated research on miraa since the previous researches have concentrated on miraa from Arabic Peninsula and Ethiopia. Kenyan miraa is yet to be researched on. The government can easily do this in collaboration with local universities.
- iv. He dismissed NACADA accusing it of taking a personal position with baseless findings.

**6. Mr. Francis N. Kimori - Chairman, Mbeere Muguuka SACCO Society Limited**

Mr. Kimori is a retired teacher and confessed to the committee that there is more money in miraa farming than teaching. The 55 year old told the committee that the miraa income was the main reason why he resigned as a teacher to concentrate on miraa farming.

As one of the founding members of the SACCO, he told the committee that the SACCO had helped in the following areas:

- i. Daily life needs through income from the Sacco e.g. feeding, clothing, health care, labour payments and social life skills. The chairman told the committee that miraa in the region earns them about Six Million Kshs Per day.
- ii. Investment/Development through savings and credits. Members are now able to educated their children, start family businesses etc.

The chairman told the committee that the SACCO was started 7 months ago but the rate of membership registration has tremendously increased meaning that Mbeere people want miraa trade organized.

He informed the committee that as a Sacco they had written to NACADA concerning the negative publicity that miraa had received lately and how a solution can be found.

The Sacco chairman also informed the committee that they had commissioned a survey on miraa support and 85% of respondents approved that miraa business should not be banned.

He acknowledged some elements of child labour but he said that that can be stopped immediately.

**7. David Njuki - Chairman, Mbeere Elders Council**

- i. The elders' chairman approved all the day's witnesses submissions. He told the committee that he is 83 years old and he has chewed miraa since 1945 up to now. His health is okay. For all those years, he has never been involved in crime as a result of chewing miraa.
- ii. On the issue of miraa affecting reproductive health, he told the committee he has 4 wives with whom he has fathered 24 children. He has educated all his children out of miraa money and never did he ask for *harambee* courtesy of miraa business.

**8. John Njiru Kithu & James Fundi Nyaga - Mavuria Ward Miraa Growers**

The above gave a written submission to the committee highlighting the following:

- i. Mavuria ward grows Muguuka type of miraa. They indicate that muguuka has no know side effects medically and socially.
- ii. Muguuka causes a stimulation which increases alertness, reduces hunger and fatigue. These desirable effects have led to the usage of miraa.
- iii. Miraa has contributed immensely to the growth of the Kenyan economy more so in areas where it is grown. This is seen through the foreign exchange, indirect tax job opportunities, improved education standards and improved living standards.
- iv. Miraa plants being trees have assisted in conserving the environment.
- v. The two cited that miraa trade challenges include negative believes that are founded on critics personal opinions, poor market trends and lack of support from government.
- vi. They recommended that miraa plant should be protected as a cultural and economic plant and that policies to mitigate any undesirable drawbacks should be put in place. Also, a thorough research should be commissioned on miraa to get an objective knowledge about the plant.

**MIN 53/2013      ANY OTHER BUSINESS**

There rose no any other business.

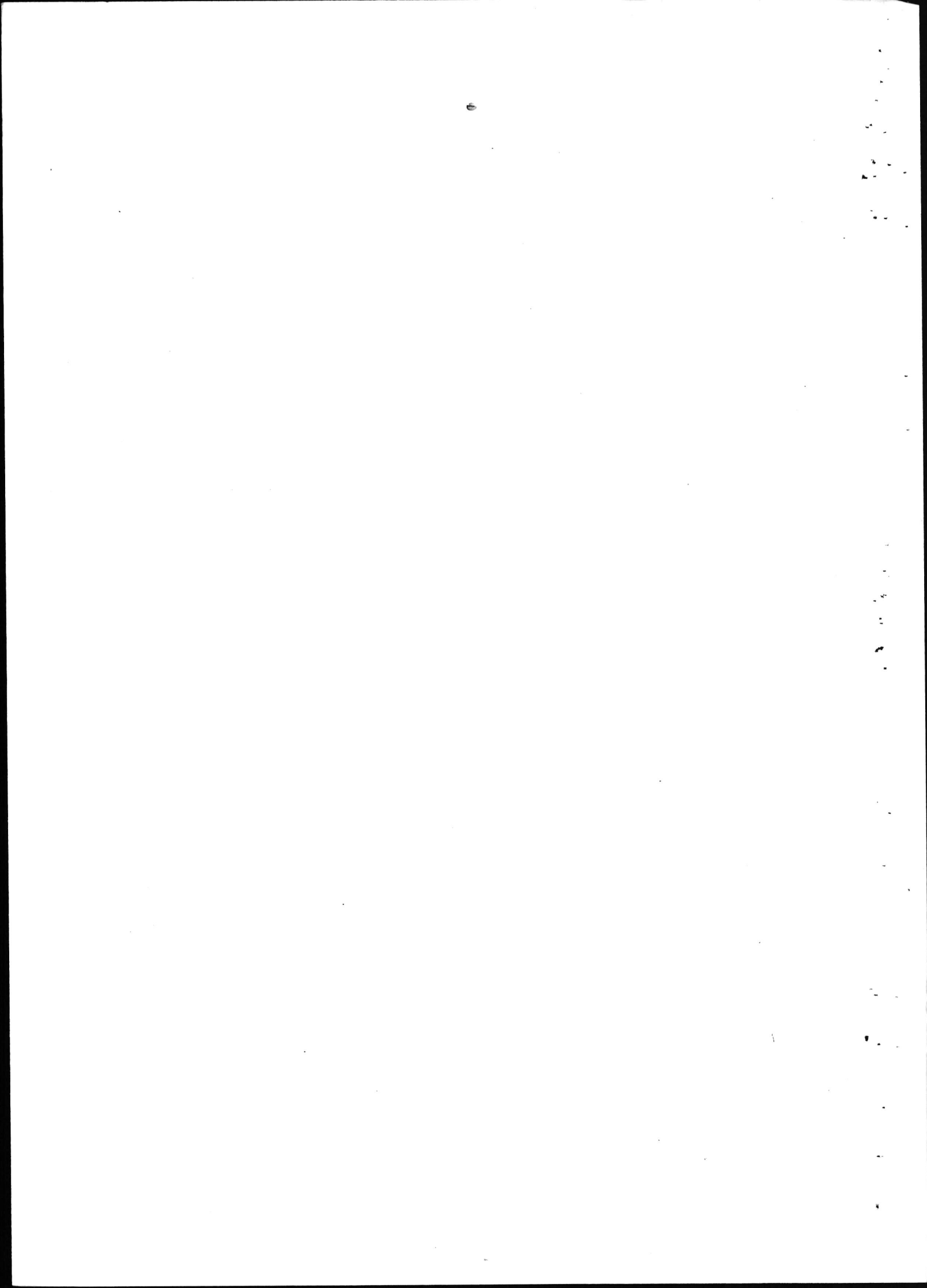
**MIN 54/2013      ADJOURNMENT**

And the time being ten minutes past four O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP**  
**(CHAIRPERSON)**

Date.....  
19/9/2013



**MINUTES OF THE 13<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 22<sup>ND</sup> AUGUST 2013 AT ISIOLO SOCIAL HALL AT 11:30 PM**

**PRESENT**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP            |   |                  |
| 4. Hon. Muriuki Njagagua, MP         |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 6. Hon. Franklin Mithika Linturi, MP |   |                  |
| 7. Hon. Daniel Maanzo, MP            |   |                  |
| 8. Hon. Zipporah Kering, MP          |   |                  |
| 9. Hon. Kathuri Murungi,             |   |                  |
| 10. Hon. Beatrice Nkatha Nyaga, MP   |   |                  |
| 11. Hon. Joseph M'Eruaki, MP         |   |                  |
| 12. Hon. Mpuru Aburi, MP             |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Gladys Wanga, MP
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4. Hon. Alfred Kiptoo, MP
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6. Hon. George Wanjohi, MP
7. Hon. Dr. Susan Musyoka, MP
8. Hon. James Kanini Kega, MP
9. Hon. Fatuma Ibrahim, MP
10. Hon. Sabina Chege, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Dan Kazungu, MP
13. Hon. Dennitah Ghati, MP
14. Hon. Mohamed Elmi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. Wanjiku Muhia, MP
17. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by a member of the public

**MIN 55/2013      ISIOLO WITNESSES**

The session saw the following witnesses testify before the committee; Traders and consumers, Religious leaders, Youth, Women and Local Leaders.

**1. John Thoiti Mugambi, Miraa Trader**

He told the committee that he has done miraa business in Isiolo town since 1997. It is with the income from miraa that he has seen his six children complete education, two of them University level. He told the committee that he does not believe that miraa has negative effects on human health since as a consumer he has suffered none.

**2. Abdi Hassan, Miraa Trader and Consumer**

He has eaten miraa since 1987 and traded miraa for a long time. He supports miraa since it is a major economic activity for Isiolo residents and him.

**3. Abdikadir Happi, Paralegal and Youth**

He informed the committee that he is a trainer and community transformer. He wondered why miraa is not classified as a cash crop and submitted to the committee that a research should be done on the following aspects:

- i. The contribution of miraa to the economy
- ii. Why the ban is actually being advocated for especially by NACADA
- iii. Consequences of the ban
- iv. Alternative economic activity that can replace miraa

**4. Stanley Kubai – Miraa Trader**

He has lived in Isiolo town for 10 years selling miraa. Miraa has helped him educate his children up to university. He has chewed miraa for long and he has suffered no illness out of miraa chewing. He pleaded with leaders not to relent in supporting miraa business saying miraa is not a substance of dependence.

**5. Rosemary Itabari – Miraa Trader**

She supports miraa saying it is good. She confessed that her family totally relies on miraa business. To her, miraa farming promotes unity among communities involved i.e. Meru, Somali and Borana. She appealed to leaders not to ban miraa.

**6. Mohamed Abdikadir – Religious Leader**

The religious leader said that miraa does more harm than good. He gave submitted that miraa should be banned immediately globally because:

- i. In the Muslim faith, anything which causes harm to health, loses to property, corrupts the mind is forbidden and prohibited and miraa is among these.
- ii. Miraa is an intoxicant and medically any intoxicant is harmful to health so its banning is long overdue.
- iii. Economically, in Isiolo County there are no returns from the purchase of miraa but mass losses of millions of shillings which would have

otherwise been utilized in a lawful and proper investment of good returns. To him, miraa is a waste of their economic resources.

- iv. Miraa chewing leads to impotence and this is why they say the ban is long overdue.
- v. Miraa chewing leads to social evils in the society like adultery, prostitution, gambling etc.
- vi. Miraa corrupts the minds of chewers.
- vii. Miraa causes tooth decay and goes away with the teeth of its chewers and this is a serious health problem.
- viii. Miraa has led to breakdown of families and marriages
- ix. Miraa has destructed and ruined life of youths because of the addiction and rendered them useless leading them to social evils like stealing among others.

Because of the said logical reasons according to them, they are asking the government both at county and National levels to declare miraa a disaster and ban the sale, purchase, usage of miraa immediately.

#### **7. Sheikh Salatt Jillo – Religious Leader**

Emphasized that before anything else, one is a Muslim and as far as Shariah law is concerned, miraa is bad to human health hence bad. He told the committee that miraa has affected the youth and destabilized families. He told the committee that miraa is not even grown in Isiolo.

#### **8. Samuel Kairi – Miraa Consumer**

- i. He informed the committee that he has consumed miraa for 20 years and no health issues have come up as a result of miraa chewing. He said people who trade in miraa have been mistaken to be an unlearned lot but that is not the case since these are well educated youths who have found something to do amidst unemployment challenge.
- ii. He condemned NACADA for joking with the economics and culture of the Meru community and urged leaders to cease from politicizing the miraa issue.
- iii. He said miraa should be legal since more harmful substances like smoking and alcohol are allowed in the country. Miraa is in the same category as tea, coffee and Tobacco.

#### **9. Mama Qabale – Miraa Trader**

She submitted orally that her livelihood depends on Miraa. Her children entirely relied on her miraa business for their education and growth. To her knowledge, miraa is not a drug.

#### **10. Elijah Mugambi – Miraa Trader**

- i. He acknowledged that the task bestowed upon the committee is huge but he believes in the committee. He submitted that miraa business makes quick money hence helpful. He said that he knows how poor people rely on miraa thus if it is banned it shall affect the poor immensely.
- ii. Mr. Mugambi informed the committee that miraa chewing brings the 'think big attitude' from its stimulation thus makes person feel good.

iii. He told the committee that NACADA was playing partisan regarding miraa since it has approved other substances like cigarettes.

**11. Mr. Mwendwa Nteere – Miraa Trader**

- i. He begun by condemning NACADA for its role in negative publicity of miraa saying the stated facts are baseless and not derived from any research.
- ii. He said miraa causes a stimulation that is not harmful. He gave his scenario of 30 years of chewing miraa, and his health is okay. He is a married man with children.

**12. Juma Ali – Local Leader**

- i. He is a teacher by profession and formerly chewed miraa for 1/3 of his life. He began by faulting the committee on playing partisan on the miraa issue. He told the committee to give a fair hearing to people of contrary opinion that miraa is bad.
- ii. Mr. Juma informed the committee the reasn why he quit chewing miraa is because of its effects. Firstly, it is expensive to get miraa daily with people spending up to Kshs 5000 per day. Most people are poor therefore end up wasting money on miraa rather than more priority items.
- iii. He informed the committee that miraa is made even more expensive by the fact that on chewing miraa, one feels also to take tea, milk, soda, sugar, tobacco etc.
- iv. Miraa chewing especially among the youths encourages laziness as these youth spend more time chewing than working.

**13. Benjamin John Lopetet, MCA, Isiolo County**

- i. He said miraa has greatly contributed to employment in the area. He feared that the move to ban miraa will affect negatively the huge number of people engaged in the business in Isiolo County.
- ii. He guided the committee that Isiolo County depends on Miraa and that 98% of employment in Isiolo County is miraa related.
- iii. He cautioned the government to prepare to give people alternative sources of income if the ban is carried.

**MIN 56/2013      ANY OTHER BUSINESS**

There rose no any other business.

**MIN 57/2013      ADJOURNMENT**

And the time being ten minutes past two O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP**

**(CHAIRPERSON)**

Date.....19/9/2013

**MINUTES OF THE 14<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 2<sup>ND</sup> SEPTEMBER 2013 IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR CONTINENTAL HOUSE AT 11:00 AM**

**PRESENT**

1. Hon. Florence Kajuju, MP - Chairperson
2. Hon. Philip Rotino, MP - Vice Chairperson
3. Hon. Gladys Wanga, MP
4. Hon. Jimmy Angwenyi, MP
5. Hon. Cyprian Kubairingo, MP
6. Hon. Joseph M'Eruaki, MP
7. Hon. Tiyah Galgalo, MP
8. Hon. Muriuki Njagagua, MP
9. Hon. Farah Abdulaziz, MP
10. Hon. Kathuri Murungi, MP
11. Hon. Fatuma Ibrahim, MP
12. Hon. Dr. Susan Musyoka, MP
13. Hon. Benson Mutura, MP
14. Hon. Sabina Chege, MP
15. Hon. Dennitah Ghata, MP
16. Hon. George Wanjohi, MP
17. Hon. Daniel Maanzo, MP

**ABSENT WITH APOLOGY**

1. Hon. Alfred Kiptoo, MP
2. Hon. Mpuru Aburi, MP
3. Hon. Franklin Mithika Linturi, MP
4. Hon. Beatrice Nkatha Nyaga, MP
5. Hon. James Kanini Kega, MP
6. Hon. Alice Ng'ang'a, MP
7. Hon. Dan Kazungu, MP
8. Hon. Mohamed Elmi, MP
9. Hon. Rachel Nyamai, MP
10. Hon. Wanjiku Muhia, MP
11. Hon. Zipporah Kering, MP
12. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Ms. Sunday maraqlle   | Snr Research Assistant    |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

## MINISTRY OF EDUCATION

1. Prof. Jacob Thurania Kaimenyi C.S Ministry of education Science and Technology
2. Dr. Berio Kipsang, Principal Secretary, Education
3. Dr. George Ombakho, Director Research Management
4. H.S Abdi, SDDE (Basic)
5. John O. Opiyo, Director, Quality Assurance, Ministry of Education
6. Mariko Chepkonga, Under Secretary, Ministry of Education

## PRAYER

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

## MIN.58/2013 ADOPTION OF THE AGENDA

The agenda was adopted as below:

1. Preliminaries
2. **Cabinet Secretary for EAC Affairs, Commerce and Tourism**
3. **Cabinet Secretary, Ministry of Education, Science and Technology**
4. Any Other Business
5. Adjournment

## MIN.59/2013 CABINET SECRETARY, EAC AFFAIRS, COMMERCE AND TOURISM

The Committee was informed that the Cabinet Secretary had sent her apology for absence; thereupon the Committee agreed to reschedule the Meeting by Seven days.

## MIN.60/2013 CABINET SECRETARY, MINISTRY OF EDUCATION

The ministry officials were appearing before the committee for the second time having come on 6<sup>th</sup> August 2013 led by the Cabinet Secretary Prof. Kaimenyi. The Ministry of Education, Science Technology officials informed the Committee as follows;

### a) **International Concerns.**

That as early as 1935, the League of Nations developed technical reports on the use of khat and labeled it as a dangerous drug. In 1971, the United Nations Commission on Narcotic Drugs began investigating khat and this led to the isolation of the active ingredient in the leaves. Cathinone, as it came to be named, is an alkaloid chemically similar to amphetamine. Appreciable amounts are found only in young leaves. As the leaves age, Cathinone is converted to cathine, a compound with less amphetamine-like properties. Shortly after its discovery, cathinone was synthesized in the laboratory and the World Health Organization sponsored research investigating its pharmacological characteristics. The results indicated that its psychoactive effects on animals correspond to those of amphetamine.

### b) **Production of Miraa.**

That in Kenya, miraa is widely cultivated in Nyambene Hills region. Miraa cultivation requires less water than sorghum and coffee.

**c) The Miraa Value Chain.**

That the export trade has fostered an entire processing industry, since the khat shoots have to be sorted, wrapped into banana leaves, tied with string and packaged in sacks in Maua and driven at great speed to Nairobi. In Nairobi, the miraa is rushed to a workshop where they are repackaged in ventilated boxes suitable for the export of the perishable vegetables.

**d) Medical Effects.**

**i. Psychological and Neuropsychiatric**

That when Khat is chewed, cathinone is gradually released and absorbed into the bloodstream through the mouth and cheek tissues. The reported immediate effects, which last for several hours, include the softening of one's temper, increased gregariousness and sexual appetite. Studies associate khat with users with the occurrence of anxiety and depression. Other effect by studies include hypomania, aggressive behavior, sense of wellbeing, euphoria, excitement, increased energy levels, increased alertness, increased ability to concentrate,, improved self-esteem and increased libido. There is also enhanced imaginative ability and capacity to associate ideas, improvement in the ability to communicate and subjective improvement in work performance. When chewing ceases, unpleasant after - effects such as insomnia, numbness, lack of concentration and low mood tend to dominate the experience.

**ii. Periodontal Status**

Studies have yielded incongruous results. Dental Examination results revealed a low caries rate and generally better oral hygiene status of chewers. Another research proved bad periodontal status, which was considered to be a due to higher khat consumption. Frequent prolonged khat chewing has been described to cause stomatitis, pain at the site of chewing, stress and straining on teeth. Other studies have shown that use of khat with tobacco is reported to impact oral general health.

**iii. Cardiovascular System**

That the Principal alleged dangers are cardiovascular disease and mental illness, which are thought to be dangers posed by chronic khat chewing. However, some of these potential negative effects of khat chewing seem inconclusive, particularly the link to cardiovascular disease. Cardiovascular effects of khat chewing in humans include elevated blood pressure and heart rate. There is evidence that khat chewing carries a potential cardiovascular risk in patients with hypertension and heart disease.

**iv. Gastrointestinal System**

That the constipation is the most common gastrointestinal symptom which is accompanied by hemorrhoids. Studies report significant association between the habit of khat chewing and the development of haemorrhoidal disease. Some patients with X-ray proven ulcers reported that khat decreased ulcer pain.

Despite the active ingredients in the leaves, the chewing and the resultant secretion of saliva may decrease the acidity of the gastric contents.

**v. Reproductive System**

That the epidemiological data show that at birth the mean weight of full-term single infants born to mothers who chew khat habitually or occasionally, are below average. A study on pregnancy outcome showed significantly increased incidence of infants with low birth weight (LBW) born to women who chewed khat during pregnancy. There have been reports of pregnant patients developing chest pains and hypertension following khat-chewing.

**The Cabinet secretary concluded by stating that;**

As with alcohol use in many countries, khat use can be considered as a part of a lifestyle in some specific countries, covering the spectrum from beneficial to non-problematic use, problematic use to dependence. Khat dependence is associated with increased morbidity societal economic costs. It is recommended that relevant institutions of higher learning and research be supported to carry out farther studies to investigate social and health effects of frequent khat use, the quantity of the substance used, harmful use and dependence.

Members felt satisfied with the Cabinet Secretary presentation terming it informative

**MIN 61/2013      ANY OTHER BUSINESS**

There rose no any other business.

**MIN 62/2013      ADJOURNMENT**

And the time being ten minutes past one O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**FLORENCE KAJUJU MP  
(CHAIRPERSON)**

Date.....

**MINUTES OF THE 15<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 16<sup>th</sup> SEPTEMBER 2013 IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR CONTINENTAL HOUSE AT 10:30AM**

**PRESENT**

- |                                  |   |                  |
|----------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP      | - | Chairperson      |
| 2. Hon. Philip Rotino, MP        | - | Vice Chairperson |
| 3. Hon. Muriuki Njagagua, MP     |   |                  |
| 4. Hon. James Kanini Kega, MP    |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP |   |                  |
| 6. Hon. Joseph M'Eruaki, MP      |   |                  |
| 7. Hon. Jimmy Angwenyi, MP       |   |                  |
| 8. Hon. Kathuri Murungi, MP      |   |                  |
| 9. Hon. Dennitah Ghati, MP       |   |                  |
| 10. Hon. Benson Mutura, MP       |   |                  |
| 11. Hon. George Wanjohi, MP      |   |                  |
| 12. Hon. Fatuma Ibrahim, MP      |   |                  |
| 13. Hon. Dr. Susan Musyoka, MP   |   |                  |
| 14. Hon. Mpuru Aburi, MP         |   |                  |
| 15. Hon. Dan Kazungu, MP         |   |                  |
| 16. Hon. Tiyah Galgalo, MP       |   |                  |
| 17. Hon. Daniel Maanzo, MP       |   |                  |
| 18. Hon. Farah Abdulaziz, MP     |   |                  |
| 19. Hon. Sabina Chege, MP        |   |                  |
| 20. Hon. Alfred Kiptoo, MP       |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Franklin Mithika Linturi, MP
2. Hon. Zipporah Kering, MP
3. Hon. Rachel Nyamai, MP
4. Hon. Gladys Wanga, MP
5. Hon. Beatrice Nkatha Nyaga, MP
6. Hon. Alice Ng'ang'a, MP
7. Hon. Mohamed Elmi, MP
8. Hon. Wanjiku Muhia, MP
9. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginonó      | First Clerk Assistant              |
| 2. Ms Marale Sande       | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

**MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

- |                               |  |
|-------------------------------|--|
| 1. Dr. (Eng.) Karanja Kibicho | Principal Secretary                      |
| 2. Amb. Robert M. Ngesu       | Political Diplomatic Secretary           |
| 3. Amb. Eliphias M. Barine    | Director, Parliamentary & County Affairs |
| 4. Moi Lemoshiva              | Asst. Director                           |

**MIN 63/2013      ADOPTION OF THE AGENDA**

The agenda was adopted as follows:

1. **Cabinet Secretary, Ministry Foreign Affairs and Trade**
2. Any Other Business
3. Adjournment

**MIN 64/2013      CABINET SECRETARY, MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

The Cabinet Secretary was represented by her Principal Secretary, Dr. Kibicho Karanja. The Principal Secretary Submitted as follows:

- i. The Ministry acknowledges that Miraa is produced in Kenya for local consumption and export. The Principal Secretary farther cited a NACADA report which states that only 3.9% of total production is consumed locally. This establishes the crop as a major export thus earning the country the much needed foreign exchange.
- ii. On side effects, the Principal Secretary referred to NACADA which holds that long term use can precipitate negative impact on liver function, permanent tooth darkening, and susceptibility to ulcers and diminished sex drive.
- iii. The principal Secretary explained the recent developments on khat in United Kingdom. He submitted it was a political promise by the current regime and research had been commissioned by ACMD in Parliament and the greater London Authority. The Kenya High Commission in London made presentations to two committees with regard to acreage under khat production; the estimated jobs it directly and indirectly provides and the price per Kilogram on the open market.
- iv. The ACMD recommended that the status is not changed and is not controlled under the Misuse of Drugs Act 1971
- v. However, on 3<sup>rd</sup> July 2013, the British Home Secretary Theresa May announced that khat was banned designating it a Class C substance under the Misuse of Drugs Act 1971. She said that "there are broader factors for the government to consider in making its decision. The decision to bring khat under control is finely balanced and takes into account the expert scientific advice and these broader concerns"
- vi. The Principal Secretary offered the following responses to questions asked by the Committee:

**Reason behind the ban of khat by foreign Governments**

1. In Netherlands, the reason given was that consumption of miraa was injurious to harmonious co-existence of communities in that country. There had been a number of miraa traders' fights prior to the ban.
2. Concern is also raised over cathinone's potential abuse as an amphetamine-like drug which led to WHO Expert report recommending it

to the UN Convention on Psychotropic Substances in 1988 which led to adding miraa as a schedule 1 substance.

3. Importers and traders in khat are largely unregistered businesses who do not maintain bank accounts and therefore concealing the proceeds from products. Besides, most of the payments are remitted via the informal Hawalla System instead of the existing formal payment methods. This raises fears that the proceeds were not getting to the farmers but instead financing illegal activities.

#### **Measures the Ministry has taken to intervene on the recent ban of khat**

The ministry has sought through the Kenya Mission in London to establish the actual cost price for miraa at source and secondly where possible the consignment costs. This is to enable the British Revenue and Customs officials determine the right VAT derived from miraa. The Tax Authority uses the selling price instead of the cost price. This figure could assist in setting the base for the tax authority to levy a tax which was fair enough and therefore not deter the consumption of the product of the product and therefore effect exports

#### **List of Kenyans trading in khat in the countries miraa has been banned**

- i. The ministry reported that unfortunately the trade in miraa is not regulated and business is run on unwritten rules. Most of the farmers have no direct export link and basically sell their produce in open markets or rely on brokers. What emerges is that the export is commonly dominated by people of Somali origin who have links in Europe and other Western Countries.
- ii. The ministry informed that Nyambene Miraa Trader s Association seems the most renowned export association and is represented by Sakijo International Marketing Solutions.

#### **Diplomatic Implications of the miraa ban between Kenya and the countries that have banned miraa.**

The Principal Secretary told the Committee that besides obvious economic losses Kenyan farmers have suffered because of the ban and the impact on the Kenyan Economy, there are no diplomatic implications that have resulted from the ban of miraa.

#### **Miraa Business and Kenya's external security**

The committee was informed that miraa business and farming does not affect Kenya's security as miraa is legal in Kenya. However, its growth and export does foster an illegal underground market as such has the potential to pose a threat to Kenya's security.

#### **The Ministry's efforts to seek alternative external market for khat**

The ministry is in a position to source for alternative market for khat especially in the Arab world where miraa is allowed. However, the Principal Secretary advised that there is need to harmonize the national position on the substance given that NACADA has already labeled khat a drug and thus address the negative image associated with miraa.

**Whether Miraa from Kenya has failed international Standards;**

The Ministry informed the Committee that miraa did not fail to comply with any international quality standards. This is because miraa has been cleared by the Kenya Plant Health Inspectorate Services (KEPHIS) as well as Horticulture Crops Development Authority (HCDA) and there have been no rejections whatsoever at the designated ports of entry.

The Principal Officer brought to the attention of the committee that apart from the media reports in Nairobi, the Kenya High Commission in London has not been officially informed about the ban of miraa in the UK or the reasons for it and is awaiting communication on the same.

*Members asked the minister to facilitate Visas for the planned trips to Yemen, Djibouti, Netherlands and United Kingdom. The Principal Secretary promised members to accord Members necessary support and organize even for meetings with relevant offices abroad.*

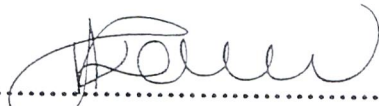
**MIN. 65/2013      ANY OTHER BUSINESS**

There arose no any other business.

**MIN. 66/2013      ADJOURNMENT**

And the time being ten minutes past five O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....



HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

Date.....

3rd / Oct / 2013

**MINUTES OF THE 16<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 16<sup>TH</sup> SEPTEMBER 2013 IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR CONTINENTAL HOUSE AT 2:30 PM**

**PRESENT**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP       | - Chairperson      |
| 2. Hon. Philip Rotino, MP         | - Vice Chairperson |
| 3. Hon. Muriuki Njagagua, MP      |                    |
| 4. Hon. Joseph M'Eruaki, MP       |                    |
| 5. Hon. Jimmy Angwenyi, MP        |                    |
| 6. Hon. Kathuri Murungi, MP       |                    |
| 7. Hon. Dennitah Ghati, MP        |                    |
| 8. Hon. Benson Mutura, MP         |                    |
| 9. Hon. Fatuma Ibrahim, MP        |                    |
| 10. Hon. Cyprian Kubai Iringo, MP |                    |
| 11. Hon. George Wanjohi, MP       |                    |
| 12. Hon. Sabina Chege, MP         |                    |
| 13. Hon. Daniel Maanzo, MP        |                    |
| 14. Hon. Farah Abdulaziz, MP      |                    |
| 15. Hon. Alfred Kiptoo, MP        |                    |

**ABSENT WITH APOLOGY**

1. Hon. Franklin Mithika Linturi, MP
2. Hon. Tiyah Galgalo, MP
3. Hon. Zipporah Kering, MP
4. Hon. James Kanini Kega, MP
5. Hon. Rachel Nyamai, MP
6. Hon. Dr. Susan Musyoka, MP
7. Hon. Mpuru Aburi, MP
8. Hon. Gladys Wanga, MP
9. Hon. Beatrice Nkatha Nyaga, MP
10. Hon. Alice Ng'ang'a, MP
11. Hon. Dan Kazungu. MP
12. Hon. Mohamed Elmi, MP
13. Hon. Wanjiku Muhia, MP
14. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Ms Marale Sande       | Senior Research           |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**MINISTRY OF EAST AFRICAN AFFAIRS, COMMERCE & TOURISM**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Ms. Phyllis Kandie    | Cabinet Secretary         |
| 2. Dr. Ibrahim Mohamed - | Principal Secretary       |
| 3. Joseph Kasure         | SAD/Trade                 |
| 4. Geoffrey Kimani       | PA to Principal Secretary |
| 5. Esther Chemurimo      |                           |

## MINISTRY OF PLANNING AND DEVOLUTION

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Eng. Peter Mangiti | Principal Secretary, Planning |
| 2. Dr. John Omiti     | ED/KIPPRA                     |

### PRAYERS

Prayers were said by the Vice Chair, Hon. Philip Rotino

### MIN 67/2013 ADOPTION OF THE AGENDA

The agenda was adopted as below:

1. Meeting the Cabinet Secretary, Ministry of Devolution and Planning
2. Meeting the Cabinet Secretary, Ministry of East African Affairs, Commerce and Tourism
3. Any Other Business
4. Adjournment

### MIN 68/2013 MEETING THE CABINET SECRETARY, MINISTRY OF DEVOLUTION AND PLANNING

The Cabinet Secretary was represented by the Principal Secretary, Planning, Eng. Peter Mangiti. The Principal Secretary submitted as follows:

#### **How income from miraa has contributed to Planning,**

Domestically, trading in miraa is mainly an informal sector activity and as such, statistics on taxes collected by the government are not available.

#### **Why miraa trading is not official**

- i. Miraa trading might not be explicitly formally legalized but its trade in the country is carried out the same way as that of any agricultural commodity. This implies legality and outside of any specific legal ban, miraa is considered legal in Kenya.
- ii. In international trade, export of miraa is done by legally established firms and statistics on the value and quantities are well captured by the Kenya Revenue Authority and classified in Harmonized System Code.

#### **Social-economic of banning miraa**

- i. Loss of income for miraa farmers
- ii. Loss of business for miraa traders (Middlemen, miraa retailers, transporters and exporters)
- iii. Loss employment
- iv. Low enrollment rates in secondary schools arising from lack of financial resources to pay school fees
- v. Low foreign earnings to the country
- vi. Increased Poverty level in miraa growing regions

To quantitatively assess the socio-economic impact of miraa farming, the Ministry has commissioned the Kenya Institute for Public Policy Research and Analysis (KIPPRA) to carry out an in-depth study on the Socio-Economic Impacts of Miraa Industry in Kenya. The study will take 4 Months from September 2013 and the findings will be shared with parliament.

### **Social Cultural Impacts of the Miraa Ban**

Miraa in some cases is used as a sign of wealth in payment of bride price in the Ameru Community and as such cannot be said to experience the same stigmatization as currently being experienced at international level. It is used even for barter purposes in various communities as a means of exchange.

### **Any other information to share with the Committee**

- 1) Based on the 2005/06 Kenya Integrated Household Survey, the current domestic consumption of miraa is valued to well over Ksh 1 Billion. It is estimated that the crop contributes close to 2% of the agriculture GDP. Its contribution to the agriculture GDP is high relation to its output because its cultivation requires minimum inputs unlike many other crops.
- 2) Revenue earned from exporting miraa also helps the country in increasing the foreign earnings and therefore improving the country's balance of payment position. Statistics for 2009 to 2011 show that export of miraa contributed about 1.5% of the total domestic exports. In this regard, miraa export contributes in stabilizing the Kenyan Shilling and by extension stabilizing exogenously induced inflation.
- 3) Domestic consumption of miraa is another indirect benefit, though hard to quantify separately, that the country gets especially in terms of employment creation.
- 4) If the various contributions of miraa activities are put all together, it can be seen as an important economic activity not only to miraa growing regions but countrywide.

The Committee further heard that KIPPRA had been commissioned to carry out a comprehensive research on the subject matter and the Ministry had shared with the Institute the terms of references and that the report from the institute is expected in one Month's time.

### **MIN 69/2013      MEETING THE CABINET SECRETARY FOR EAST AFRICAN AFFAIRS, COMMERCE AND TOURISM**

The Cabinet Secretary, Mrs. Phyllis Kandie, appeared before the committee in person and submitted as follows:

- i. The British Government has shown the intention of banning miraa after the Dutch Government banned miraa in its country.
- ii. Miraa is used by 90,000 members of the East African and Yemen communities in the UK, mainly Somalis.
- iii. Exports to the UK account for around 15% of the total production in Meru alone, worth an estimated \$7.5Million annually.
- iv. A study conducted by THE Advisory Council on Misuse of Drugs (ACMD) 2012 reported that there was little evidence of khat leading to medical problems and ridiculed suggestions that its supply is linked to terrorist groups.
- v. Despite this advice of the ACMD, Theresa May, the Home Secretary, defied the advice of her own advisers on drugs and announced that khat would be made a Class C drug.

- vi. The Cabinet Secretary gave the chemical composition of miraa citing *Cathinone* as the active constituent. She farther informed the committee that *Cathinone* has analogous mechanisms of action with pharmacological properties that are reminiscent of those induced by **amphetamine**. The World Health Organization not only considers the wide spread habit of miraa chewing as pharmacologically equivalent to amphetamine abuse, but it has also included *Cathinone* in its list of controlled drugs.
- vii. On Health effects, the Cabinet Secretary stated that chewing induces a euphoria and elation with feelings of increased alertness and arousal. This is followed by a stage of vivid loquacity and an excited mood. Thinking is characterized by a flight of ideas but without the ability to concentrate. However, at the end of a miraa session, the user may experience depressive mood, irritability, anorexia and difficulty to sleep.
- viii. The major effects include those on the gastro-intestinal system and on the nervous system which leads to constipation, urine retention, acute cardiovascular effects, increased alertness, dependence, tolerance and psychiatric symptoms.
- ix. On Socio-economic effects of miraa, the Cabinet Secretary said that in addition to the health problems, the regular consumption of miraa is associated with a variety of social and economic problems affecting the consumers' families. Much time is spent on buying and chewing miraa which affects working hours and time with the family. For some, the daily cost of miraa exceeds their expenditure on food for their families.
- x. A study funded by UNESCO in Kenya focusing on effects of miraa business in schooling of primary school children in Meru County reported that children were involved in the miraa farming. The effects on this children included lack of attention in class, truancy, absenteeism, poor academic performance, school drop outs, high cases of indiscipline in schools and teenage pregnancies.
- xi. **On international Control**, the Cabinet Secretary informed the committee that miraa is not under international Control at present, but two substances that are usually present in khat, cathine and cathinone are: Cathinone was included in schedule I of the UN Convention on Psychotropic Substances in 1983, and Cathine was include in schedule III of the convention then. Countries like USA, Sweden, France, Switzerland, Finland, Eritrea and Jordan have made miraa illegal. Recently, Netherlands banned the use of miraa and Britain is to follow suit.

#### **What the Ministry has done.**

1. The ministry has written to KEMRI to carry out a study on the effects of miraa and whether it is a drug or not.
2. An engagement with the British High Commissioner was held and he informed the ministry that the miraa ban was a promise by the current government.

3. The ministry has organized and met leaders of miraa associations to chart the way forward.

**Recommendations of the Ministry to the Committee**

1. There should be a diplomatic lobby by the relevant government ministries, miraa farmers and traders and the Parliamentary Committee to have the ban lifted by visiting London to engage the British Government
2. The British Government should be requested for more time in order for the Kenya Miraa Farmers and Traders Associations to set up a management structure to manage miraa trade.
3. The ministry and the miraa traders to come up with a strategy to diversify the trade of miraa into other markets where it is accepted.
4. The Ministry and other relevant stakeholders improve on value addition in miraa trade
5. The Miraa Association addresses the bad publicity on miraa and side effects on the use by accepting them and carrying out publicity campaigns to address them.

*Members supported the lobbying approach and agreed to travel with ministry officials as a delegation in the planned trip to London. The date for the travel shall be communicated through the clerk.*

**MIN. 70/2013      ANY OTHER BUSINESS**

There arose no any other business.

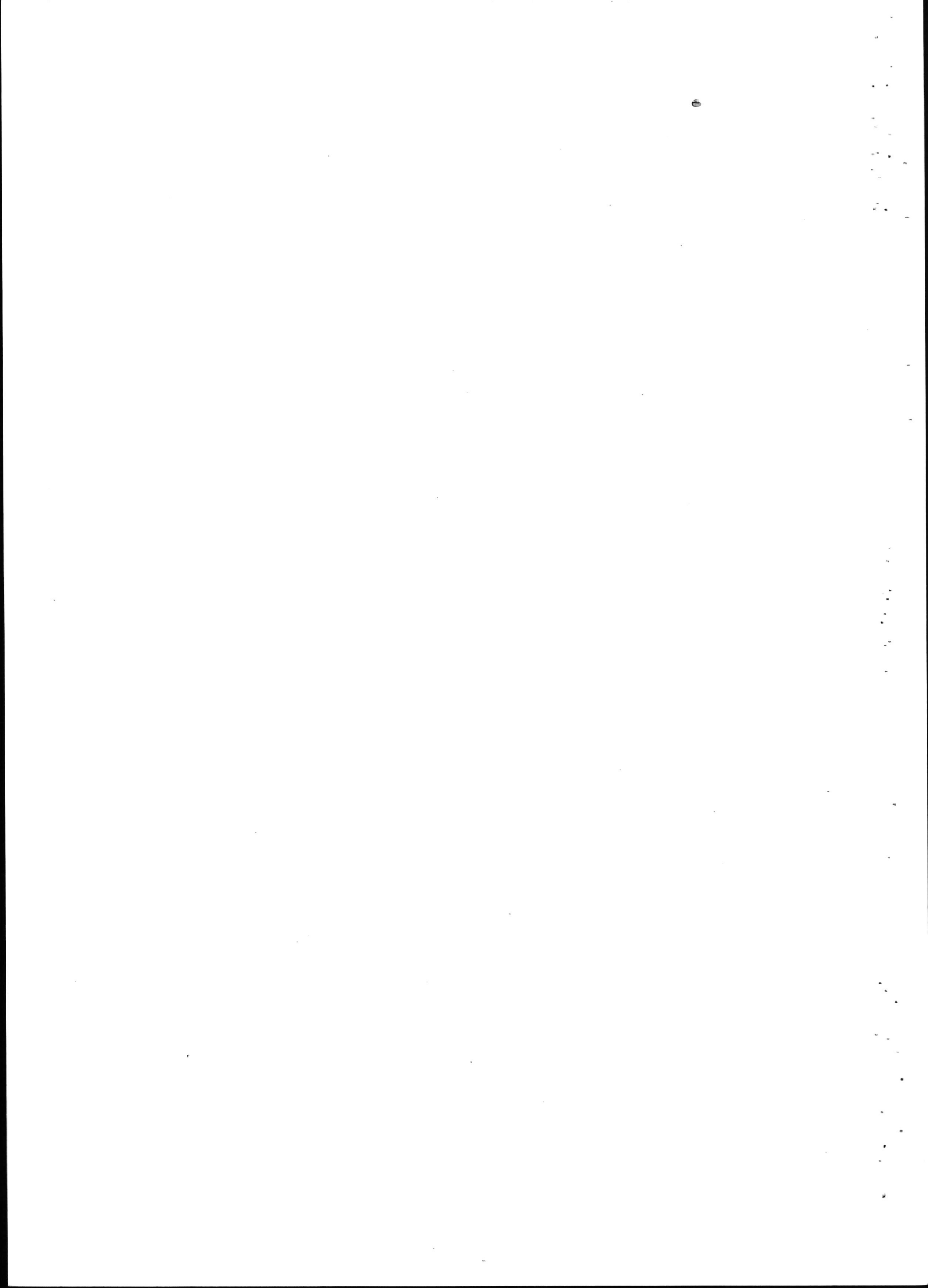
**MIN 71/2013      ADJOURNMENT**

And the time being ten minutes past Four O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

**HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON**

Date.....  

**MINUTES OF THE 17<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 19<sup>TH</sup> SEPTEMBER 2013 IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR CONTINENTAL HOUSE AT 10:30 AM**

**PRESENT**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP       | - Chairperson      |
| 2. Hon. Philip Rotino, MP         | - Vice Chairperson |
| 3. Hon. Muriuki Njagagua, MP      |                    |
| 4. Hon. Joseph M'Eruaki, MP       |                    |
| 5. Hon. Jimmy Angwenyi, MP        |                    |
| 6. Hon. Dr. Susan Musyoka, MP     |                    |
| 7. Hon. Kathuri Murungi, MP       |                    |
| 8. Hon. Sabina Chege, MP          |                    |
| 9. Hon. Dennitah Ghati, MP        |                    |
| 10. Hon. Daniel Maanzo, MP        |                    |
| 11. Hon. Cyprian Kubai Iringo, MP |                    |
| 12. Hon. Benson Mutura, MP        |                    |
| 13. Hon. Farah Abdulaziz, MP      |                    |
| 14. Hon. Fatuma Ibrahim, MP       |                    |

**ABSENT WITH APOLOGY**

1. Hon. Franklin Mithika Linturi, MP
2. Hon. Tiyah Galgalo, MP
3. Hon. Zipporah Kering, MP
4. Hon. James Kanini Kega, MP
5. Hon. Rachel Nyamai, MP
6. Hon. George Wanjohi, MP
7. Hon. Mpuru Aburi, MP
8. Hon. Gladys Wanga, MP
9. Hon. Beatrice Nkatha Nyaga, MP
10. Hon. Alice Ng'ang'a, MP
11. Hon. Dan Kazungu, MP
12. Hon. Mohamed Elmi, MP
13. Hon. Wanjiku Muhia, MP
14. Hon. Alfred Kiptoo, MP
15. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant              |
| 2. Ms Marale Sande       | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

**PRAYERS**

Prayers were said by the Chair, Hon. Florence Kajuju

**MIN 72/2013 ADOPTION OF THE AGENDA**

Members adopted the agenda as:

1. Confirmation of Minutes
2. Matters Arising
3. **House Keeping**
4. **Meeting the ministry of Health**
5. Any Other Business
6. Adjournment

**MIN 72/ 2013 CONFIRMATION OF MINUTES**

1. Minutes of the 6<sup>th</sup> Sitting held on 30<sup>th</sup> July 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
2. Minutes of the 7<sup>th</sup> Sitting held on 6<sup>th</sup> August 2013 were proposed by Hon. Jimmy Angwenyi, MP and seconded by Hon. Muriuki Njagagua, MP;
3. Minutes of the 8<sup>th</sup> Sitting held on 7<sup>th</sup> August 2013 were proposed by Hon. Fatuma Ibrahim, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
4. Minutes of the 9<sup>th</sup> Sitting held on 20<sup>th</sup> August 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Muriuki Njagagua, MP;
5. Minutes of the 10<sup>th</sup> Sitting held on 20<sup>th</sup> August 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Muriuki Njagagua, MP;
6. Minutes of the 11<sup>th</sup> Sitting held on 21<sup>st</sup> August 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
7. Minutes of the 12<sup>th</sup> Sitting held on 21<sup>st</sup> August 2013 were proposed by Hon. Muriuki Njagagua, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
8. Minutes of the 13<sup>th</sup> Sitting held on 21<sup>st</sup> August 2013 were proposed by Hon. Cyprian Kubai Iringo, MP and seconded by Hon. Muriuki Njagagua, MP;

**MIN 73/ 2013      MATTERS ARISING**

No matters arose

**MIN 74/ 2013      HOUSE KEEPING**

Members discussed the planned foreign trips agreed as follows::

- 1) That members shall be visiting Djibouti, Yemen, Netherlands and United Kingdom;
- 2) That the counties shall be visited by different delegations composed of seven members. There shall be three delegations.
- 3) That the Selection of members to be in the delegation shall be based on commitment to the committee in meetings attended and local travels conducted so far.
- 4) Personal preferences of members who qualify to travel shall be considered. This is in cases where a member might prefer to go to Yemen rather than Britain or whichever scenario.
- 5) A subcommittee Composed of Hon. Jimmy Angwenyi, Hon. Joseph M'Eruaki and Hon Joseph Rotino to incorporate the Chair and follow up the funds for the trip

**MIN 75/2013      MEETING WITH KEMRI**

- a) The Meeting rescheduled its meeting with KEMRI to 26<sup>th</sup> September 2013 since the report from the institution was not ready.

**MIN 76/ 2013      ANY OTHER BUSINESS**

There arose no any other business.

**MIN 77/ 2013      ADJOURNMENT**

And the time being ten minutes past one O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

Signed.....

  
**HON. FLORENCE KAJUJU M.P.**

**CHAIRPERSON**

Date..... 3rd / 10th / 2013 .....

**MINUTES OF THE 18<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 26<sup>TH</sup> SEPTEMBER 2013 IN CHAMBER MAIN  
PARLIAMENT BUILDINGS AT 10.00 A.M**

**PRESENT:**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP       | - Chairperson      |
| 2. Hon. Philip Rotino, MP         | - Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP         |                    |
| 4. Hon. Muriuki Njagagua, MP      |                    |
| 5. Hon. Beatrice Nkatha Nyaga, MP |                    |
| 6. Hon. James Kanini Kega, MP     |                    |
| 7. Hon. Jimmy Angwenyi, MP        |                    |
| 8. Hon. Dr. Susan Musyoka, MP     |                    |
| 9. Hon. Benson Mutura, MP         |                    |
| 10. Hon. Fatuma Ibrahim, MP       |                    |
| 11. Hon. Cyprian Kubai Iringo, MP |                    |
| 12. Hon. Joseph M'Eruaki, MP      |                    |
| 13. Hon. Farah Abdulaziz, MP      |                    |
| 14. Hon. George Wanjohi, MP       |                    |
| 15. Hon. Kathuri Murungi, MP      |                    |
| 16. Hon. Dennitah Ghati, MP       |                    |
| 17. Hon. Alfred Kiptoo, MP        |                    |
| 18. Hon. Mpuru Aburi, MP          |                    |
| 19. Hon. Gladys Wanga, MP         |                    |

**ABSENT WITH APOLOGY**

1. Hon. Franklin Mithika Linturi, MP
2. Hon. Sabina Chege, MP
3. Hon. Alice Ng'ang'a, MP
4. Hon. Dan Kazungu, MP
5. Hon. Mohamed Elmi, MP
6. Hon. Rachel Nyamai, MP
7. Hon. Wanjiku Muhia, MP
8. Hon. Zipporah Kering, MP
9. Hon. Ayub Savula, MP
10. Hon. Daniel Maanzo, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant              |
| 2. Ms Marale Sande       | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

**KENYA MEDICAL RESEARCH INSTITUTE (KEMRI)**

- |                        |                            |
|------------------------|----------------------------|
| 1. Dr. Solomon Mpoke   | CEO                        |
| 2. Dr. Charles Mbakaya | Ag. Director Public Health |
| 3. Agatha Osichana     | Head, Corporate Affairs    |
| 4. Jeniffer Orwa       | Ag. Director, CT MDR       |
| 5. Safari Agure        | Social Scientist           |

## PRAYERS

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

## MIN 78/2013      ADOPTION OF THE AGENDA

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. **Extension of time**
3. Any Other Business
4. Adjournment

## MIN 79/2013      EXTENSION OF TIME

The Committee resolved to seek the extension of time in order to finalize the Committee's mandate since it was noted that the Committee was still waiting for submissions from stakeholders who had sought for time to gather information. The Committee therefore agreed that 60 extra days was the time required.

## MIN 80/2013      MEETING KEMRI

The Committee was informed as follows:

- a) Khat consists of various compounds with the side effects of Khat thought to be associated with *Cathinone* and *Cathine* which are structurally related to the stimulant drug *amphetamine*. Other constituents include *cathidine*, *eduline* and *ephedrine*. Cathinone however is presumably the main psychoactive component of Khat and as such fresh leaves are preferred since Cathinone easily breaks down to *cathine* after a while.
- b) The content composition of Khat leaves varies within wide limits for example, fresh Khat from different origins was found to contain on the average 36mg *Cathinone*, 120mg *cathine* and 8mg *norephedrine* in 100g of leaves while a different one was found to contain 114mg *Cathinone*, 83mg *Cathine* and 44mg *norephedrine* in 100g of Khat leaves.
- c) Research finding show beneficial effects of Khat to include increased levels of energy, alertness and self-esteem, sensations of elation, enhanced imaginative ability and capacity to associate ideas, improved ability to communicate, is a social and cultural based activity and has potential as an anticancer agent.
- d) The potential side effects reported include: stimulation of locomotors and stereotypic behavioral activity causing seizures, transient rise in blood pressure and heart rate, chronic use can result in increased incidence of acute coronary vasospasms, stomatitis, and urine retention, oral cancer and esophageal carcinoma among other.
- e) Social and economic problems affecting consumer and their families
- f) Khat effects are similar to other stimulants such as cocaine and methamphetamine, while the latter cause's similar neurochemical responses as Khat even though for Khat the responses experienced were less dramatic. Further Methcathinone, also known as ephedrine, is a synthetic chemical that has a similar structure to that of Cathinone with its effects reported to be more intense than those of Khat

- g) Khat use has the potential to develop into dependency although this is less likely compared to stimulants such as amphetamine and more like that seen with caffeine.
- h) The majority of people who chew Khat do not use in a dependent fashion and there is no evidence of more widespread drug misuse
- i) Published research undertaken by the Institute scientists reported mainly the lack of awareness of possible oral and dental effects of chewing Khat with much of it being undertaken on animals
- j) Globally, the published literature on the medical effects of Khat in humans is inconclusive.
- k) The Institute has developed a concept paper for a proposed research on Khat health effects with objectives including establishing the prevalence, usage, health outcomes, experiences and perceptions relate dot Khat among users in South B, C and Nairobi West.

**Committee Observations**

The Committee therefore made the following observations:

- a) Most of the studies undertaken by the local and foreign scientists including KEMRI have not been conclusive and may therefore be difficult to make conclusive recommendations and adequate to guide policy. Considerations were put to undertake a comprehensive scientific study.
- b) The proposed research study to be undertaken by KEMRI with its specific objectives of establishing the prevalence, usage, health outcomes, experiences and perceptions relate dot Khat among users in South B, C and Nairobi West was skewed on objectives and study site. The Committee was of the opinion that the objective be expanded to include other areas like the benefits of Khat, chemical composition and components while the study site is carried out in other rural districts.
- c) Over 80% of the KEMRI budget is derived from donor funding. The budgetary allocation by the Government towards Research and Development and in particular the vote allocated to KEMRI as the National Research Institute cannot sustain meaningful research with much of it being utilized on recurrent expenditure.

**MIN 81/2013 ANY OTHER BUSINESS**

There arose no any other business

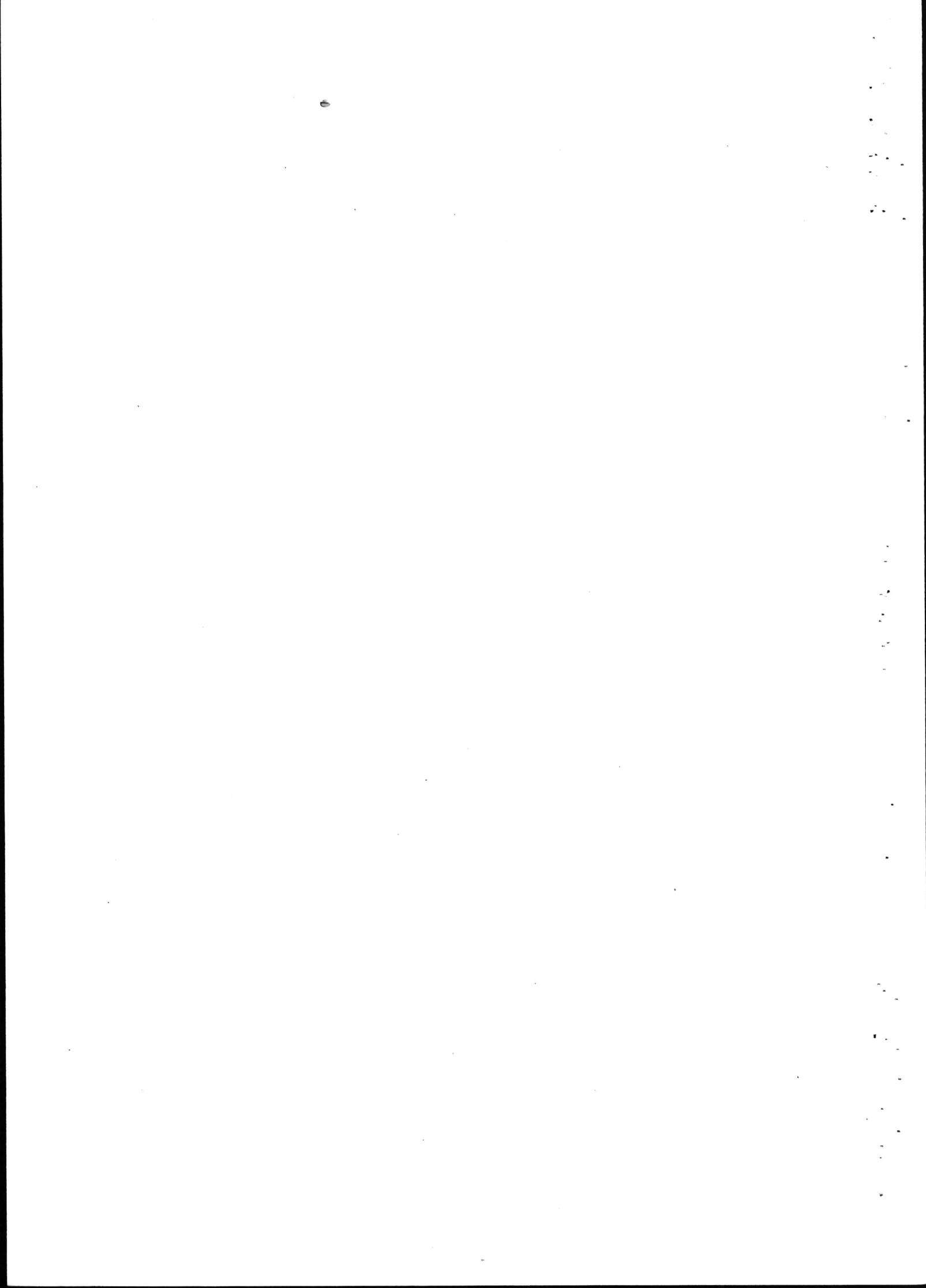
**MIN 82/2013 ADJOURNMENT**

And the time being half past eleven O'clock the Chairperson adjourned the meeting, the date of the next meeting will be by notice.

SIGNED.....

**HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON**

DATE.....



**MINUTES OF THE 19<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 3<sup>RD</sup> OCTOBER 2013 IN THE BOARDROOM OF 2<sup>ND</sup>  
FLOOR CONTINENTAL HOUSE AT 10.00 A.M**

**PRESENT:**

- |                                   |   |                  |
|-----------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP       | - | Chairperson      |
| 2. Hon. Philip Rotino, MP         | - | Vice Chairperson |
| 3. Hon. Tiyah Galgalo, MP         |   |                  |
| 4. Hon. Muriuki Njagagua, MP      |   |                  |
| 5. Hon. Beatrice Nkatha Nyaga, MP |   |                  |
| 6. Hon. Dan Kazungu. MP           |   |                  |
| 7. Hon. Dennitah Ghati, MP        |   |                  |
| 8. Hon. Daniel Maanzo, MP         |   |                  |
| 9. Hon. Jimmy Angwenyi, MP        |   |                  |
| 10. Hon. Dr. Susan Musyoka, MP    |   |                  |
| 11. Hon. Benson Mutura, MP        |   |                  |
| 12. Hon. Fatuma Ibrahim, MP       |   |                  |
| 13. Hon. Cyprian Kubai Iringo, MP |   |                  |
| 14. Hon. Joseph M'Eruaki, MP      |   |                  |
| 15. Hon. Farah Abdulaziz, MP      |   |                  |
| 16. Hon. George Wanjohi, MP       |   |                  |
| 17. Hon. Kathuri Murungi, MP      |   |                  |
| 18. Hon. Alfred Kiptoo, MP        |   |                  |
| 19. Hon. Mpuru Aburi, MP          |   |                  |
| 20. Hon. Dan Kazungu. MP          |   |                  |
| 21. Hon. Dennitah Ghati, MP       |   |                  |
| 22. Hon. Sabina Chege, MP         |   |                  |
| 23. Hon. Mohamed Elmi, MP         |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Gladys Wanga, MP
2. Hon. Franklin Mithika Linturi, MP
3. Hon. Alice Ng'ang'a, MP
4. Hon. Rachel Nyamai, MP
5. Hon. Wanjiku Muhia, MP
6. Hon. Zipporah Kering, MP
7. Hon. Ayub Savula, MP
8. Hon. James Kanini Kega, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                    |
|--------------------------|------------------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant              |
| 2. Ms. Marale Sande      | Senior Research and Policy Analyst |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow          |

## PRAYERS

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

## MIN 83/2013      ADOPTION OF THE AGENDA

The Committee adopted the agenda as follows;

1. Confirmation of Minutes
2. Matters arising
- 3. Extension of time**
4. Any Other Business
5. Adjournment

## MIN 84/2013      CONFIRMATION OF MINUTES

The Committee confirmed the Minutes of the following meetings as a true record of the Proceedings;

1. Minutes of the 14<sup>th</sup> Sitting held on 2<sup>nd</sup> September 2013 were proposed by Hon. Benson Mutura, MP and seconded by Hon. Fatuma Ibrahim, MP;
2. Minutes of the 15<sup>th</sup> Sitting held on 16<sup>th</sup> September 2013 were proposed by Hon. Jimmy Angwenyi, MP and seconded by Hon. Dr. Susan Musyoka, MP;
3. Minutes of the 16<sup>th</sup> Sitting held on 16<sup>th</sup> September 2013 were proposed by Hon. Fatuma Ibrahim, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
4. Minutes of the 17<sup>th</sup> Sitting held on 19<sup>th</sup> September 2013 were proposed by Hon. Sabina Chege, MP and seconded by Hon. Kathuri Murungi, MP;
5. Minutes of the 18<sup>th</sup> Sitting held on 26<sup>th</sup> September 2013 were proposed by Hon. Cyprian Kubai Iringo, MP and seconded by Hon. Muriuki Njagagua, MP;

## MIN 85/2013      MATTERS ARISING

No Matters Arose.

## MIN 86/2013      EXTENSION OF TIME

The Committee was informed that the motion seeking the extension of time was successful and the House granted the Committee 60 more days to conclude its business.

## MIN 87/2013      HOUSE KEEPING

The Committee deliberated on the Following;

### **1. Foreign Travel**

The Committee resolved to conduct three different delegations to 3 different destinations which were;

- United Kingdom
- Netherlands

The Committee formed a subcommittee to come up with a report to be presented to the English and Dutch Governments when the delegations visit the Countries; the Subcommittee membership included the following;

- Hon. Muriuki Njagagua, MP - Team Leader
- Hon. Daniel Maanzo, MP
- Hon. Tiyah Galgalo, MP
- Hon. Dan Kazungu. MP

**2. Stakeholders Meeting**

The Committee resolved to meeting religious organizations in the next meetings and extra meetings with organizations which had sought for more time to conclude their research.

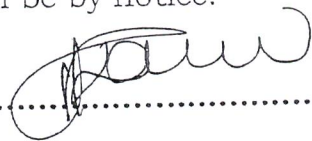
**MIN 87/2013 ANY OTHER BUSINESS**

There arose no any other business

**MIN 88/2013 ADJOURNMENT**

And the time being half past eleven the meeting was adjourned the date of the next meeting will be by notice.

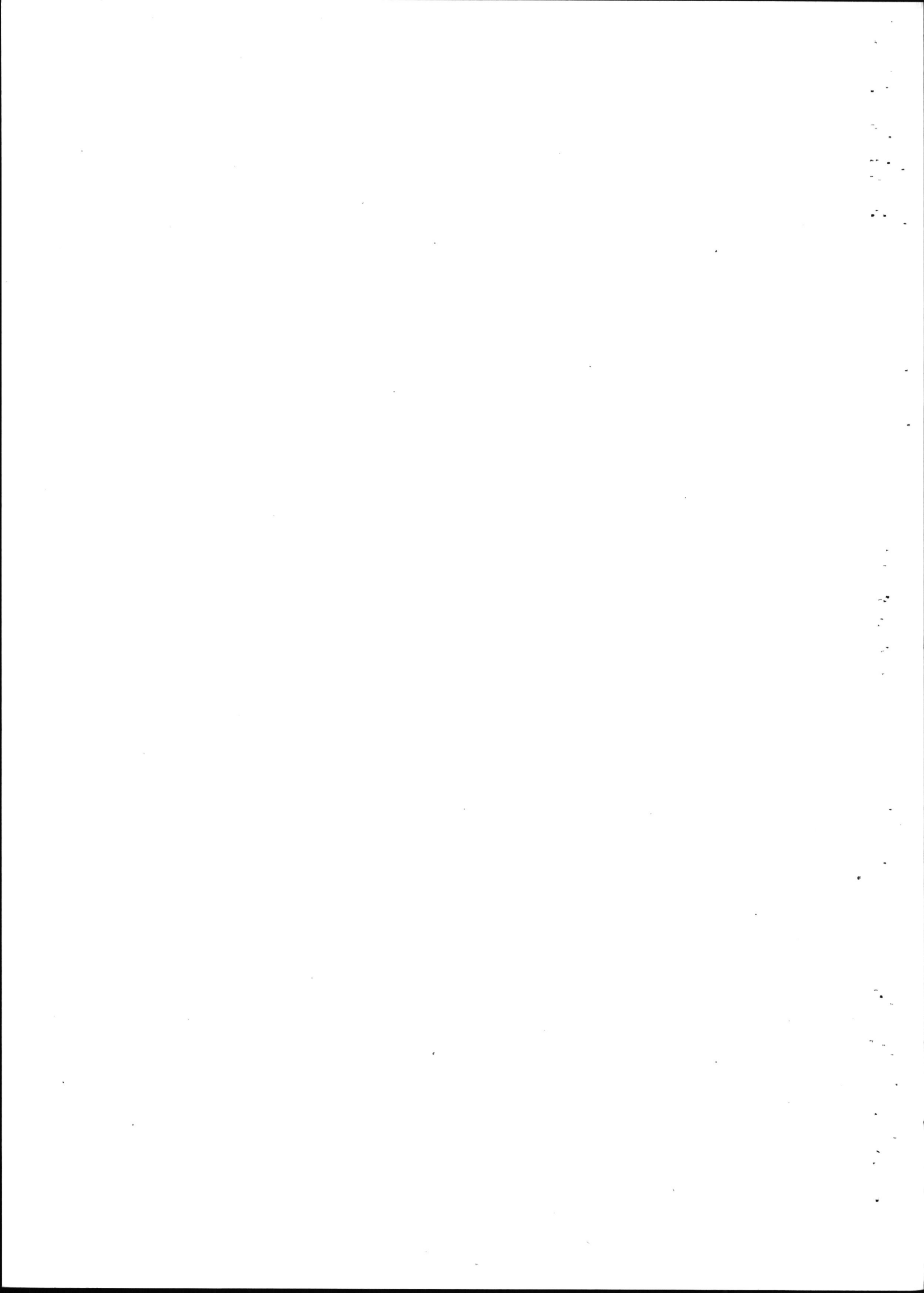
SIGNED.....



HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

DATE.....

4<sup>th</sup> Nov. 2013



**MINUTES OF THE 20<sup>TH</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 8<sup>TH</sup> OCTOBER 2013 IN COMMITTEE ROOM, 2ND FLOOR CONTINENTAL HOUSE AT 10:30 AM**

**PRESENT**

- |                                       |   |                  |
|---------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP           | - | Chairperson      |
| 2. Hon. Philip Rotino, MP             | - | Vice Chairperson |
| 3. Hon. Daniel Maanzo, MP             |   |                  |
| 4. Hon. Benson Mutura, MP             |   |                  |
| 5. Hon. Cyprian Kubai Iringo, MP      |   |                  |
| 6. Hon. George Wanjohi, MP            |   |                  |
| 7. Hon. Muriuki Njagagua, MP          |   |                  |
| 8. Hon. Tiyah Galgalo, MP             |   |                  |
| 9. Hon. Jimmy Angwenyi, MP            |   |                  |
| 10. Hon. Joseph M'Eruaki, MP          |   |                  |
| 11. Hon. Alfred Kiptoo, MP            |   |                  |
| 12. Hon. Dan Kazungu. MP              |   |                  |
| 13. Hon. Fatuma Ibrahim, MP           |   |                  |
| 14. Hon. Mpuri Aburi, MP              |   |                  |
| 15. Hon. Dennitah Ghata, MP           |   |                  |
| 16. Hon. Dr. Susan Musyoka, MP        |   |                  |
| 17. Hon. Farah Abdulaziz, MP          |   |                  |
| 18. Hon. James Kanini Kega, MP        |   |                  |
| 19. Hon. Franklin Mithika Linturi, MP |   |                  |
| 20. Hon. Kathuri Murungi, MP          |   |                  |
| 21. Hon. Sabina Chege, MP             |   |                  |
| 22. Hon. Gladys Wanga, MP             |   |                  |
| 23. Hon. Beatrice Nkatha Nyaga, MP    |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Zipporah Kering, MP
3. Hon. Rachel Nyamai, MP
4. Hon. Alice Ng'ang'a, MP
5. Hon. Wanjiku Muhia, MP
6. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

1. Mr. James Ginono
2. Marale Sande
3. Mr. Wycliff Nyang'ate

First Clerk Assistant  
Senior Research Officer  
Junior Legislative Fellow

**NACADA**

1. Hon. John Muthutho
2. Dr. William Okedi
3. Dr. Evangeline Njoka
4. Dr. George Michuki
5. Dr. Richard Gakunja
6. Dr. Simion Karanja
7. Dr. Gideon Kikuvi
8. Mr. Joel Ongoto

Chairman NACADA  
C.E.O NACADA

9. Mr. Morris Kamenderi

### PRAYERS

Prayers were said by the Vice Chair, Hon. Philip Rotino.

### MIN 89/2013      ADOPTION OF THE AGENDA

The agenda was adopted as below:

1. Meeting National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA)
2. Any Other Business
3. Adjournment

### MIN 90/2013      MEETING NACADA

The Committee was informed as follows; (See Appendix 19)

- i. That Khat is a stimulant drug derived from a shrub (*Catha edulis*) and whose native is tropical East Africa and Arabian Peninsula but spread on to Somalia, Djibouti, Eritrea and Arabian Peninsula.
- ii. That Khat contains the alkaloids known as Cathinone and the Cathine, an amphetamine like stimulant with the former indentified as the main psychoactive component of the plant.
- iii. That Khat leaves are chewed to release Cathine and Cathinone and as such absorbed through the mucous membranes of the mouth and stomach lining. However, when the leaves dry, the more potent chemical Cathinone decomposes within 48hours to a milder Cathine.
- iv. That in 1980, Khat was classified by the WHO as a drug of abuse that produces mild to moderate psychological dependence even though it was not scheduled under the Single Convention on Narcotics Drugs.
- v. That following the classification of Cathinone (the major psychoactive chemical constituent in Khat) under schedule 1 of the UN Convention on the Psychotropic Substances of 1971, Khat is considered illegal in several countries around the world including the USA.
- vi. That Kenya has further domesticated the three UN Conventions (i.e. the Single Narcotic Conventions of 1961 as amended by the 1972 protocol, The Convention on Psychotropic substances of 1971, and the UN Convention against illicit trafficking in Narcotic Drugs and Psychotropic substances (i) and (ii) of 1988) through the enactment of the Narcotic Drugs and Psychotropic Substances Control Act no 4 of 1994.
- vii. That NACADA's engagement with Khat is therefore based of the above stated facts where the public has been educated an informed by available literature.
- viii. That NACADA has the responsibility of advising Government on situations relating to alcohol and drug abuse, educate the public on the negative effects of alcohol and drugs, design polices and legislation framework to control the abuse while devising strategies toward demand reduction and supply suppression.
- ix. That NACADA does not have the capacity and legal mandate to classify or ban psychotropic substances and as such has not banned or classify Khat as a drug.
- x. That NACADA therefore recommended that relevant Government research institutions conduct in depth and multi sectoral studies on Khat to ascertain opportunities presented by the chemical components of

Khat. Further, NACADA identified the need to strengthen its capacity and that of its partners to undertake policy oriented and biomedical research.

xi. That Development of policy and legislative framework to guide the cultivation, classification, use and export of Khat was recommended by NACADA with a review of the Narcotic Drugs and Psychotropic Substances (Control) Act of 1994 and an appeal to the UN to Convention to de-classify the main constituents of Khat.

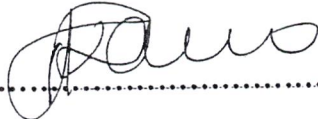
**MIN 91/2013      ANY OTHER BUSINESS**

There arose no any other business.

**MIN 92/2013      ADJOURNMENT**

And the time being ten minutes past One O'clock the chairperson adjourned the meeting the date of the next meeting will be by notice.

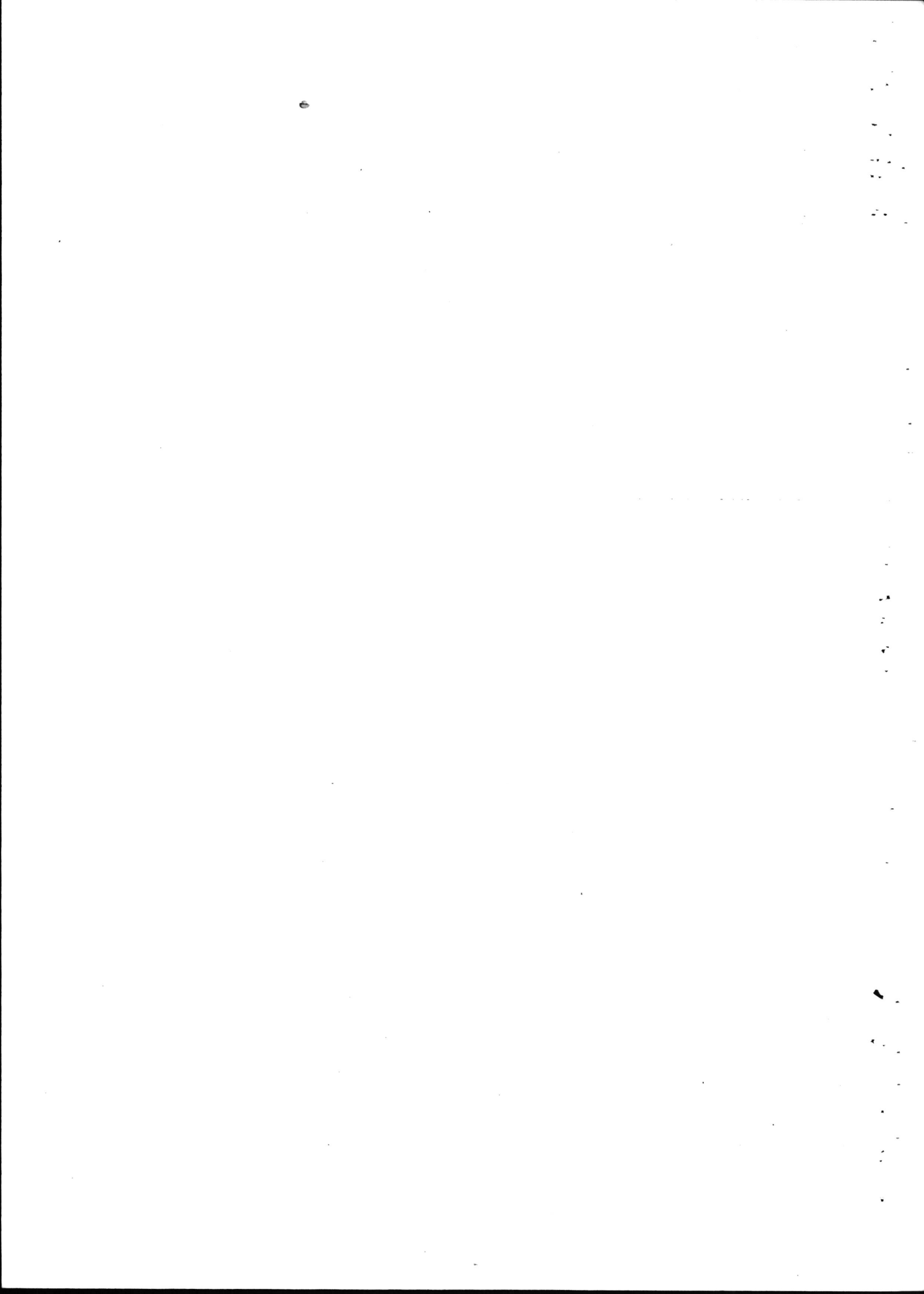
Signed.....



**HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON**

Date.....

*4<sup>th</sup> Nov. 2013*



**MINUTES OF THE 21<sup>ST</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 17<sup>TH</sup> OCTOBER 2013 IN COMMITTEE ROOM, 2ND FLOOR CONTINENTAL HOUSE AT 10:30 AM**

**PRESENT**

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP          | - | Chairperson      |
| 2. Hon. Philip Rotino, MP            | - | Vice Chairperson |
| 3. Hon. Daniel Maanzo, MP            |   |                  |
| 4. Hon. Franklin Mithika Linturi, MP |   |                  |
| 5. Hon. Gladys Wanga, MP             |   |                  |
| 6. Hon. Benson Mutura, MP            |   |                  |
| 7. Hon. Cyprian Kubai Iringo, MP     |   |                  |
| 8. Hon. George Wanjohi, MP           |   |                  |
| 9. Hon. Muriuki Njagagua, MP         |   |                  |
| 10. Hon. Tiyah Galgalo, MP           |   |                  |
| 11. Hon. Joseph M'Eruaki, MP         |   |                  |
| 12. Hon. Dennitah Ghati, MP          |   |                  |
| 13. Hon. Kathuri Murungi, MP         |   |                  |
| 14. Hon. Fatuma Ibrahim, MP          |   |                  |
| 15. Hon. Mohamed Elmi, MP            |   |                  |
| 16. Hon. James Kanini Kega, MP       |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Jimmy Angwenyi, MP
2. Hon. Dan Kazungu, MP
3. Hon. Alfred Kiptoo, MP
4. Hon. Mpuri Aburi, MP
5. Hon. Dr. Susan Musyoka, MP
6. Hon. Farah Abdulaziz, MP
7. Hon. Zipporah Kering, MP
8. Hon. Rachel Nyamai, MP
9. Hon. Sabina Chege, MP
10. Hon. Beatrice Nkatha Nyaga, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Wanjiku Muhia, MP
13. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

Hon. Abdullahi Diriye, M.P. Member of Parliament, Wajir South

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**SUPREME COUNCIL OF KENYA MUSLIMS (SUPKEM)**

Sheikh Adan Wachu Secretary General, SUPKEM

**NATIONAL COUNCIL OF CHURCHES IN KENYA (NCCK)**

- |                              |                                  |
|------------------------------|----------------------------------|
| 1. Rev. Canon Rosemary Mbogo | Chairperson, NCCK                |
| 2. Rev. Canon Peter Karanja  | General Secretary SUPKEM         |
| 3. Chrispus Yankem           | Public Address and Communication |

4. Kinyanjui Kamau

Manager  
Seniour Program Officer

### PRAYERS

Prayers were said by the Chair, Hon. Florence Kajuju, MP.

### MIN 93/2013 PRELIMINARIES AND ADOPTION OF THE AGENDA

The members adopted the agenda as follows after introductions of all present;

1. Preliminaries and adoption of the Agenda
2. Meeting SUPKEM
3. Meeting NCKK
4. Meeting Hon. Diriye
5. Meeting the CEO, Toyota Kenya
6. Any Other Business
7. Adjournment

### MIN 94/2013 MEETING SUPKEM

SUKEM was represented by the Secretary General Mr. Adan Wachu who informed the Committee as follows;

1. That research has not proven miraa as a drug and also that currently in Kenya miraa is not a prohibited crop.
2. That he relies on religious knowledge from the Holy Quran and that in Islam, the Quran warns of intoxicants. He explained that these are substances or products that distort imagination to a level that one cannot recollect activities fully as when sober; further that Miraa has these effects hence an intoxicant which therefore classified as *Haram* in the Quran.
3. That the following are the effects of miraa
  - a. Miraa affects the social set up of a family by misusing resources and attracting irresponsibility.
  - b. Miraa consumption has led to societal decadence like prostitution and crime.
  - c. Miraa wastes a lot of time as it is chewed for long and late into the night while gossiping. Time is critical in Islam and shall be accounted for in this life and the one after. He stated that they had observed that whoever indulged in miraa had no regard for time while the Quran is clear; work during the day, rest at night. This is not the case with miraa.
  - d. Consumption of miraa has no respect for age, status, gender or any social demarcation which Islam teaches. Women, men and children mingle freely in this habit against the teachings of Islam.
4. That the position on going against miraa is also based on the fact that Muslim especially the youth consume miraa more than even the growing communities. He further said that as SUPKEM and other organizations like NACADA and UNICEF had conducted research and miraa is for sure harmful.
5. Mr. Wachu responded to members who had concerns whether he talked from an informed point of view by saying that he was informed. He stated that most consumers of miraa are Muslims and that they had conducted research.
6. On the economic importance of miraa, the sheikh acknowledged that indeed miraa was a great source of income but added that this is the

case for any other drugs like cocaine, heroin etc. He said that in terms of income, one cannot compare *halal* and *haram*.

7. He also stated that in as much as some Muslims practice the trade, that does not legitimize the consumption as Islam is greater than individuals. He further said that Muslims don't support *haram* hence proceeds from *haram* activities are not received in Islam.
8. When he was asked what SUPKEM had done to address the issue of miraa, the Secretary General said that they had constructed rehabilitation centres and carried out campaigns against drug abuse.

***The Committee asked the Secretary General to avail a written submission to the secretariat. He promised send it as soon as possible.***

### **MIN 95/2013 MEETING NCKK**

NCKK statement was presented before the Committee by the General Secretary, Rev. Canon Peter Karanja and the Committee was informed as follows: (See Appendix 17)

#### **Biblical Position of Miraa**

Whereas the Bible does not directly address the consumption of narcotic drugs, NCKK provided two verses i.e. Galatians 5:19-21, 1<sup>st</sup> Peter 5:8 and Ephesians 5:18. The scriptures and many others attest that God prefers that those who believe in him do not engage in products that lead to drunkenness.

#### **Need to Regulate the Industry**

NCKK submitted that it recognizes that there are many people who consume, and that there does not seem to be adequate scientific basis to criminalize miraa.

The General Secretary stated that therefore a strong case for development of a legal and policy framework to regulate the production, trade and consumption of miraa.

In this regard NCKK recommended that the following issues are considered when this legal framework is developed

#### **Production of Miraa**

- i. Restriction of use of any dangerous insecticides and pesticides
- ii. Provision of Agricultural extension services to ensure that farmers are well trained in how to plant and nurture the crop
- iii. Adoption of measures to protect the soil so that it is useful after the miraa crop has been removed
- iv. Protection of farmers from exploitation from middle men
- v. Measures to prevent child labour in miraa farms to enable children remain in school.
- vi. Identification and promotion of alternative cash crops in the production areas for farmers who may prefer not to plant miraa.

#### **Trading of Miraa**

- i. Clear guidelines of licensing requirements for traders in the industry
- ii. Licensing of traders with integrity to ensure market management
- iii. Proper packaging of the product to ensure safety of the consumers
- iv. Guidelines for hygienic handling of the product to prevent exposure to elements

- v. Prevention of development of cartels that would seek to defeat market forces
- vi. Taxation measures to ensure that those who trade in miraa contribute to national development since it is a high turnover crop trade.

### **Consumption of Miraa**

- i. Restrict sale of Miraa to persons below the age of 18
- ii. Proper labeling of the product which should include a warbling about negative effects
- iii. Education of the society on the negative effects of miraa
- iv. Addressing issues of advertising of miraa.

NCKK concluded that a comprehensive research should be done to answer questions raised about miraa and publish the findings for general consumptions

### **MIN 96/2013      MEETING HON. ABDULLAHI DIRIYE, MP**

The Hon. Abdullahi Diriye, Member of Parliament for Wajir South, begun by expressing his dissatisfaction with the composition and leadership of the committee citing conflict of interest and biasness in the way the committee conducts itself. Hon. Diriye stated that a majority of members came from miraa growing areas a factor that the committee dismissed and guided him that if he had issues with the composition of the Committee he should have raised it before the house when the committee was being constituted.

Further Hon. Diriye gave an oral submission as follows:

1. While declaring interest he stated that since most of his constituents massively consume miraa hence this formed the basis of his information.
2. That reputable institution like World Health Organization had classified miraa as a drug because of the psychotropic substances it contains.
3. That the psychotropic drugs Act of 1994 and Pharmacy and Poisons Board Act as Acts in opposition of miraa consumption.
4. That as a leader from a region where miraa is massively consumed, he had seen extensive side effects associated with Miraa hence his advocacy for a miraa ban in the country. The side effects include:
  - i. Waste of family resources through miraa purchase at the expense of food and other essential needs.
  - ii. Health effects
  - iii. Loss of jobs
  - iv. Family breakdowns
  - v. Social ills like prostitution
  - vi. Unhealthy packaging
  - vii. Security challenges.
5. That miraa be classified as a drug because according to him, that is what it is. He said regulation of miraa should be the least that can happen.

***Members gave Hon. Diriye more time to compile his report and submit the same as soon as possible before the Committee tables its report in the House.***

### **MIN 97/2013      MEETING TOYOTA KENYA**

Toyota Kenya was represented by Mr. Simon Mwiti, the General Manager, Vehicle sales.

Mr. Mwiti was sorry that Toyota Kenya does not keep a record of sales by vehicle usage but by vehicle segment e.g. vehicles sold to Government,/State

Corporations, Private/Public Company, Non Profit Organizations, Individuals, Independent dealers and institutions. He also stated that the Company does not also keep a record of sales to certain areas and that it is impossible to retrieve that kind of information.

He therefore informed the committee that he was unable to give figures of vehicles sold to miraa traders as per the committee request and that he cannot assume all vehicles sold to Meru operate in Miraa trade.

He however acknowledged that the company benefits from miraa trade as some of their vehicles are used to transport miraa from Meru.

***The Committee had no any further questions for the Witness.***

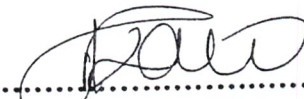
**MIN 98/2013      ANY OTHER BUSINESS**

None was raised before the Committee

**MIN 99/2013      ADJOURNMENT**

There being no other business and the time being a quarter to two O'clock the meeting was adjourned. The date of the next meeting will be communicated through notice.

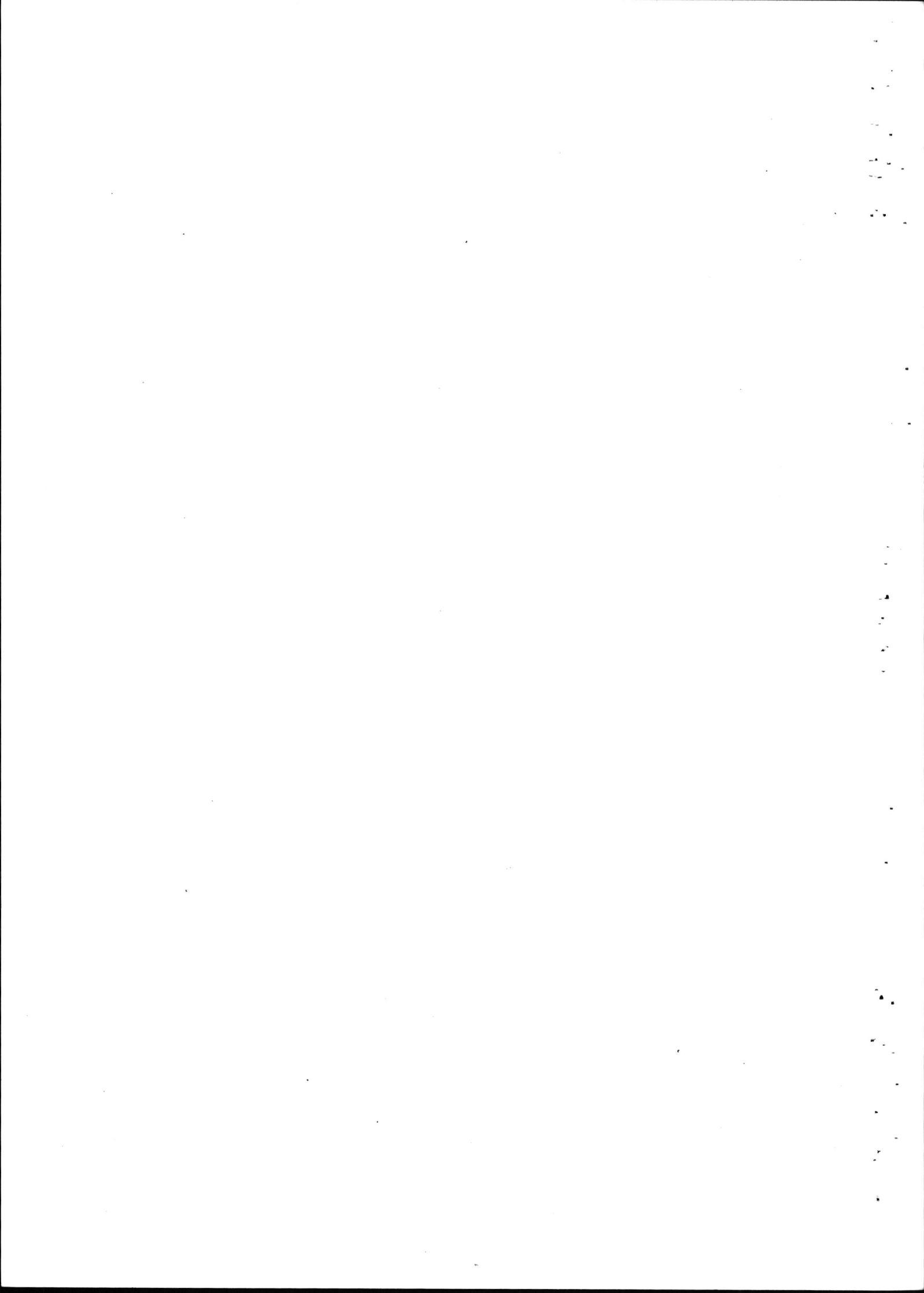
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**HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON**

DATE.....

4<sup>th</sup> NOV. 2013



**MINUTES OF THE 22<sup>ND</sup> SITTING OF THE PARLIMENTARY SELECT COMMITTEE ON MIRAA HELD ON 22<sup>ND</sup> OCTOBER 2013 IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR CONTINENTAL HOUSE AT 10:30 AM**

**PRESENT**

- |                                      |                    |
|--------------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP          | - Chairperson      |
| 2. Hon. Philip Rotino, MP            | - Vice Chairperson |
| 3. Hon. Daniel Maanzo, MP            |                    |
| 4. Hon. Franklin Mithika Linturi, MP |                    |
| 5. Hon. Gladys Wanga, MP             |                    |
| 6. Hon. Benson Mutura, MP            |                    |
| 7. Hon. Cyprian Kubai Iringo, MP     |                    |
| 8. Hon. George Wanjohi, MP           |                    |
| 9. Hon. Muriuki Njagagua, MP         |                    |
| 10. Hon. Tiyah Galgalo, MP           |                    |
| 11. Hon. Joseph M'Eruaki, MP         |                    |
| 12. Hon. Dennitah Ghati, MP          |                    |
| 13. Hon. Kathuri Murungi, MP         |                    |
| 14. Hon. Dr. Susan Musyoka, MP       |                    |
| 15. Hon. Dan Kazungu. MP             |                    |
| 16. Hon. James Kanini Kega, MP       |                    |
| 17. Hon. Alfred Kiptoo, MP           |                    |
| 18. Hon. Fatuma Ibrahim, MP          |                    |

**ABSENT WITH APOLOGY**

1. Hon. Mohamed Elmi, MP
2. Hon. Jimmy Angwenyi, MP
3. Hon. Mpuri Aburi, MP
4. Hon. Farah Abdulaziz, MP
5. Hon. Zipporah Kering, MP
6. Hon. Rachel Nyamai, MP
7. Hon. Sabina Chege, MP
8. Hon. Beatrice Nkatha Nyaga, MP
9. Hon. Alice Ng'ang'a, MP
10. Hon. Wanjiku Muhia, MP
11. Hon. Ayub Savula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Marale Sande          | Seniour Research Officer  |
| 3. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**MINISTRY OF HEALTH**

- |                        |                                |
|------------------------|--------------------------------|
| 1. James Macharia      | Cabinet Secretary              |
| 2. Dr. K.C Koskei      | Pharmacy and Poisons Board     |
| 3. Dr. Mercy Karanja   | Psychiatrist, Mathari Hospital |
| 4. Dr. Kisivuli Azenga | Med Supt. Mathari Hospital     |

5. Geoffrey N. Anyona

Senior Principal Chemist

### **PRAYERS**

Prayers were said by the Chair, Hon. Florence Kajuju, MP.

### **MIN 100/2013 ADOPTION OF THE AGENDA**

Members considered the agenda as follows:

1. Adoption of the Agenda
- 2. Meeting the Cabinet Secretary for Health**
3. Any Other Business
4. Adjournment

### **MIN 101/2013 MEETING THE CABINET SECRETARY FOR HEALTH**

The Cabinet Secretary appeared before the Committee for the second time in order to give a response for an earlier meeting with the committee on 17<sup>th</sup> October 2013. (See Appendix 18)

In the response, the ministry presented results for a baseline survey on mental health and miraa use among patients in Kenya – a retrospective study.

The study **broad objective** was to provide information on mental health effects of Khat/miraa use among psychiatrist patients in Kenya.

The **specific objectives** were

- i. To determine the preference of miraa use among psychiatrist patients in Kenya.
- ii. To collect Socio demographic details on psychiatry patients with history of miraa use.
- iii. To collect clinical data on psychiatric patients with history of miraa use.

The study sites included Meru, Isiolo and Muranga District Hospitals as well as Embu Provincial Hospital. This is because general and specialized care for psychiatric patients is offered in these facilities.

A total of 298 patients were included in the survey. Convenient sampling was done at the records department.

### **Conclusion of the Study**

There is khat use among patients with psychiatric illness. However, majority (82%) of patients use it together with other substances thus the findings from this survey does not give the association between khat use and psychiatric illness.

### **Recommendations**

- i. The findings of this baseline should be used to conduct a wider scope comparative study at a national level which would give a better picture on the association and risk between khat use and mental illness.
- ii. Data collection using a standard substance abuse tool which is reliable and validated to obtain accurate data.
- iii. Inclusion of a tool to assess other medical co-morbidities.

The members agreed with the Ministry that there is little information to label miraa as a drug and those studies so far conducted show that miraa level of dependence is too low to attract international or national control. However, a compressive study is needed to address the lingering questions on miraa.

**MIN 102/2013 ANY OTHER BUSINESS**

There arose no any business.


**MIN 103/2013 ADJOURNMENT**

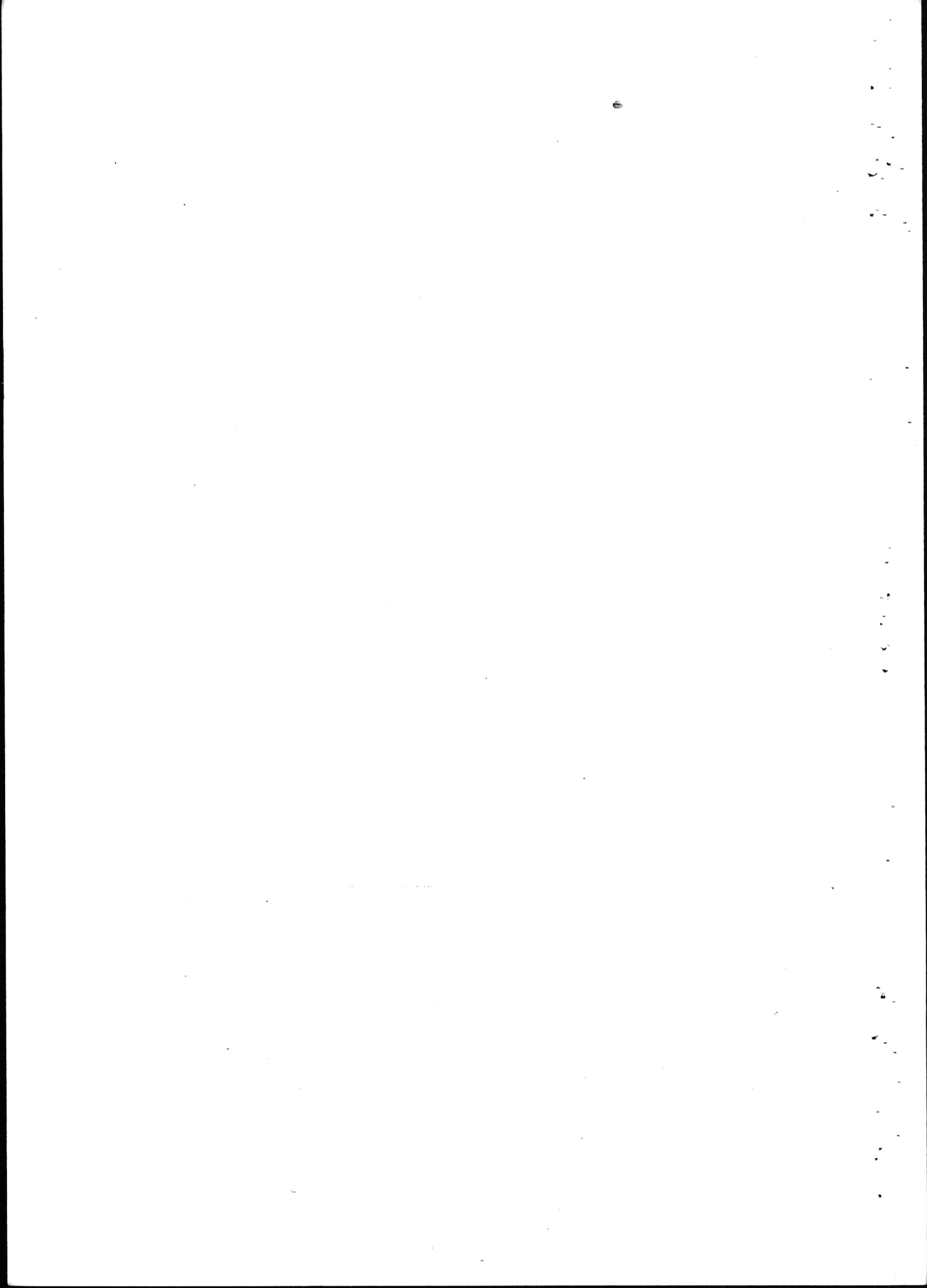
And the time being ten minutes to two O'clock the Chairperson adjourned the meeting; the date of the next meeting will be by notice.

SIGNED.....

HON. FLORENCE KAJUJU M.P.

CHAIRPERSON

DATE.....



**MINUTES OF THE 23<sup>RD</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 4<sup>TH</sup> NOVEMBER 2013 IN THE BOARDROOM OF 2<sup>ND</sup>  
FLOOR CONTINENTAL HOUSE 3.30 PM**

**PRESENT:**

- |                                  |                    |
|----------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP      | - Chairperson      |
| 2. Hon. Philip Rotino, MP        | - Vice Chairperson |
| 3. Hon. Muriuki Njagagua, MP     |                    |
| 4. Hon. Dennitah Ghati, MP       |                    |
| 5. Hon. Daniel Maanzo, MP        |                    |
| 6. Hon. Benson Mutura, MP        |                    |
| 7. Hon. Cyprian Kubai Iringo, MP |                    |
| 8. Hon. Sabina Chege, MP         |                    |
| 9. Hon. Farah Abdulaziz, MP      |                    |

**ABSENT WITH APOLOGY**

1. Hon. Gladys Wanga, MP
2. Hon. Franklin Mithika Linturi, MP
3. Hon. Joseph M'Eruaki, MP
4. Hon. George Wanjohi, MP
5. Hon. Kathuri Muriungi, MP
6. Hon. Alice Ng'ang'a, MP
7. Hon. Alfred Kiptoo, MP
8. Hon. Fatuma Ibrahim, MP
9. Hon. Jimmy Angwenyi, MP
10. Hon. Dr. Susan Musyoka, MP
11. Hon. Tiyah Galgalo, MP
12. Hon. Mpuri Aburi, MP
13. Hon. Mohamed Elmi, MP
14. Hon. Rachel Nyamai, MP
15. Hon. Wanjiku Muhia, MP
16. Hon. Zipporah Kering, MP
17. Hon. Ayub Savula, MP
18. Hon. James Kanini Kega, MP
19. Hon. Beatrice Nkatha Nyaga, MP
20. Hon. Dan Kazungu, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 104/2013 ADOPTION OF THE AGENDA**

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. Confirmation of Minutes
3. Matters Arising
4. House Keeping
5. Any Other Business
6. Adjournment

**MIN 105/2013 CONFIRMATION OF MINUTES**

The Committee confirmed the Minutes of the following meetings as a true record of the Proceedings;

1. Minutes of the 19<sup>th</sup> Sitting held on 3<sup>rd</sup> October 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Muriuki Njagagua, MP;
2. Minutes of the 20<sup>th</sup> Sitting held on 8<sup>th</sup> October 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Dennitah Ghati, MP;
3. Minutes of the 21<sup>st</sup> Sitting held on 17<sup>th</sup> October 2013 were proposed by Hon. Philip Rotino, MP and seconded by Hon. Cyprian Kubai Iringo, MP;
4. Minutes of the 22<sup>nd</sup> Sitting held on 22<sup>nd</sup> October 2013 were proposed by Hon. Muriuki Njagagua, MP and seconded by Hon. Cyprian Kubai Iringo, MP;

**MIN 106/2013 MATTERS ARISING**

No matters arose

**MIN 107/2013 HOUSE KEEPING**

The Committee resolved as follows;

1. To Conduct a report writing workshop in the Week Commencing 24<sup>th</sup> November 2013 in Malindi
2. To conduct the concurrent foreign tips to both the United Kingdom and the Netherlands either in the week commencing 11<sup>th</sup> November or 17<sup>th</sup> November 2013.

**MIN 108/2013 ANY OTHER BUSINESS**

There arose no any other business

**MIN 109/2013 ADJOURNMENT**

And the time being half past eleven the meeting was adjourned the date of the next meeting will be by notice.

SIGNED.....

  
HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

DATE.....

14. NOV. 2013

**MINUTES OF THE 24<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON THURSDAY 14<sup>TH</sup> NOVEMBER 2013 IN THE BOARDROOM OF 2<sup>ND</sup>  
FLOOR CONTINENTAL HOUSE 11.00 AM**

**PRESENT:**

- |                                  |   |                  |
|----------------------------------|---|------------------|
| 1. Hon. Florence Kajuju, MP      | - | Chairperson      |
| 2. Hon. Philip Rotino, MP        | - | Vice Chairperson |
| 3. Hon. Muriuki Njagagua, MP     |   |                  |
| 4. Hon. Dennitah Ghati, MP       |   |                  |
| 5. Hon. Daniel Maanzo, MP        |   |                  |
| 6. Hon. Benson Mutura, MP        |   |                  |
| 7. Hon. Cyprian Kubai Iringo, MP |   |                  |
| 8. Hon. Dr. Susan Musyoka, MP    |   |                  |
| 9. Hon. James Kanini Kega, MP    |   |                  |
| 10. Hon. Tiyah Galgalo, MP       |   |                  |
| 11. Hon. Kathuri Muriungi, MP    |   |                  |
| 12. Hon. Joseph M'Eruaki, MP     |   |                  |
| 13. Hon. Mohamed Elmi, MP        |   |                  |
| 14. Hon. Farah Abdulaziz, MP     |   |                  |

**ABSENT WITH APOLOGY**

1. Hon. Gladys Wanga, MP
2. Hon. Franklin Mithika Linturi, MP
3. Hon. Sabina Chege, MP
4. Hon. George Wanjohi, MP
5. Hon. Alice Ng'ang'a, MP
6. Hon. Alfred Kiptoo, MP
7. Hon. Fatuma Ibrahim, MP
8. Hon. Jimmy Angwenyi, MP
9. Hon. Mpuri Aburi, MP
10. Hon. Rachel Nyamai, MP
11. Hon. WanjikuMuhia, MP
12. Hon. ZipporahKering, MP
13. Hon. AyubSavula, MP
14. Hon. Beatrice NkathaNyaga, MP
15. Hon. Dan Kazungu. MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 110/2013 ADOPTION OF THE AGENDA**

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. Confirmation of Minutes
3. Matters Arising
4. **Review of the Draft Report**
5. House Keeping

- 6. Any Other Business
- 7. Adjournment

**MIN 111/2013 CONFIRMATION OF MINUTES**

Minutes of the 23<sup>rd</sup> Sitting held on 14<sup>th</sup> November 2013 were proposed by Hon. Daniel Maanzo, and seconded by Hon. Muriuki Njagagua, MP;

**MIN 112/2013 MATTERS ARISING**

No matters arose

**MIN 113/2013 REVIEW OF THE REPORT**

The Committee reviewed the draft report and agreed that it captured all the findings and agreed to first finalize on all the hearing including going to oversees before coming up with final observations, findings and recommendations.

**MIN 114/2013 ADJOURNMENT**

And the time being half past eleven the meeting was adjourned the date of the next meeting will be by notice.

SIGNED.....

  
HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

DATE.....

~~14th~~ ~~14th~~ 2<sup>nd</sup> October 2013

**MINUTES OF THE 25<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON SATURDAY 30<sup>TH</sup> NOVEMBER 2013 AT BOMA HOTEL AT 9:00 AM**

**PRESENT:**

1. **Hon. Florence Kajuju, MP** - **Chairperson**
2. Hon. Muriuki Njagagua, MP
3. Hon. Dennitah Ghati, MP
4. Hon. Benson Mutura, MP
5. Hon. Franklin Mithika Linturi, MP
6. Hon. Beatrice NkathaNyaga, MP
7. Hon. Cyprian Kubai Iringo, MP
8. Hon. Kathuri Muriungi, MP
9. Hon. Mpuru Aburi, MP
10. Hon. ZipporahKering, MP
11. Hon. Joseph M'Eruaki, MP

**ABSENT WITH APOLOGY**

1. **Hon. Philip Rotino, MP** - **Vice Chairperson**
2. Hon. Daniel Maanzo, MP
3. Hon. Gladys Wanga, MP
4. Hon. Mohamed Elmi, MP
5. Hon. James Kanini Kega, MP
6. Hon. Farah Abdulaziz, MP
7. Hon. Tiyah Galgalo, MP
8. Hon. Sabina Chege, MP
9. Hon. Dr. Susan Musyoka, MP
10. Hon. George Wanjohi, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Alfred Kiptoo, MP
13. Hon. Fatuma Ibrahim, MP
14. Hon. Jimmy Angwenyi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. WanjikuMuhia, MP
17. Hon. AyubSavula, MP
18. Hon. Dan Kazungu. MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                         |                           |
|-------------------------|---------------------------|
| 1. Mr. James Ginono     | First Clerk Assistant     |
| 2. Mr. WycliffNyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 115/2013 ADOPTION OF THE AGENDA**

The Committee adopted the agenda as follows;

1. Adoption of the Agenda
2. **Review of Committee Findings**
3. Adjournment

### **MIN 116/2013 REVIEW OF COMMITTEE FINDINGS**

Members went through the entire draft report and recommended relevant changes in consideration of the committee mandate. Further The Committee agreed on the following as the Findings:

#### **SUMMARY OF FINDINGS**

1. That Khat/Miraa Business has been run in an unstructured manner from the way it is harvested, processed, marketed, consumed and exported.
2. There has been no Scientific proof that khat/miraa is drug
3. That the Government has no comprehensive and shared information across its ministries and agencies on khat/miraa
4. The Government has not provided any support towards the growth and marketing of khat/miraa.
5. That very limited research has been conducted on khat/miraa by various Government research institutions hence khat/miraa is regarded as an orphaned crop.
6. That the balance of trade of Khat/Miraa is skewed in favor of the marketers at the expense of farmers.
7. That khat/Miraa is a huge industry both locally and internationally as a foreign exchange earner.
8. Khat/Miraa has Medicinal Value
9. There has been negative publicity and misinformation from various Government institutions and agencies on khat/miraa.
10. There is limited and misguided information internationally on khat/miraa.
11. The Government has no Foreign Policy that regards the trade of Khat/Miraa.
12. Banning of miraa internationally will render many Kenyans jobless since it is a source of livelihood.
13. Khat/Miraa has social-economic, religious and cultural values among some communities in Kenya.
14. There is risk of escalation of crime at local and international levels if khat/miraa is banned if khat/miraa banned either at the local or international level.
15. There is a likelihood of strained relationship between governments if the international ban is implemented.

### **MIN 117/2013 HOUSE KEEPING**

The Chair reported that the foreign trips to UK and Netherlands were successful. However, she noted that she was yet to receive a report from the Leader of the Netherlands delegation.

**MINUTES OF THE 26<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON SATURDAY 30<sup>TH</sup> NOVEMBER 2013 AT BOMA HOTEL AT 2:15 PM**

**PRESENT:**

1. **Hon. Florence Kajuju, MP** - **Chairperson**
2. Hon. Muriuki Njagagua, MP
3. Hon. Dennitah Ghati, MP
4. Hon. Benson Mutura, MP
5. Hon. Franklin Mithika Linturi, MP
6. Hon. Beatrice NkathaNyaga, MP
7. Hon. Cyprian Kubai Iringo, MP
8. Hon. Kathuri Muriungi, MP
9. Hon. Mpuru Aburi, MP
10. Hon. ZipporahKering, MP
11. Hon. Joseph M'Eruaki, MP

**ABSENT WITH APOLOGY**

1. **Hon. Philip Rotino, MP** - **Vice Chairperson**
2. Hon. Daniel Maanzo, MP
3. Hon. Gladys Wanga, MP
4. Hon. Mohamed Elmi, MP
5. Hon. James Kanini Kega, MP
6. Hon. Farah Abdulaziz, MP
7. Hon. Tiyah Galgalo, MP
8. Hon. Sabina Chege, MP
9. Hon. Dr. Susan Musyoka, MP
10. Hon. George Wanjohi, MP
11. Hon. Alice Ng'ang'a, MP
12. Hon. Alfred Kiptoo, MP
13. Hon. Fatuma Ibrahim, MP
14. Hon. Jimmy Angwenyi, MP
15. Hon. Rachel Nyamai, MP
16. Hon. WanjikuMuhia, MP
17. Hon. AyubSavula, MP
18. Hon. Dan Kazungu. MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

1. Mr. James Ginono First Clerk Assistant
2. Mr. WycliffNyang'ate Junior Legislative Fellow

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 119/2013 ADOPTION OF THE AGENDA**

The Committee adopted the agenda as follows;

4. Adoption of the Agenda
5. **Review of the Committee Recommendations**
6. House Keeping
7. Adjournment

**MIN 120/2013 REVIEW OF THE COMMITTEE RECOMMENDATIONS**

Members went through the entire draft report and recommended relevant changes in consideration of the committee mandate. The Committee agreed that the following are the Recommendations after the activities undertaken

1. **That the Crops Act 2013 be amended to include khat/miraa in the list of scheduled crops**
2. **That Miraa Stakeholders' to establish concrete structures that will assist them to address their interests.**
3. **That the Government allocates funds to research institutions to enable them carry out extensive research on Khat/Miraa.**
4. **That the Government to petition countries which have banned Khat/Miraa to lift the ban.**
5. **That there should be Khat/Miraa stakeholders' participation to level the balance of trade in the business.**
6. **The Government should intervene in support of khat/miraa marketing and trade at both regional and international levels.**
7. **That the government should formulate foreign policies on miraa trade at the regional and international level.**
8. **That the Government should commission an Inter-Ministerial and Multi-stakeholders taskforce to address the legal barriers surrounding classification of Khat derivatives as Psychotropic substances**
9. **That the relevant government Ministries, should consider creating alternative markets for Khat/miraa in other countries.**

**MIN 121/2013 ADJOURNMENT**

And the time being a quarter past six in the evening, the meeting was adjourned the date of the next meeting will on Monday, 2<sup>nd</sup> December 2013 at Committee room, 2<sup>nd</sup> floor Continental House at 3:30pm.

SIGNED.....



HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

DATE.....

2<sup>nd</sup> Dec. 2013

**MINUTES OF THE 27<sup>TH</sup> SITTING OF THE SELECT COMMITTEE ON KHAT  
HELD ON MONDAY 2<sup>ND</sup> DECEMBER 2013 IN THE 2<sup>ND</sup> FLOOR  
CONTINENTAL HOUSE AT 4:15 PM**

**PRESENT:**

- |                                      |                    |
|--------------------------------------|--------------------|
| 1. Hon. Florence Kajuju, MP          | - Chairperson      |
| 2. Hon. Philip Rotino, MP            | - Vice Chairperson |
| 3. Hon. Sabina Chege, MP             |                    |
| 4. Hon. Muriuki Njagagua, MP         |                    |
| 5. Hon. Dennitah Ghati, MP           |                    |
| 6. Hon. Benson Mutura, MP            |                    |
| 7. Hon. Franklin Mithika Linturi, MP |                    |
| 8. Hon. Beatrice Nkatha Nyaga, MP    |                    |
| 9. Hon. Cyprian Kubai Iringo, MP     |                    |
| 10. Hon. Kathuri Murungi, MP         |                    |
| 11. Hon. Mpuru Aburi, MP             |                    |
| 12. Hon. Zipporah Kering, MP         |                    |
| 13. Hon. Joseph M'Eruaki, MP         |                    |
| 14. Hon. Dan Kazungu. MP             |                    |
| 15. Hon. Alice Ng'ang'a, MP          |                    |
| 16. Hon. Gladys Wanga, MP            |                    |
| 17. Hon. George Wanjohi, MP          |                    |
| 18. Hon. James Kanini Kega, MP       |                    |
| 19. Hon. Tiyah Galgalo, MP           |                    |

**ABSENT WITH APOLOGY**

1. Hon. Daniel Maanzo, MP
2. Hon. Mohamed Elmi, MP
3. Hon. Farah Abdulaziz, MP
4. Hon. Dr. Susan Musyoka, MP
5. Hon. Alfred Kiptoo, MP
6. Hon. Fatuma Ibrahim, MP
7. Hon. Jimmy Angwenyi, MP
8. Hon. Rachel Nyamai, MP
9. Hon. WanjikuMuhia, MP
10. Hon. AyubSavula, MP

**IN - ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                           |
|--------------------------|---------------------------|
| 1. Mr. James Ginono      | First Clerk Assistant     |
| 2. Mr. Wycliff Nyang'ate | Junior Legislative Fellow |

**PRAYERS**

Prayers were said by the Chairperson, Hon. Florence Kajuju, MP.

**MIN 122/2013    ADOPTION OF THE AGENDA**

The Committee adopted the agenda as follows;

Confirmation of Minutes

Matters Arising

**Adoption of the Report**

Any other Business

Adjournment

**MIN 123/2013    CONFIRMATION OF MINUTES**

1. Minutes of the 24<sup>th</sup> Sitting held on 14<sup>th</sup> November 2013 were proposed by Hon. Benson Mutura, MP and seconded by Hon. James Kanini Kega, MP;
2. Minutes of the 25<sup>th</sup> Sitting held on 30<sup>th</sup> November 2013 were proposed by Hon. Zipporah Kering, MP and seconded by Hon. Muriuki Njagagua, MP;
3. Minutes of the 26<sup>th</sup> Sitting held on 14<sup>th</sup> November 2013 were proposed by Hon. Beatrice Nkatha Nyaga, MP, and seconded by Hon. Franklin Mithika Linturi, MP;
4. Minutes of the 27<sup>th</sup> Sitting held on 14<sup>th</sup> November 2013 were proposed by Hon. Cyprian Kubai Iringo, MP and seconded by Hon. Muriuki Njagagua, MP;

**MIN 124/2013    MATTERS ARISING**

No Matters arose.

**MIN 125/2013    ADOPTION OF THE REPORT**

The report was unanimously adopted and countersigned by the members present.

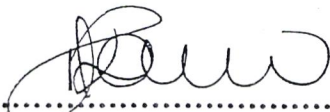
**MIN 126/2013    ANY OTHER BUSINESS**

There upon the Committee was informed that its life comes to an automatic end on 5<sup>th</sup> December 2013.

**MIN 127/2013    ADJOURNMENT**

And the time being a quarter past six in the evening, the meeting was adjourned.

SIGNED.....



HON. FLORENCE KAJUJU M.P.  
CHAIRPERSON

DATE.....

2nd. Dec. 2013.