

Legal Status of Khat in Selected Jurisdictions

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The following chart summarizes the legal status of khat (*Catha edulis*, also known as kat, qat, chat, and miraa), a plant whose leaves have a stimulant effect when chewed, in seven jurisdictions. It includes information regarding the legality of khat in each jurisdiction and, where it is banned, the applicable penalties. According to applicable tax laws or secondary sources, khat appears to be legal in Djibouti, Ethiopia, Kenya, Somalia, and Yemen, but is banned in Jordan. Its status in Turkey, where it is categorized as a controlled substance, is unclear. Whereas it is legal under Turkish law to produce, sell, import, and export khat with a license, it appears that consumption of the substance is banned.

Country	Legal Status of Khat	Penalties
Djibouti	Legal ¹	N/A
Ethiopia	Legal ²	N/A
Jordan	Banned The law prohibits the export/import of any plants and seeds that could be used in the manufacturing of illegal narcotics or for substance abuse, and also prohibits the sale, purchase, transport, possession, swap, and delivery of such plants. ³ The general guide of customs mentions khat as a banned item among prohibited imported and exported goods. ⁴	Two years in prison and a fine of up to Jordanian Dinar (JOD) 3000 (about US\$4,234). ⁵

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Country	Legal Status of Khat	Penalties
<p>Kenya</p>	<p>Legal</p> <p>At least one of the substance’s principal active components, cathinone, is a listed psychotropic substance under Kenyan law,⁶ which technically makes khat a psychotropic substance and illegal (subject to some specific exceptions),⁷ but it is not listed as a prohibited plant.⁸ It is also listed as a special horticultural crop along with fruit trees (including apple and citrus) and vegetables (including tomatoes and cucumbers).⁹ Secondary sources indicate that the production, consumption, sale, and export of khat is legal in Kenya.¹⁰</p>	<p>N/A</p>
<p>Somalia</p>	<p>Legal</p> <p>A 1983 law banned the planting, import, and consumption of khat,¹¹ and mandated that existing khat plants be destroyed over a period of two years.¹² The law imposed penalties in the form of custodial sentence, fines, and forfeiture of property used in the commission of a crime,¹³ and also imposed penalties on law enforcement agents found to be “reluctant, negligible or . . . lacking in vigour to stop the smuggling or farming” of the substance.¹⁴ The ban reportedly ended in 1989 and a widespread use of the substance resumed.¹⁵ Since the end of Mohamed Siad Barre’s regime in the early 1990s, the substance has remained legal in the country, with the exception of brief bans by the Islamic courts and later by Al-Shabab in the areas they controlled.¹⁶</p>	<p>N/A</p>

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Country	Legal Status of Khat	Penalties
<p>Turkey</p>	<p>Banned for use</p> <p>Listed as controlled substance under the general scope of the country’s Law on the Control of Narcotic Drugs¹⁷ and specifically through a 2011 Decision of the Council of Ministers placing it on the list of controlled narcotic substances.¹⁸ Cathinone is item 3 on the list; cathine is item 4, and the <i>Catha edulis</i> plant (khat) is item 5.¹⁹</p> <p>Legal for import/export, sale, transport, and production with license²⁰</p>	<p>Purchasing, accepting, or possessing narcotic or psychotropic substances for personal use: two to five years of imprisonment.²¹</p> <p>Import/export violations: twenty to thirty years of imprisonment and a fine of “up to 20,000 days in prison.”²²</p> <p>Selling, supplying, delivering, transporting, storing, purchasing, accepting, or carrying khat without, or in violation of, a license: ten years in prison and a fine of “up to 20,000 days.”²³</p> <p>If given or sold to a minor: minimum penalty of fifteen years’ imprisonment.²⁴</p> <p>If violations committed within two hundred meters of facilities such as schools, dormitories, hospitals, and barracks, or places of worship, education, and similar public buildings: penalty increased by 50%.²⁵</p>
<p>Yemen</p>	<p>Legal²⁶</p>	<p>N/A</p>

¹ CODE GÉNÉRAL DES IMPÔTS [GENERAL TAX CODE] arts. 115, 284 (Djibouti, 2011), <http://www.ccd.dj/i/upload/textes/juridiques/codes-generales-des-impots.pdf>.

² Chat Excise Tax Proclamation 767 of 2012, FEDERAL NEGARIT GAZETA (Aug. 27, 2012), available on the Ethiopian Legal Brief website, at <https://chilot.files.wordpress.com/2013/04/proclamation-no-767-2012-chat-excise-tax-proclamation.pdf>; Gessesse Dessie, *Is Khat a Social Ill? Ethical Arguments About a 'Stimulant' Among Learned Ethiopian* 5 (African Studies Centre (ASC), Working Paper No. 108/2013), available on the Leiden University website, at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/20402/WP108.pdf?sequence=2>; William Eckersley et al., *Khat, Driver Impairment and Road Traffic Injuries: A View from Ethiopia*, 88(3) BULL. WORLD HEALTH ORG. 235, 235 (Mar. 2010), <http://www.who.int/bulletin/volumes/88/3/09-067512.pdf?ua=1>.

³ Law on Combatting Illegal Narcotics 11 of 1988, art. 6(a), 3540 AL-JARIDAH AL-RASMIYAH (Mar. 17, 1988), http://www.plc.gov.ps/menu_plc/arab/files/الاردين/قانون_المخدرات_والمؤثرات_العقلية.htm (in Arabic).

⁴ *General Customs Guide*, JORDAN CUSTOMS AUTHORITY, <http://www.customs.gov.jo/chapter4.shtm> (in Arabic; last visited May 05, 2015).

⁵ Law on Combatting Illegal Narcotics art. 7.

⁶ Narcotic Drugs and Psychotropic Substances (Control) Act of 1994, § 2, 14 LAWS OF KENYA, Cap. 245 (rev. ed. 2014), available on the Kenya Law website, at <http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%20245>; *Khat Drug Profile*, EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION, <http://www.emcdda.europa.eu/publications/drug-profiles/khat#chemistry> (last visited May 5, 2015).

⁷ Narcotic Drugs and Psychotropic Substances (Control) Act §§ 2 & 3.

⁸ *Id.*, Third Sched.

⁹ Agriculture (Declaration of Special Crops) (Horticultural Crops) Order, Agriculture Act, 1 LAWS OF KENYA, Cap. 318 (rev. ed. 2014), <http://www.kenyalaw.org:8181/exist/kenyalex/sublegview.xql?subleg=CAP.%20318>.

¹⁰ NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY, CATHA EDULIS (MIRAA): A DETAILED REVIEW FOCUSING ON ITS CHEMISTRY, HEALTH IMPLICATION, LEGAL, SOCIAL, CULTURAL, RELIGIOUS, MORAL ASPECTS AND ITS CULTIVATION 31 (June 1996), http://oris.nacosti.go.ke/modules/library/publications/research_reports/NACOSTI-DL-RR-1044.pdf; JOHN FITZGERALD, CENTRE FOR CULTURE, ETHNICITY & HEALTH, KHAT: A LITERATURE REVIEW 7 (Mar. 5, 2009), http://www.ceh.org.au/downloads/khat_report_final.pdf; *President to Assent to Law Upgrading Miraa into a Cash Crop*, MYGOV (Mar. 2, 2015), <http://mygov.go.ke/president-to-assent-to-law-upgrading-miraa-into-a-cash/>.

¹¹ SOMALIA DEMOCRATIC REPUBLIC, MINISTRY OF INFORMATION AND NATIONAL GUIDANCE, WHY KAT WAS PROHIBITED IN SOMALIA 64 (Mar. 1983); A.S. Elmi et al., *Experience in the Control of Khat-Chewing in Somalia*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (Jan. 1, 1987), http://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1987-01-01_2_page006.html.

¹² *Id.*

¹³ *Id.* at 65.

¹⁴ *Id.*

¹⁵ SUSAN BECKERLEG, ETHNIC IDENTITY AND DEVELOPMENT: KHAT AND SOCIAL CHANGE IN AFRICA 8–9 (2010).

¹⁶ *Id.* at 9; Hamza Mohamed, *'Khat' Comeback Allows Somalis to Chew On*, ALJAZEERA (Mar. 13, 2013), <http://www.aljazeera.com/indepth/features/2013/03/2013312104041307283.html>; *Khat Traders in Kenya Suspend All Exports to Somalia*, SAHAL NEWS (Feb. 15, 2015), <http://www.sahalnews.com/?p=16317>.

¹⁷ Uyuşturucu Maddelerin Murakabesi Hakkında Kanun [Law on the Control of Narcotic Substances], Law No. 2313 (Dec. 6, 1933), art. 19, <http://www.mevzuat.gov.tr/MevzuatMetin/1.3.2313.doc>.

¹⁸ Bakanlar Kurulu Kararı [Decision of the Council of Ministers] (Jan. 7, 2011), No. 2011/1310, <http://www.resmigazete.gov.tr/eskiler/2011/02/20110213-4.htm>.

¹⁹ *Id.*

²⁰ Uyuşturucu Maddelerin Murakabesi Hakkında Kanun, various articles—e.g., art. 5 on importation requiring customs documents, art. 15 on retail sale and prescription in conformity with the Pharmacists and Pharmacies Act. No no one specific “positive” article on licensing for import/export, sale, etc. was identified.

²¹ Türk Ceza Kanunu, Law No. 5237 (Sept. 26, 2004, as amended), art. 191(1), <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf> (in Turkish); Criminal Code, Law No. 5237 (Sept. 26, 2004), art. 191(1), available at <http://siteresources.worldbank.org/INTINFRANLAW/Resources/040926TurkeyCriminalCode.pdf> (in English).

²² *Id.* art. 188(1).

²³ *Id.* art. 188(3).

²⁴ *Id.*.

²⁵ *Id.* art. 188(4)(b).

²⁶ Khat cultivation is not criminalized and the substance is not listed as a controlled narcotic in Yemen. Law on Combating the Illegal Usage of Narcotics 3 of 1993, art. 28, 6 AL-JARIDAH AL-RASMIYAH (Mar. 31, 1993), available at http://yemen-nic.net/db/laws_ye/detail.php?ID=11398&phrase_id=1178576 and <http://www.sabanews.net/ar/news97125.htm> (both in Arabic). The government imposes a 20% tax on khat consumption, further evidence of the substance’s legality. Public Sale Tax Law 42 of 2005, art. 64, 14 AL-JARIDAH AL-RASMIYAH (July 18 2005), available at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=19343 (in Arabic).