



THE GOVERNOR

**PROHIBITION ON THE ENTRY, TRANSPORTATION, DISTRIBUTION,
SALE AND USE OF MUGUKA AND ITS PRODUCTS WITHIN MOMBASA
COUNTY**

Issued on 22nd May 2024

ISSUED BY THE EXECUTIVE OFFICE OF THE GOVERNOR

THE GOVERNOR

EXECUTIVE ORDER No.1 OF 2024

WHEREAS, the Constitution of the Republic of Kenya 2010 in Chapter Eleven outlines as fundamental objects of Devolution in Article 174 (c) assigning of powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them; and in (d) recognizing the right of communities to manage their own affairs and to further their development;

WHEREAS, additionally, the Constitution of Kenya 2010 Chapter One Article 1 (1) provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution, and Article 1 (2) notes that the people may exercise their sovereign power either directly or through their democratically elected representatives;

WHEREAS, the Fourth Schedule of the Constitution of Kenya 2010 at Part 2 outlines the functions and powers of county governments;

WHEREAS, under Article 179 of the Constitution of Kenya 2010, the County Governor exercises Executive Authority;

WHEREAS, under Part 2 of the Fourth Schedule at Section 7 of the Constitution of Kenya 2010, County Governments exercise the function and power to regulate trade licensing;

WHEREAS, pursuant to Section 13 of the Fourth Schedule at part 2, it is the responsibility of the County Government to control drugs and substance abuse;

WHEREAS, as the duly elected Governor of the County of Mombasa having considered public sentiment and the greater public good through continuous and widespread public participation;

WHEREAS I have consulted the National Authority for the Campaign Against Drug Abuse (NACADA) which is empowered vide Section 5 (g) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act Revised 2012 to coordinate and facilitate, in collaboration with other lead agencies and non-State actors, the formulation of national policies, laws and plans of action on control

of alcohol and drug abuse and facilitate their implementation, enforcement, continuous review, monitoring, and evaluation;

WHEREAS, the County Government of Mombasa is alive to its constitutional responsibility to promote the right to health of the people and instill health consciousness among them;

WHEREAS, scientific evidence has unequivocally established that muguka consumption causes mental health disease and disability, leads to devastating health, social, economic, and environmental consequences, and places burdens on minors, families, the poor, and County health systems;

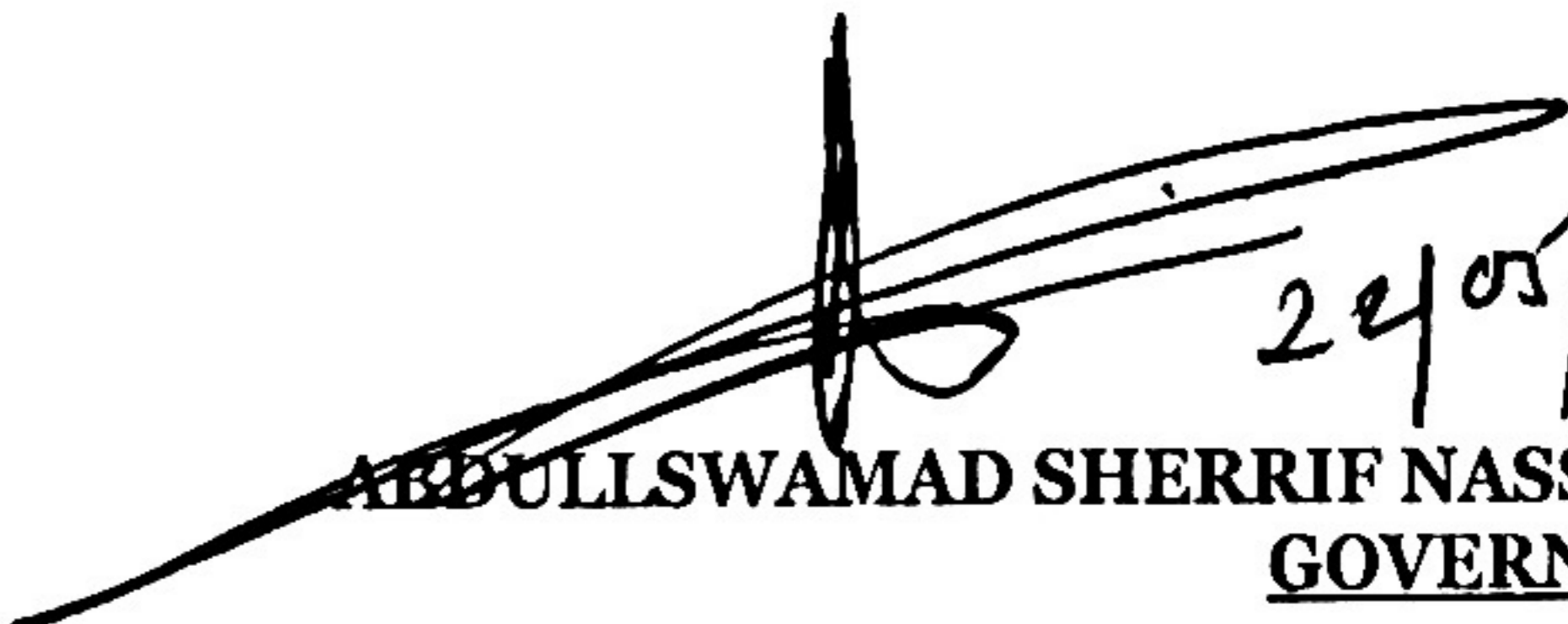
WHEREAS, all the above takes precedence over any commercial or business interest;

WHEREAS,

NOW, THEREFORE, I, ABDULLSWAMAD SHARRIF NASSIR, Governor of Mombasa, by the authority vested in me by the Constitution and existing laws, do hereby order and direct:

- i. **THAT**, there be a total prohibition on the entry, transportation, distribution, sale and use of Muguka and its products within Mombasa County.
- ii. **THAT**, all outlets, whether in the form of retail or wholesale, selling and/or distributing Muguka within Mombasa County be closed immediately and/or stop the sale of Muguka and its products.
- iii. **THAT**, no motor vehicles transporting Muguka shall not be allowed entry into Mombasa County.
- iv. **THAT**, the County Departments are directed to enforce this order without exception.

ISSUED under the HAND AND SEAL OF His Excellency the Governor Of Mombasa, this 22nd day of May, Two Thousand and Twenty Four.


22/05/2024
ABDULLSWAMAD SHERRIF NASSIR,
GOVERNOR