

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 29th December, 2020

Special Sitting

*(Convened via Kenya Gazette Notice
No.11251 of 26th December, 2020)*

*The House met at the Senate Chamber,
Parliament Buildings, at 10.00 a.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

SPECIAL SITTING OF THE SENATE TO CONSIDER THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS No.51 OF 2020)

The Speaker (Hon. Lusaka): Hon. Senators, happy holidays. It is my pleasure and privilege to welcome you to this Special Sitting. I hope that you enjoyed your Christmas and continue to enjoy the recess period with family, relatives and friends.

Hon. Senators, on the request of the Senate Majority Leader and with the support of the requisite number of Senators, I appointed today, Tuesday, 29th December, 2020 as a day for a Special Sitting of the Senate vide Gazette Notice No. 11251, dated 28th December, 2020.

In the *Gazette Notice*, I indicated that the business to be transacted at this Special Sitting shall be the consideration of the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020).

Hon. Senators, the Bill is crucial to our country as it enables us to comply with the 2021 World Anti-Doping Code and Regulations. The Code requires that countries that wish to continue participating in local, regional and international competitions and that wish to continue to facilitate their athletes to participate in such competitions, put in place an enhanced results management system for anti-doping rule violations by the beginning of the year 2021.

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As you are all aware, Kenya is a powerhouse in athletics and, therefore, it is important that the required legal framework is put in place before the end of this year to enable our athletes to continue participating in sporting activities.

Hon. Senators, in accordance with Standing Order No.30(5), the business specified in the *Gazette Notice* and as outlined in the Order Papers for the day shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 9th February, 2021, at 2.30 p.m., in accordance with the Senate Calendar.

Allow me to also take this opportunity to express, on behalf of the Senate, our heartfelt condolences to the family, relatives and friends of the retired Chief Justice Johnson Evan Gicheru, who passed away on 25th December, 2020. The late Justice Gicheru will be remembered as a great legal mind who worked tirelessly to promote judicial reforms in his service at the Judiciary.

May the Almighty God rest the soul of the late Retired Chief Justice Johnson Evans Gicheru in eternal peace.

I thank you.

I also want to acknowledge that quite a number of Senators are logged in virtually; they are following the proceedings and we will also be communicating with them.

Thank you for coming.

Let us move on to the next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE BY THE NATIONAL ASSEMBLY, OF THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2020)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to bring to the attention of the Senate that on Wednesday, 23rd December, 2020, pursuant to Standing Order Nos.41(3) and (4), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020).

The Message is dated 23rd December, 2020 and was received while the Senate was on recess and was transmitted to all Senators on 24th December, 2020, pursuant to Standing Order No.41 (5).

Further, pursuant to the said Standing Orders, I now report the Message to the Senate and I quote-

“PURSUANT to the provisions of Standing Orders Nos.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020) was published vide Kenya Gazette Supplement No. 229 of 7th December, 2020 as a Bill proposing to amend the Anti-Doping Act (No. 5 of 2016, to broaden the application for the Act and put in place an enhanced results management system for anti-

doping rule violations in compliance with the 2021 World Anti-Doping Code, amongst other provisions;

AND WHEREAS the National Assembly considered the Bill in all stages and passed it on Tuesday, 22nd December 2020, without amendments, in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Hon. Senators, Standing Order No.157 requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139. On account of the urgency of the Bill and on the request of the Senate Majority Leader, I convened this Special Sitting whose sole business is the consideration of the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020), I, therefore, direct that the Bill be proceeded with as indicated in the morning and afternoon Order Papers.

I thank you.

Next Order.

BILL

First Reading

THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.51 OF 2020)

*(Order for First Reading read - Read the First
Time and ordered to be referred to
the relevant Senate Committee)*

Hon. Senators, in accordance with our Standing Orders, the Bill now stands committed to the Committee on Labour and Social Welfare. The Committee shall facilitate public participation and shall be tabling a report on the Bill in the afternoon sitting.

Next Order.

BILL

Second Reading

THE ANTI-DOPING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.51 OF 2020)

(By leave of the House)

The Speaker (Hon. Lusaka): Senate Majority Leader, proceed.

(There was a technical hitch)

Sen. Wambua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of Order?

Sen. Wambua: Mr. Speaker, Sir, seeing as it were that we are maybe having a challenge with virtual connection from the Senate Majority Leader and I see the Senate Minority Whip is in the House, can she just move, we second and---

The Speaker (Hon. Lusaka): She is actually moving it. She is sorting out something.

Sen. Farhiya, approach the Chair.

(Sen. Farhiya approached the Chair)

Sen. Farhiya: Mr. Speaker, Sir, I beg to move that the Anti-Doping (Amendment) Bill (National Assembly Bills No. 51 of 2020) be read a Second Time.

Mr. Speaker, Sir, as you are aware, the World Anti-Doping Code is the core document that harmonizes the anti-doping policies, regulations and rules within a sporting organization and among public authorities around the world. It works in conjunction with the following international standards that aim to foster consistency among anti-doping organizations in various areas. These are as follows-

- (i) The international standards for testing and investigation.
- (ii) The international standards for laboratories.
- (iii) The international standards for therapeutic use exemption.
- (iv) The international standards for prohibition lists.
- (v) The international standard for protection of privacy and personal information.
- (vi) International standard for code compliance by signatories.

In addition to the above standards, following two new international standards are set to come into force by 1st January 2021 alongside the 2021 anti-doping code and related sets of standards. They are-

- (i) Standards for education.
- (ii) The international standards for result management.

Apologies, Mr. Speaker, Sir. These are a bit technical stuff. Kindly allow me to read most of it.

The Revision Process for the 2021 Code began at the end of 2017 and was unanimously approved on 7th November 2019 at the World Conference on Doping in Sports in Katowice, Poland. The revised code is set to come into force by 1st January 2021.

Mr. Speaker, Sir, as you can see, we are running out of time. Therefore, it is imperative that this House makes time to ensure that we finish all we are supposed to do by the end of today, so that we are in compliance with the international requirements and that we do not disadvantage our athletes. As everyone understands, this country is the force to reckon with as far as sports are concerned.

The World Anti-Doping Agency (WADA) was established in 1999 as an international independent agency composed and funded equally by the sports movements and governments of the world.

The key activities included scientific research, education, development of anti-doping capacities and monitoring the implementation of the World Anti-Doping Code which is a document harmonizing anti-doping policies in all sports in all countries. These are standardization requirements for everyone in the world that is supposed to take part in sports.

The United Nations Education, Scientific and Cultural Organization (UNESCO) international convention against doping in sports was adopted unanimously at the 33rd UNESCO General Conference on 19th October, 2005 and came into force on 1st February 2007, and now has 189 state parties. Kenya ratified the convention in 2009.

Mr. Speaker, Sir, once we ratify a convention as a country, we need to pass the necessary regulations and Bills so that we are in compliance with what is required, because we have already adopted the convention. The convention helps us to harmonize anti-doping legislative guidelines, regulations and rules internationally in order to provide a fair and equitable playing environment for all athletes.

Kenya enacted this Act and provides for the following-

- (i) The implementation of the UNESCO convention against doping in sports.
- (ii) Regulation of sporting activities free from the use of prohibited substances and methods in order to protect the health of the athletes.
- (iii) The establishment and management of the Anti-Doping Agency of Kenya (ADAK) and the agencies powers functions and management.

The 2021 World Anti-Doping Code will introduce new international standards bringing 2021 International Standard for Education (ISE) and 2021 International Standard for Result Management (ISRM). All member States are mandated to align their national anti-doping legal frameworks with the improvement of the code. Failure to align the national legal framework with the 2021 World Anti-Doping Code within the said timeline will result in declaring non-compliance from the WADA.

Non-compliance status means Kenya shall be barred from participating in all future international sporting competitions. This includes regional and international events. This will affect thousands of Kenyans who depend on sports as their only source of livelihood. Further, it will also affect athletes support personnel and sports administrators who depend on sports earnings and whose number is four times that of the athletes.

As we know, we have people who are actively engaged in sports. There are also other businesses around sports, including sporting facilities that are provided either publicly or privately, which will benefit if this Bill is passed today. I urge all Senators to avail themselves and vote for this necessary Bill. We do not have the luxury of not passing this Bill today.

The principal objective of the Anti-Doping (Amendment) Bill (National Assembly Bills No.51 of 2020) is to amend the Anti-Doping Act, 2016, which is the principal Act, to harmonise the legislative framework with the 2021 World Anti-Doping Code and Regulations. This effort will aid in achievement of compliance by Kenya to the

international adopted code and facilitate the continued participation of Kenyan athletes in local, regional, and international competitions while appreciating the relevance of capping dripping in sports.

The Bill seeks to insert definitions of new terms and phrases as contained in the 2021 World Anti-Doping Code and Regulations and to delete terms that have become obsolete or no longer appear in the body of the principal Act. It broadens the applications of the principal Act to include members, directors, officers, specified employees, and delegated third parties and their employees who are involved in the aspect of doping control.

The reason this is important is that you cannot limit this Bill only to the people who participate in sports because there are others who facilitate the process and need to know that this will affect them directly. That means they will be more careful in terms of ensuring that they comply with the laws as required. I am happy that it will also affect everybody involved in sports.

It also seeks to insert additional purpose for the principal Act to safeguard the physical health and mental integrity of athletes. It also provides that the ADAK shall be the only organisation to carry out anti-doping activities in the country and its authority shall be recognised by all regional and international sports federations and national and international sports organisations.

It also clarifies the functions of the agency and the institution.

The agency is responsible for monitoring compliance. Statement on independence of the agency and committee from any undue influence in the conduct of its activities and actions regarding anti-doping---

Mr. Speaker, Sir, it is for further qualifications required any person to be appointed to the board of the agency. It is for the signing of conflict of interest and confidentiality declaration by any new board members of the agency. For enhanced disqualification criteria for the board member.

It is for the independence, the board and the secretariat of the agency. It is for the role of the Chief Executive Officer (CEO) of the agency with respect to therapeutic use exemption. For the disqualification of employment by the agency of person who in the past have been involved in any form of anti-doping rule violations.

Mr. Speaker, Sir, it is for introduction of new Section 2(2)(a) to mandate the other Government agencies responsible for functions that correlate with the anti-doping efforts to collaborate with the agency in enforcement, monitoring and curbing of anti-doping activities.

It is for reinforcement obligation arising to all relevant persons from the code and the rules under Clause 17. It provides for the use of samples and related analytical data collected from the athletes. The laboratories that can test athletes and the submissions of all test samples to the agency.

Mr. Speaker, Sir, sub clause (g) provides the enhanced framework for anti-doping compliance officers in the agency. Sub clause (h) clarifies the jurisdictional role of sports dispute tribunal to include among others anti-doping rule violation on national and lower level athletes and athletes' personnel.

Anti-doping rule violations in other persons subject to anti-doping rules, Therapeutic Use Exemption (TUE) of Anti-Doping Agency of Kenya (ADAK) and matters of compliance of sports organizations, in the first instance, in appellate level.

Mr. Speaker, Sir, sub clause (j) provides for the establishment of functions and operations for anti-doping results management panel in order to enhance the aspects of results management in cases of anti-doping rule violations. It provides for the responsibility of sports federation to enforce the anti-doping rules within the federation. It also provides for linkages between anti-doping rule violations and resultant function in accordance with anti-doping rules.

Mr. Speaker, Sir, the Bill will harmonize the Anti-Doping Act of 2016 with the 2021 Anti-Doping Code and Regulations. This will ensure compliance by Kenya to the international adapted code and facilitate the continued participation of Kenyan athletes in local, regional and international competitions.

Pursuant to Standing Order No.140(5) of the Senate Standing Orders, the Standing Committee on Labor and Welfare shall facilitate public participation and will take into account the views and recommendations of the public when the Committee submits its report to the Senate.

Mr. Speaker, Sir, further, pursuant to the Standing Order No.143(1) of the Senate Standing Orders, the Committee is required to submit the report with 30 days. However, for this purpose, they are required to submit by today.

I beg to move and I ask Sen. Wetangula to second. I thank you.

Sen. Wetangula: Mr. Speaker, Sir, thank you. This very important Bill sets out to harmonize the anti-doping legislation of 2016 with the current developments in the world of sports.

Mr. Speaker, Sir, the WADA has been struggling the world over in trying to bring sanity and discipline in the sporting activities of the world. Many times, athletes have fallen victim to situations beyond their control. With the changing times and improving technologies, we have had situations of rogue countries that have had official national sanctioned activities of doping their sports men and women to get fraudulent and fake superiority and supremacy in athletics. None in this House understands that better than the distinguished Senator for Kisii, Sen. (Prof.) Ongeru with whom we have worked on some of these issues before.

You may recall in the old days during the communist-capitalist competitions, a country that is no longer there now called East Germany used to be the epicenter of doping athletes. They would take to the world games such as Olympic athletes that used to run like machines. Sen. (Prof.) Ongeru may remember the famous lady called Marita Koch who used to run in super human form. It has turned out that some of those athletes were, in fact, literally genetically engineered to run.

We have had situations even in countries that we all copy from like the United States of America (USA) whose athletes have been involved in doping. The famous sprinter from the USA who was smashing record after record ended up being disgraced and stripped off all the medals that he had been awarded in various games.

Mr. Speaker, Sir, this Bill comes at a time when Kenya as a power-house in athletics, particularly has been suffering some very poor imaging because of our athletes

being caught on the wrong side of the law. That sometimes happens for no fault of the athletes. Scanning through this Bill, Sen. (Prof.) Ongeru, who is an authority on this matter, will bear me witness that a very critical component in the athletes' lives has not been taken on board to the satisfaction that I expect.

Most of our athletes are young, innocent, village born, bred and hardworking people most of whom are from the Rift Valley Region, particularly Elgeyo-Marakwet, Uasin Gishu, Kericho and Mt. Elgon. The areas I have mentioned have produced very outstanding athletes. We boast of people like the late Ben Jipcho, the legend who is my good friend, Kipchoge Keino, who participated in athletics in the Olympics, Commonwealth games and other world games with great discipline. Those athletes did so because then, there was no pressure for money hunting. Athletics has now been turned into business.

I have no difficulty with our athletes making money from their talent because I know my friends like Moses Kiptanui, the world record holders for a long time in steeple chase, has done very well and leads a very decent life in Eldoret and Trans Nzoia. However, in between, we have people called agents. They go around the country scouting for young talent. However, when you look at the history and record of these athletes, most of the money they earn goes to these agents.

It is these agents who hold these children like guinea pigs using them for self-gain. They are the ones who, when they realize an athlete is losing their power, start introducing them to enhancement drugs so that they can continue winning races and sports and generating income for them. These are the people who should be punished as and when an athlete is caught on the wrong foot.

Mr. Speaker, Sir, I do not expect a situation where a girl in Form Two or Three from Nandi - where my distinguished colleague sitting there comes from - running in the village on a world stage would know enhancement drugs in the process of running. It is these crooked agents that introduce them to these drugs and destroy their careers.

I would have loved a situation where any agent who has administered, caused or induced to be administered enhancement drugs that fall within the doping sphere to be expelled from this country - if they are foreigners - for ruining our children. They should also get some serious criminal sanctions including, but not limited to prosecution and where found guilty, imprisonment as a deterrent. Thereafter, they should be removed from our soils so that they do not continue contaminating and destroying our athletes.

Kenya is respected as a country that has produced some of the best and finest athletes in the world. We have not done very well in football but athletics has been the focus of doping. Of late, we have been seeing very fine and promising boys and girls emerging in athletics being caught on the wrong side. Some are caught accidentally and others induced by crooked agents.

I would want to see a situation where exceptions are also applied. For example, we have had situations where an athlete gets treatment from a recognized facility such as Government or a private hospital and some of the contents of the medicines they are administered, for whatever disease, end up being part of the prohibited substances without their knowledge.

In a situation like that, we must trace culpability to the doctor who prescribed the medicine without caution. We can excuse such an athlete who did not know, willfully and fraudulently, go out of their way to consume drugs to enhance their capability.

Mr. Speaker, Sir, this Bill is not unique to Kenya because it has been developed by World Anti-doping Agency (WADA) and adopted by agencies worldwide so that we can bring sanity and do not have other Ben Johnsons.

Sen. (Prof.) Ongeru, you may remember Ben Johnson the Canadian who went for Olympics event and won all short races from 100 to 400 meters. In each, he was breaking all world records only to turn out that he was doing this after consuming enhancement drugs.

He was found to have knowingly doped himself with his agent's assistance and was stripped of all the gold medals he had won. In fact, one of the medals was given to Carl Lewis an American runner who celebrated because when Ben Johnson beat him in the Olympics, he protested and said that that superhuman running was not normal.

It came to pass that in fact he was right; that Ben Johnson, a Jamaican born Canadian, had been on a mission to cheat the world.

We have had other very good and decent athletes like Usain Bolt. Usain Bolt has been a world beater for the last decade in all sprints. Every effort has been taken to check whether he takes any enhancement drugs or not, and he was found clean. We salute such an athlete.

We have our athletes here, for example, there was a young girl from Nandi, the one who won the Golden League Circuit; Pamela Jelimo. When I was the Minister for Foreign Affairs, I honoured her. She was the first athlete in this country to be given a diplomatic recognition and passport, only to end up on the rocks because of being mismanaged by her trainer and other agencies that come in force.

Mr. Speaker, Sir, I want to urge Members of this House who are on *Zoom* and in the Chamber to support this Bill because it is going to help our country that sends clean athletes but we end up competing with others who have taken enhancement drugs, like we used to see in the Cold War days, where Russia, East Germany then and other countries, for them, defeating athletes from the West was a matter of national pride, and they left nothing to chance. They did everything possible.

We trace our athletics to the good old days when Nyandika Mayoro, Naftali Temu, Wilson Kiprugut Juma, Kipchoge Keino and all others went to run sometimes on bare feet and won accolades for this country.

Unfortunately, as we debate this Anti-Doping Bill, successive Governments in Kenya have done very little to honour our heroes. Our athletes who have brought fame to this country have not been given the recognition and support they deserve.

I sometimes sit with Kipchoge Keino in Eldoret and we talk. He reflects on the tribulations they have gone through, including attempting to disgrace him for going to the Rio Olympics with his son. Kipchoge Keino should be bought a ticket by this country with whoever he chooses to go to attend any international sport because of the fame he has brought to this country.

However, you saw the fanfare with which the criminal investigation agencies were pursuing him, making Kipchoge look like he was a fraudster, simply because he

went with his son to the Rio Olympics and the National Olympics Committee paid a ticket for him.

It was disgraceful behaviour for a man who has upheld integrity, was never caught on the wrong side of doping, has never been accused of helping or encouraging anybody to dope and has done so much for this country.

This Bill having come from the National Assembly, we enjoin them in bringing it to fruition so that as we prepare for the Tokyo Olympics - if they will take place because of the Corona challenges - we can have our athletes go there.

Very important clauses in this Bill include the creation of the National Anti-Doping Agency and designating it as the only legitimate agency that will deal with doping and anti-doping activities. This is because we run a risk if we do not have such clarity of all manner of people coming up. We have even seen in the COVID-19 testing, some laboratories that are questionable churning out certificates of COVID-19 free for Kenyans to travel and endangering our relationship with friendly States.

Therefore, having an agency that will be vested with exclusive authority to deal with this - this is found in Clause 5 - is very important because it then standardizes the process of checking whether our athletes have been engaged in such activities or not.

We also need to put in place - it is not very clear in the Bill - the educational part of it. Our young athletes who are emerging must constantly be brought to know that they may encounter people who want to destroy their careers. A stranger can give you a packet of biscuits that are laced with something, or a bottle of juice that is laced with something that can destroy your career. Our athletes need to be brought to understand that discipline is the key to success.

We, as a country, must join celebrated athletes like Ms. Lorna Kiplagat who have set up training centres in Iten. When you were the Governor of Bungoma, you started to build a high altitude training centre in Mt. Elgon that has unfortunately stalled because of your departure from the county.

We need to have those centres in areas where we have celebrated athletes, such as Nandi, Uasin Gishu, Elgeyo Marakwet, Nyahururu, Kisii and Mt. Elgon in Bungoma. Places where we have very good breeding ground for athletes who can take early steps to train and be told what to do and what not to do in climbing the ladder to success, so that they are not caught up on the way and their careers destroyed.

The life of an athlete is very short. You cannot be a top-flight athlete after 30 or 33 years because you are worn out. They start from age 17 and by the time they hit 30 years, they are exhausted. If they do not have anything else to do in life, we end up having sorry and unfortunate situations like that of Mr. Henry Rono from Nandi county who broke six world records in two months and ended up in a poor state in the United States of America (USA). That is because there were no mentorship programmes to help them know what to do and what not to do.

Mr. Speaker, Sir, as I end, when I was the Minister of Foreign Affairs, I started a programme of recognising our athletes as our goodwill ambassadors for this country. Wherever they go, even when our Head of State visits a country, our flag would be hoisted and our Anthem played only once. However, when Kenya wins four gold medals

in the Olympics, our National Anthem is played four times and the whole world is watching in their billions. There can never be a better marketing for our country than that.

I started the programme where I wanted a situation where whenever our athletes go out of the country, whether it is international sporting or this private marathons that are recognised and Grand Prix circuits, the Ministry of Foreign Affairs accords them protocol officers that will help them. Whenever they win, they are accosted by international media on how they won.

I saw one athlete who after winning a marathon in Boston was asked: “How did you manage to win this event?” She said: “I just run, kept on running, God came to me and I kept on running until I won.” That does not reflect very well on the image of the country. However, if you have a good protocol officer, these athletes are drilled and explained that when they finish their race and the media comes to you, this is what you can say to enhance your image and the image of our country. This will be very helpful.

I want to urge the Government to give all international beaters that have brought such great fame to our country diplomatic recognition.

When Kipchoge Keino arrives in Lausanne, Switzerland, for the International Olympic Committee (IOC) meeting, he should be accorded the same status as an ambassador because he is carrying the image of our country. He carries the face of Kenya. When we do this, our diplomatic representation and profile rises tremendously.

Mr. Speaker, Sir, every time a Kenyan wins the Boston Marathon, the next event is breakfast with the President of the United States of America. You can imagine what you can do to enhance the relationship of our country with the United States of America or any other country for that matter, when an event like that is provided yet you will find our athletes going to that breakfast accompanied by a ‘White’ man who is an agent who sees our athletes as a source of wealth and nothing else. He will never go there to talk about Kenya.

If we have a Kenyan accompanying these athletes, then before they leave, you brief them what they should talk about, for example, ask America to give us millennium challenge account combat setters. Let us deal with issues that enhance our relationship.

This is a good Bill. It has provisions that are important; protection of data from our athletes is provided for, therapeutic use exemptions clauses are available so that those who accidentally get caught up in situations like these have an appellate process that will listen to their cases. Where they are found to have no willful conduct, they are excused and allowed to go on.

Before somebody is confirmed to be guilty of doping, I like the provision for confidentiality. If we do not keep confidential information and data, we will end up destroying young careers. Some will get demoralized forever and never recover. We can only expose them after exhausting the processes of appeal and we find that truly they were caught up in doping and anti-athletic activity and must be punished by naming and shaming.

With those few remarks, I beg to second.

(Question proposed)

The Speaker (Hon. Lusaka): Those who are with us virtually, if you show interest, please, let us know so that we give you an opportunity.

Sen. Wambua: Thank you, Mr. Speaker, Sir. From the word, go, I stand in support of the Anti-doping (Amendment) Bill, 2020. I take cognizant of the fact that this Bill seeks to align the 2016 Anti-doping Act with the revised World Anti-doping Code which comes into effect on 1st January, 2021.

In support of the Bill, I want to thank you and the leadership of this House for convening this Special Sitting to undertake an important legislative agenda. This speaks volumes about the House of the Senate of the Republic of Kenya and the importance we attach to national issues.

Elsewhere, people would have argued that it is a festive season, they are relaxing and they would queue the Bill for another day. However, I thank you for convening this Sitting through the leadership because I understand that there is deadline of 31st December, 2020 to pass it.

Mr. Speaker, Sir, I have three things to say in regards to this Bill. One, it has come at a critical time for our athletes. Recently, I had an opportunity to visit Iten area. I was impressed to see many people practising along the road in the morning. It is a serious commitment to a cause, just like Sen. Wetangula has said, that brings a lot of glory to the country.

However, there are many people who see money and wealth in athletics apart from the national glory and fame that it brings to our country. They give our young athletes enhancement drugs to run faster but what this does is to kill talent and instead of bringing fame and dignity to our country, it brings shame.

Mr. Speaker, Sir, I like two things about this Bill; one, the placement of obligation and responsibility on the NADA as the sole agency that will deal with issues of doping in this country. Many times, we avail our athletes who are issued with fake certificates to participate in international athletics competition only to be found to have abused drugs either knowingly or unknowingly.

This Bill also establishes an anti-doping results management panel which, consists of professionals drawn from doctors, lawyers, sports administrators and former athletes who will sit and make final decisions on the results of tests taken from our athletes. While commending this process, I challenge our law enforcement agencies. Sports is something that this country should support and be proud of.

I have heard the Senator for Bungoma allude to the fact that when you were in charge of Bungoma County as a governor, you did certain things to enhance sports and athletics. However, upon your departure, those things stopped. I do not know whether the Senator for Bungoma is trying to tell you to go back to Bungoma or not.

Mr. Speaker, Sir, I emphasize that if we have administrators and leaders who do not appreciate what sports can do for our children, it is an unfortunate situation. Last year I started a half marathon race in Kitui. However, we were unable to conduct it this year because of Covid-19 but we will hold it in March next year.

Just the other day, a young man from Kitui organized a sports activity for young people so as to keep them busy and engaged during these Covid-19 times. However, on

the day they were to do their final matches, some overzealous police officers stopped the matches because there is Covid-19 and they dispersed the young people from the field.

The easiest thing for them to do is to enforce regulations to ensure that there is social distancing, people put on masks and that there are sanitizers, so that to the extent possible, people are facilitated to participate in these sporting events.

I support this Bill and urge that all Senators who are in the Chamber and those who have joined us virtually support this important Bill.

With those remarks, I support.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. From the outset, I support his Bill. Time is of the essence, as we have been told by the World Anti-Doping Agency (WADA) and through the Anti-Doping Agency of Kenya (ADAK), which was established in 2016 and Kenya having ratified it in 2009, through the United Nations Educational, Scientific and Cultural Organization (UNESCO) and, of course, Kenya becoming part of the larger community in protecting the interests of our athletes.

Most athletes are from where I come from. My county is called the source of champions and Sen. Wetangula has mentioned quite a number of legends from there with the latest being people like Eunice Sum, Pamela Jelimo, Conseslus Kipruto and Mr. Eliud Kipchoge, who is my neighbor. He is a man who ran under two hours under INEOS and more than 500 million viewers and 799, 000 streamed live during INEOS when he was running last year.

One of the most serious issues that has stained athletics in this Republic is doping. It is the right time that we comply with international standards that have been provided. Fortunately, we must pass this law today because by 1st January, 2021, all these issues must be put into perspective and allow athletes to participate in local, regional and international events. This is like an access card that will allow participation.

Our athletes sacrifice a lot and my colleagues have tried to say that many of them wake up as early as 4:30 a.m. to 5:00 a.m. They work very hard. These are very young people as my colleagues have said, aged below 30 years. They wake up as early as 4:30 a.m. and by 6:30 a.m., to 7:00 a.m., they have finished their training and doing their massage.

One of the unfortunate things that we have in this country is that the Ministry of Sports, Culture and Heritage has failed. Hon. Amina Mohammed has not been proactive and I do not know the reason. As we talk, most of our athletes use private training camps like Lornah Kiplagat Camp in Iten. We have others in Kaptagat, Kapsabet and Nandi Hills. Most of these training camps are privately owned and these are people with talents, yet they do not have training shoes as most of them run bare foot to be able to make it in life.

The Ministry of Sports, Culture and Heritage has been lackluster. I do not know whether they are concentrating in other sports like Polo, but I have not seen any concentration in other sports.

Mr. Speaker, Sir, I am happy that the Senator from your county has noted that when you were the governor, you had started building training grounds. I wish that governors from our regions would realize that it is important to build training camps for our athletes. My former governor had started renovating Kipchoge Stadium, which is

named after legends, but my current governor has started to build washrooms, toilets and changing rooms instead of finishing the stadium.

There are many wrong priorities in many other counties. I know that the Jubilee Government had promised that in 2013, they would build several stadiums.

We expected these stadia to be helpful. Of course, like we have been told, the Jubilee party has changed its priorities but you would have expected these stadia to be used as training camps for the many athletes in this country.

Mr. Speaker, Sir, you have to note that in the road races, just before the COVID-19 pandemic, athletes injected close to Kshs7 billion into the economy. More than Kshs6 billion has been injected into the economy from their wins in Japan, United States of America (USA), Asia and Africa. Some of us from the North Rift are so passionate about this Bill because when you go to Eldoret, Kapsabet or any town, you can see the investments that have been made by our athletes from their wins.

An example is Moses Kiptanui who invested wisely, as my brother has said. He is a rare breed because we have not started investment advice to many young people. Some of them have never seen Kshs10,000 but they go and win Kshs1 million. Confusion and many things of this world then come in. Their money is 'eaten' by slay queens and other women among other eaters on these streets.

Mr. Speaker, Sir, we need to give athletes investment advice. Moses Kiptanui and another little-known athlete called Martin Lel have done very well. Moses Kiptanui has invested in the Grand Prix Hotel where he had a chance to take tea with former President George. W. Bush, Senior.

These people are injecting money into the economy. The problem we have is two-fold. One is about investment advice that we thought would be given to them by the Ministry of Sports, Culture and Heritage and Professional Athletes of Kenya (PAK). This way, they would not win the money and not know where to invest. Those of us who come from the North Rift know the value of that money and what it has done in there.

The other issue is double taxation. Hon. Amina Mohammed has looked like a flower girl in that Ministry. Just before her term ends, she should at least talk to the Government to avoid double taxation of our athletes. Somebody wins in Japan where they are taxed and the Government taxes them---

Sen. Farhiya: On a point of order, Mr. Speaker, Sir!

The Speaker (Hon. Lusaka): Sen. Farhiya, what is your intervention?

Sen. Farhiya: Mr. Speaker, Sir, I want to protest. Sen. Cherargei always says bad things about women. Why is it always like that? Why is he calling a Cabinet Secretary (CS) a flower girl? Let us respect all our leaders in equal measure.

The Speaker (Hon. Lusaka): Sen. Cherargei, be sensitive.

Sen. Cherargei: Mr. Speaker, Sir, I would not want to reply to that and, of course, you cannot substantiate the obvious. Let me proceed.

With regard to the Brand Kenya, Build Kenya initiative, I agree with Sen. Wetangula, that as a country, instead of---

The Speaker (Hon. Lusaka): There is another point of Order, Senator.

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir. Is it in order for the Senator to continue misbehaving and calling people bad names when he has been advised not to

do it? What is wrong with saying, “I apologise”? Why do you personalize the office? Why do you call a CS or women in general “flower girls”? I think this is very serious and he should withdraw that statement.

The Speaker (Hon. Lusaka): Sen. Nyamunga, proceed.

Sen. Nyamunga: On a point of order, Mr. Speaker, Sir. Sen. Cherargei, apart from referring to a whole CS as a flower girl, has also referred to women as slay queens. I do not know what that means because women athletes also get money. I do not think it is only the girls who ‘eat’ the money and the opposite gender does not.

I do not think Sen. Cherargei is in order with what he is treating us to this morning.

The Speaker (Hon. Lusaka): Sen. Seneta, proceed.

Sen. Seneta: Mr. Speaker, Sir, thank you for giving me a chance to also raise my concern. I wish you could make Sen. Cherargei to apologize. Reducing a female Cabinet Secretary (CS) to a flower girl is an abuse of women.

The Speaker (Hon. Lusaka): Sen. Shiyonga.

Sen. Shiyonga: Mr. Speaker, Sir, I just want to second what the other Senators have said. It is very unfortunate that when Sen. Cherargei is on the Floor of the House--- It is uncouth seeing some Members insult public and state officers. It is very unfortunate for him to say that a CS is a flower girl. If she is a flower boy, then he should be a flower boy, but let him not call a CS in the Republic of Kenya a flower girl. He needs to withdraw that statement.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Yes, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I want to comment on what Sen. Cherargei just said. I wonder where he gets the confidence to undermine the positions of people, especially a CS. Hon. Amina Mohamed has done so much for the sports fraternity. With due respect, I suggest that you make a ruling that he apologizes to all the women of Kenya and refrains from using abusive and undermining language to the women of Kenya who are in leadership positions.

The Speaker (Hon. Lusaka): Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir, is it in order for us to deviate from the debate? What Sen. Cherargei said is a matter of semantics. You go to the Parliament in the United Kingdom (UK) and see how Ministers are called dimwits and all manner descriptions. For a Member not to appreciate what you are doing does not mean that he is abusing you.

People should not display their limited knowledge of the English language in this debate and reduce it to an abuse. In fact, the Senator of Wajir was out of order by saying that Sen. Cherargei is misbehaving. Senators do not misbehave. The language you use is either in order or out of order; it is not misbehavior.

Mr. Speaker, Sir, I encourage you to bring this to a close, so that we carry on with the substance of the debate.

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. (Dr.) Ali?

Sen. (Dr.) Ali: Mr. Speaker, Sir, is the senior Member of this House in order to try to tell us that Sen. Cherargei is not out of order, when he knows very well that he is? How do you call people flower girls? How do you call ladies in this country, who are doing very serious business--- He comes and makes us feel as if we have said nothing in this House? I think that is wrong.

The Speaker (Hon. Lusaka): Sen. Cherargei, I think you can hear the reactions. I direct that you withdraw and apologize.

(Applause)

Sen. Cherargei: Mr. Speaker, Sir, I did not expect this to degenerate into gender issues. All the same, I did not in any way want to disregard the women---

The Speaker (Hon. Lusaka): No! I directed that you withdraw and apologize.

Sen. Cherargei: Mr. Speaker, Sir, I apologize.

The Speaker (Hon. Lusaka): Withdraw and apologize, Sen. Cherargei.

Sen. Cherargei: I withdraw the words “flower girl” and apologize. I replace that word by saying that she has not efficiently performed in the Ministry.

Mr. Speaker, Sir, as I was saying before it degenerated into a gender issue, the Ministry has underperformed, now that you do not want to mention the CS in charge. By ensuring that we have---

(Sen. (Dr.) Ali spoke of record)

I think ‘*nanii*’ should stop being rowdy in the House. You cannot be ordering people. He has insulted me the whole---

The Speaker (Hon. Lusaka): Order! What is your point of order, Sen. (Dr.) Ali?

Sen. (Dr.) Ali: Who is ‘*nanii*’ in this House? If he is referring to me, he should say ‘Sen. (Dr.) Ali.’

Sen. Cherargei: Mr. Speaker, Sir, if you have noticed, Sen. (Dr.) Ali has been restless and shouting that I should apologize and that I am misbehaving. Why does he not keep quiet and listen to other people?

Mr. Speaker, Sir, I was talking about the issue of double taxation on the winnings. Somebody may be taxed in Europe or America, but when they come back, they are taxed again. As I said earlier, the Ministry, our President and the Kenya Revenue Authority (KRA) should do something. I think the President will only work when there is proper advice from the Cabinet Secretary in charge. However, since there is incompetence within that Ministry, it will always be hard to ensure that our athletes are not subjected to double taxation.

It pains to see young people running hard through their sweat and blood, but when they win, they are taxed in the host country and again at home, yet we want them to brand Kenya. The same money is taken to brand Kenya.

I will use an example of Eliud Kipchoge when he took part in the INEOS Challenge to run a marathon under two hours. During that time, he was being watched by

about 500 million viewers and 799,000 people streamed live. Which other branding does this country need? We need to deal with this issue as a country.

Clause 7 talks about the independence of the Agency. When samples are taken from an athlete, we need to ensure their presence. This has been criminalised. It is good that Senior Counsel, Sen. Orengo, is here. The burden of proof will now move from the athlete to the person accusing them. Before this was being criminalised, the burden of proof was on the athlete that they were not using performance enhancement drugs.

Pharmacies and doctors who are part of the syndicate of providing performance enhancement drugs must also be punished. It is important to say this because it is the truth. Even agents, coaches, the Athletics Kenya (AK) and the Ministry in charge of sports may be involved. That is why I said that there is incompetence within the Ministry of Foreign Affairs and the Ministry of Sports, Culture and Heritage. How do you allow coaches and agents to come into the country to mislead our youth? When athletes are caught, they are the only ones punished, but the agents and the coaches are left.

The AK, the Ministry of Sports, Culture and Heritage and the Ministry of Foreign Affairs must do proper vetting of coaches and agents who come to manage out athletes. Looking at the contracts that are signed, it is always in favour of agents and coaches who sometimes mislead athletes in this country. Therefore, pharmacies, hospitals, doctors, agents and coaches who mislead---

It is sad that people like Jemimah Sumgong and many others have been banned up to 2027. My friend, Asbel Kiprop, is also in the same predicament. The other day I saw his *tweet*. There should be appellate mechanisms.

I was talking to a friend of mine who was caught. He said that when samples were being analysed, they were not present. They were just told by the IAAF to appear, but there are no appellate mechanisms. Therefore, the independence of the agency is important.

Still on the issue of taking samples, I agree that there is need for confidentiality. How the international body dealing with this issue does is not appropriate. If you go to hospital to have your blood sample taken, the doctor does not announce to the world that, for example, you have malaria. There should be some confidentiality.

The other day during the burial of the late Governor of Nyamira County, hon. Nyagarama, the Governor of Kisumu, hon. (Prof.) Anyang'-Nyong'o, said that Kenyans are good at gossiping about the illnesses and diseases of other people. There should be confidentiality because image is everything to an athlete.

It is important that agents, coaches and many other people involved in sports are also punished. The AK, the Ministry of Foreign Affairs and the Ministry of Sports, Culture and Heritage---

We have done well as a country. If there is anything that has brought this country glory and honour and being known across the world, it is sports. We have legends such as the late Samuel Wanjiru who was doing well in marathon before he passed on in unclear circumstances. We also have many others such as David Rudisha. By the way, I used to be a serious athlete before I joined politics.

When you look at the life of athletes like Mr. David Rudisha---

The Speaker (Hon. Lusaka): Where was that? In the village or where?

(Laughter)

Sen. Cherargei: Mr. Speaker, Sir, it was in the village, but I did not make it to the national stage.

Looking at Mr. David Rudisha and many athletes, just like in football, the moment they have tendon rupture or get an injury, it is always a serious issue. They are so delicate as they run between 18 years and below 30 years. Therefore, we need to protect them. If the Ministry was proactive, it should have a special wing that is only meant to treat and assist them when they get injuries in their training camps in Kapsabet, Mt. Elgon, Eldoret, Bungoma or Iten.

Mr. Speaker, Sir, the use of performance enhancing drugs is not good to our athletes. It is now a public health concern. I was told by some doctors that if you are a woman and you use performance-enhancing drugs, you can even become masculine or your gender can easily change.

If you are a man, you become sterile and cannot sire anymore. You will be violating what the Bible says that 'go ye into the world and fill the world.' You will have rupture of tendons. Your performance generally in terms of health becomes an issue. I call upon our athletes and sportsmen to desist from using performance-enhancing drugs.

Mr. Speaker, Sir, finally, let us not reduce this issue of anti-doping to be only about athletes, but all sports people, including footballers. We need to pass this Bill so that our athletes can continue making money. As I alluded earlier, our athletes can earn over Kshs6 billion through road races alone and another Kshs1.6 billion can be raised through indoor events done in the Diamond League and many other areas. Sport is a good source of income.

As I conclude because I can see the light, when Russia was accused of doping, you remember how the Government fought hard to ensure that they protected their athletes.

Mr. Speaker, Sir, I call upon the Government to relook at taxation levied against proceeds of athletes and policies that guides sporting in this country. We should always have the interest of athletes at heart in order to protect them. Nandi County is the source of champions. Therefore, I urge the Government to protect athletes like Conseslus Kipruto, Eunice Sum, Pamela Jelimo and many others who have done very well. There is Chepkosgei who is known as the Eldoret Express. They have brought glory and honour to the country.

Mr. Speaker, Sir, I want to assure female Senators in this House that I support achievements of women in this country. You heard me mentioning only women athletes who have made us proud. Your hearts should now rest assured that we value the role of women in the athletics world. We must also urge women at management level to work hard for the benefit of all us.

I hope by the close of business today, we will pass this Bill because it means a lot to athletes in our region. I thank you and my colleagues for coming to pass this very important Bill despite the fact that we are all on recess. I can see my brother, Sen. Orenge. This is an honour to have him in the House at this time. It is very important that

we came back and ensure that we comply. It is an avenue that our young people continue to use to make their livelihoods and investments in our country.

I thank you and I support.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank you for giving me this opportunity to support this Bill. I thank the National Assembly for passing the Bill without amendments. We have lost a whole year due to the COVID-19 pandemic. We have not had any major athletics competition and that has really demoralized our sports men and women. I am happy that this House has taken time to consider this Bill so that it becomes law.

It is good that Kenya is among the signatories of this Bill because that means that we are International Organization for Standardization (ISO) compliant. It is important for this House to fast-track this Bill so that come 2021, which is three days away, our athletes do not lose out another year. We have to support our athletes because their talent is their source of livelihood. If we do not fast-track this, our athletes may lose out.

Mr. Speaker, Sir, athletes bring a lot of glory to our country. Some of our sports men and women win medals and other awards in their hay days. There is need for us to fast-track the Bill. I would like to thank you, Mr. Speaker, for the centre that you started for athletes that is still under construction. I am alive to the things that you, Mr. Speaker, are doing in Bungoma for the purposes of ensuring that Kenyans are involved in athletics and many issues. I am sure that if you are elected as the Governor of Bungoma again, you are going to complete the project that you had started.

Mr. Speaker, Sir, just to deviate a little bit, I am aware of the Lusaka Road that you put up. Many people have praised you for the work that you did on the road. I am also a user of the road----

The Speaker (Hon. Lusaka): Order, Sen. (Dr.) Musuruve! You are getting irrelevant.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, allow me to be relevant. We rely on athletics for the purpose of getting income. There is need to have order in this area and for us to ensure that this area has sanity. Sometimes, athletes get into doping in order to win. The centres we are talking about are those that are supposed to train athletes on how to be orderly when competing in sports and how to invest when competing in sports. Many athletes make a lot of money in their hay days but they sometimes waste the money simply because they have not had training on how to use the money. It is important to train athletes on how to become useful and visionary during their hay days.

Some athletes take doping drugs knowingly while others do so unknowingly. The proposed centres should train the athletes to be careful not to engage in doping knowing or unknowingly. We have to nurture the talents of our athletes because that is their source of livelihood. There is need to recognize our athletes nationally. I am aware that there are some athletes who are Persons with Disabilities (PwDs) and participate in Paralympics, but are sometimes not recognized. We need to ensure that we are encouraging all forms of athletics so that they are encouraged to continue bringing glory to our country.

Mr. Speaker, Sir, the people who exploit the talents and expertise of our athletes by acting as brokers should not be encouraged. Athletes should have value for the things

that they do for this country. When the athletes go out to participate in international competitions, they represent a whole nation. They represent Kenya as a Nation. The athletes who go out to represent our country should feel like we recognize what they are doing. Athletes should be advised on how to use their money so that when they are old and retired, they can have indicators of what they did during their hay days.

I beg to support this Bill that I hope is going to see light at the end of the tunnel. When this Bill is enacted into law, I hope that we will see our athletes benefitting from it, starting 2021.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you, Sen. (Dr.) Musuruve.

Proceed, Sen. (Prof.) Ongeru.

Sen. (Prof.) Ongeru: Thank you, Mr. Speaker, Sir, for allowing me also to weigh in on this Bill. It is very interesting because just out of the historical perspective, I was the Chairman of Kenya Athletics between 1974 and 1984; for 10 years.

During that period, we were in the watershed between the amateur athletic running for no payment or reward whatsoever until we introduced the professional side of it which is now the track and field though which our athletes are able to get very handsome pay for any competitive event they take part in.

What happened? In 1976, we missed out on the Montreal Olympics and also the Moscow Olympics in 1980. The money we would have used in those two events gave birth to the Nyayo Stadium we are using today in its present form. By then, there was a narrative going on internationally that since Kenyans had missed out on the track and field events, they were likely to perform very poorly.

History is a good judge because at that time, Henry Rono, who was a 10,000-meter runner, consecutively broke the world record within a short space of time. The language then came out that maybe he was taking performance enhancement substances. He was tested and was negative.

Kenyans were natural with God-given running talent. Therefore, we became alert. I was also a member of the International Amateur Athletics Medical Commission. I knew the in-goings and out-goings of that thing. How did the mischief come in? We realized that when some - not all - of these managers realized they could take the athletes on them at the expense of the federations, they started giving them ointments that were coloured with some performance enhancing substances. It was not our athletes but others. At that time, we educated our athletes to keep off those substances because they would curtail their professionalism.

I remember when we had the International Amateur Athletics Congress in Rome, I stood out in the Congress and told them that we needed to bring professionalism in athletics. I was almost thrown out of the Congress because the idea did not come through. I am glad that today that professionalism is the mainstay of earnings for our athletes. They are not only able to exhibit their talent, but to bring back home something handsome that can support them and their families, so that when they retire from track and field events, they are sustained.

What does this Bill entail? Since that time, there has been dialogue. I think it is always good to remind ourselves that when this Bill was being enacted, there were

already some standards that had been set. These were the six standards that had been set. We might want to refresh ourselves with them. They include-

- (1) The international standards for testing and investigations, which is now a full code that is in place. There are six of them.
- (2) The international standard for laboratories
- (3) International standard for therapeutic use exemptions
- (4) The international standard for the prohibited list
- (5) The international standard for the protection of privacy and personal information particularly to athletes and
- (6) International standard for code compliance by signatories.

These are meant to support both the sport, the athletes, the nations and the people, because of the mutability; they do change. When you look at stimulants, narcotics, cannabinoids and glucocorticoids, these are steroids. These are drugs that athletes take to enhance their performance and, therefore, because they change in the formulations in every way and respect, the World Anti-Doping Agency (WADA) in conjunction with the Anti-Doping Agency of Kenya (ADAK), agreed that we must bring in two new codes in addition to these six codes.

One is the international Education Standard, which is very critical that we know of. The second one is the International Standard for Result Management. These are the two elements that have been introduced in this new code. Originally, they were six of them and now there are two additional codes.

Apart from them knowing the international standardized laboratories, other agencies, how to manage the results and how to manage the complaints and appeals, they have also added that there is need to educate the athletes. It is not only the athletes, but also the organizations dealing with some of these athletes, so that they understand what is involved and what are the outcomes, if they misbehave or enter into unprofessional use of drugs that are prohibited in this particular sport, whether it is athletics, football, boxing or whatever sport it may be. I am now interested in sports.

Therefore, they have introduced these two new codes. These are the ones Kenya is being asked to incorporate before 31st December, 2020, the day after tomorrow.

What is before us is a Bill that has been looked at by the National Assembly. It is a Bill that has gone through public participation. It is a Bill that has also complied with Chapter 10 of our Constitution. It is a Bill that has also been checked against the other international laws that have been set, forming the international code. Therefore, these two codes are now being incorporated. We now see the history. In 2004, there were laws which were adopted. Every five years, these laws must change.

In 2009, they changed. Kenya became a signatory State party to this international agreement in 2009. In 2015, we adopted this element and, therefore, in 2020, ending on 31st December, 2020, if we do not adopt these new codes, the first six codes and the second two codes that have been added and the amendments which have been moved to amend certain aspect of the codes; one to six and the subsequent seven and eight, Kenya is likely to be barred and banned from participating in world athletics next year.

Therefore, there is a level of urgency that this Bill must be passed today. Reading through this Bill, I now begin to understand and appreciate why it must be passed today.

Earlier on, Sen. Wetangula said that there was an element missing in the Bill. We would like to see the area of education. Indeed, when you look at this code - international standard of education - it incorporates the level of education that must go both to the athletic world, in this case, WADA. The national athletics organizations must also be involved in the education and knowledge and the athletes themselves must be involved in the education.

That is why this code of international standard of education is being incorporated as part of the code that must be passed as part of the core law that must be factored into this element.

Mr. Speaker, Sir, I think it is a well thought out Bill. At every step of development of this Bill, WADA were also involved. They have also bounced back and they compared it with the other existing laws that have been passed by other international bodies and national countries. Therefore, it is in conformity with the spirit of these laws.

What is the purpose of these anti-doping agency laws? The purpose is to preserve the integrity and health of athletes. It is very critical that we do not allow agents who manipulate some of our athletes to use them as robots, give them doping substances hoping that they will escape detection and testing during track or off season competitions. There are random check-ups and they can be caught in the game. Punishments are huge because the athlete pays the ultimate price of being banned from running on track and field.

We do not want to see our athletes, who have the natural psyche and the ability to run banned. The physiological and biological phenomenon that runs through their body and psyche is a natural element that is in them and gives them the mastery and the win over the rest of the world athletes.

We should maintain that naturality that serves us well, and brings this nation fame and honour. Athletics has brought honour and glory to this country. We should honour and recognise our athletes at all times. I am glad that of late there has been recognition of state honours being given to athletes wherever they have been. This is a very good element.

For the Athletics Kenya (AK), where I am a trustee, I want to encourage them. We have just gone through our 70-year celebrations the other week. I want to encourage them that one of the things they must do is to be on the right track and cooperate with the World Anti-Doping Agency (WADA) and the Anti-Doping Agency of Kenya (ADAK). They must make ADAK a robust body and cooperate. The laws are there to help them cooperate and agree on how to organise both the athletics body and the body of athletes who are there.

Some of the best elements that will be used for teaching and training are some of the old athletes. Some were returning from the ban that they have exhibited during this period. Therefore, this is an important Bill for this country because if we are deprived of the ability to run, this country would be nowhere in the map. When we have done poorly in politics, sports have brought us up in one way or the other. Therefore, it is a compensatory mechanism.

As lawmakers, we have an ultimate responsibility of ensuring that this becomes law today. If we do not do so, we will be barred. On 31st December, two days from now, if this Bill is not passed into law, then what will happen is that Kenya will be banned from competitive running at the local, regional and international levels. That will be total disservice to our athletes.

With those few remarks, I thought I should enrich this Bill. I looked through it carefully last night and I have seen the other clauses. I thought it would be offensive. I have counterchecked with the international standards that are available and I want to commend it to my colleagues in this Senate that it is a good Bill. It must be passed today, so that we give a New Year's gift to our athletes so that they start running marathons from 1st January whenever they are and break world records. That is their take.

Thank you, Mr. Speaker, Sir.

Sen. Kang'ata: Mr. Speaker, Sir, can you hear me?

The Speaker (Hon. Lusaka): Yes, I can hear you.

Sen. Kang'ata: Thank you, Mr. Speaker, Sir. Let me take this opportunity first to congratulate---

The Speaker (Hon. Lusaka): Order, Sen. Kang'ata. I want to remind all those who are with us virtually of the guidelines that I gave, the dress code and the background.

You are not properly dressed; therefore, you are out of order.

Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Mr. Speaker, Sir, that is the right way to proceed so that Members are disciplined wherever they are and they follow the rules. I support the Bill because of the way it is supposed to assist Kenyans.

I find it odd that this issue was passed in 2015 and Kenya was supposed to ratify anytime from that time up to 2021. It has gone to the level where the Ministry of Sports, Culture and Heritage involved the National Assembly in October this year. They were taken for a retreat, and I do not know why the Senate was not considered at that time. Is it because we are second rate or they do not care? They call us the last minute when we are supposed to be on holiday and enjoying ourselves.

The Ministry should have done better. When the National Assembly passed the Bill, they had to refer to the World Anti-Doping Agency (WADA) for concurrence. After that they sent it to the Attorney-General then gazetted it in December. This is wrong. All Government agencies, especially the Executive, know that Bills are supposed to be passed on time. They know that they require concurrence. We will suffer if we do not pass this Bill. This is not the way to do it; they should do it earlier and help Kenyans, so that we have enough stakeholders and proper participation.

That said, we have to pass it now because we have no alternative. If the deadline is 31st December, 2020 and if it is not signed into law, Kenyans will not participate, it will not be right for us not to do that.

The other issue I want to talk about is that when athletes earn money outside the country, most of it goes to foreigners, including the agents, physiotherapists and medical personnel. I do not know why we cannot ask, even if the agent has to go and solicit for money--- You know how they like helping their own. If the agent was a Kenyan he or she would not get enough support.

The Assembly and people who are supposed to be assisting them should be Kenyans. As Sen. Cherargei said, the Government of Kenya and the Ministry of Sports, Culture and Heritage should work hard to make sure that we have enough facilities and hospitals where our athletes can be taken care of. This is not too much to ask because they bring a lot of money and fame to this country.

In cases of taxation, it has not been good for the Government of Kenya. The taxes which are collected from the athletes should be put in a fund which can assist them if things go wrong. The Kenya Anti-Doping Agency (KADA) can have a fund where all the taxes that are collected from the athletes is deposited, so that we can help them when they land in trouble and are possibly banned. Some of them become alcoholics and misuse the money.

There is another issue that I have read through which says that some athletes use local herbs and do not know what is in them. When they go to be tested, some of the banned substances might be in the herbs. It is good to advise the athletes not just to take anything. If they do not know what is in the herb and they have not checked medically on the components, they might run themselves into trouble and suffer unknowingly.

With those few remarks I support.

The Speaker (Hon. Lusaka): Sen. Nyamunga, proceed.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to this Bill. I reiterate that it is unfortunate that this Bill is coming to us at this time. In my view, I support Sen. (Dr.) Ali for his sentiments that this Bill should have been here earlier. However, it is important that we support it. It is good that most of us have had an opportunity to come and support it taking into account that it is a timeline Bill that has to be passed latest 31st of this month.

Mr. Speaker, Sir, we know that Kenya is a country of sports. Most of our young people are unemployed so they result to sports and athletics. We are a talented nation. Therefore, it is important to give our athletes a level playing ground.

The developed countries cannot be compared to a developing country like Kenya. This is because they are so advanced and the substances that they could be using could be difficult to trace in their system. So, if the substance is brought to Kenya, our athletics can take it knowingly or unknowingly. Therefore, it is important that we protect them.

Mr. Speaker, Sir, this Bill seeks to amend Section 14 of the Act to enhance the independence of the board and the secretariat of the agency to authorize the banking accounts for the funds and approve the strategic plans and laid down policy guidelines for operations and management of all funds collected by the Agency.

Thirdly, it has to perform and oversee acts and undertake any activity that may be incidental or conducive to the attainment and fulfillment of the functions of the Agency.

If there are no proper regulations, in any form of agency, it will be open to abuse. Most of our colleagues have stated that there are agencies that work together with our athletes. Most of the times, it is the agencies that benefit more than the athletes yet we know the amount of time and energy that most of the young athletes put for them to be in the limelight out there.

Mr. Speaker, Sir, I am a student of finance, accounting to be specific. I do not know when things change, but it is important that taxes are taken at origin. If somebody

competes in another country that is where the taxes should be paid. It should not be double payment of taxation. A person cannot pay taxes inside and outside the country. I do not know when this changed, but it is not fair.

When the Bill is amended, it will make sure that the composition of the Therapeutical Use Exemption Committee shows point of interests. If a person has a conflict of interest, it should come out clearly. In case there is need for any athlete to use any substance due to medical condition, it should be taken into account. This is because an athlete may take some of the substances not to enhance his or her performance but for medical reasons.

Mr. Speaker, Sir, testing should be done in a credible laboratory and it should be as a matter of privacy. It should not go public. So, there must be a recognized agency both locally and internationally where we should do any form of testing. It should be a matter of urgency. The language should also be gender sensitive and neutral.

The Bill proposes to bestow the tribunal with the jurisdiction to hear and determine cases of anti-doping rules and violations on national and lower-level athletes and the support personnel. This has already been mentioned by some of our colleagues. Most of our athletes are very young people; some of them become athletes even before they leave school. By the time they get into active athletics, they are still very young. We have seen many agents taking advantage of the young. Therefore, there must be a way of protecting them.

I have already said that Kenya and other developing countries are short of ways of engaging our young people. If we support sports generally and athletes specifically, this will help our young people. They should be encouraged to perform very well. Therefore, there is a call for a level playing ground.

Another thing we need to put focus on is the side effects of these drugs. Someone may use some of these drugs when they are young, and they may not feel the side effects. We know that the active life of an athlete is just above 30 years. While you are still young, you may not experience the side effects of these drugs. However, as you grow older, the side effects may be very devastating. This is not only for athletes, but for sports men and women in general. We have seen footballers, boxers and many other sportsmen and women go down as they get older as a result of some of the drugs that they may have taken knowingly or unknowingly.

Mr. Speaker, Sir, we know that the main agenda of the people who support or manage our athletes is to make money or take a cut. They may not be sensitive to the substances that the young people are taking, so long as they achieve the goal of making money. That is their main goal, but not the general wellbeing of the young people.

Mr. Speaker, Sir, I support this Bill. Much as it has been done in the late hours, we still have one or two days to go. We need to pass it. I urge other Members of the Senate, who are participating and listening to this debate now, to know that this is an important Bill. We have had an opportunity to go through it. The National Assembly has done what it needed to do. I believe that we had an opportunity individually to look at this important Bill. Let us debate this Bill knowing that our country has very talented people who can do more exploits in athletes and sports in general.

Mr. Speaker, Sir, I support.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, thank you for this opportunity. I will be brief. First, I was wondering why we had to go through this process in this manner, although the urgency is self-evident. However, whenever the law comes into place, as a nation and a country, we would have complied. I do not think the timelines necessarily require us to pass the law on a given date. The only thing that stands which may threaten the interests of our athletes in the country is that if there are sporting events in January or February, they may not be able to comply with the requirements.

The urgency of this matter is self-evident from the Preamble of the Bill. It states quite clearly why this Act is necessary. It is like a guided missile in the essence that these amendments are necessary for a purpose.

Mr. Speaker, Sir, the Preamble reads-

“An Act of Parliament to amend the Anti-Doping Act to comply with the 2021 World Anti-Doping Code; to put in place an enhanced results management system for anti-doping rule violations and for connected purposes.”

In that respect, I agree that this is a matter of urgency that calls for this Special Sitting. There are provisions in this Bill which make it quite obvious why these amendments are necessary. The definition of doping control in Clause 2(d), is more comprehensive compared to the statute in place at the moment. There are areas which are covered in the Act, but are not necessarily covered in the current Bill.

The other important feature is on the therapeutic use exemption. This Bill allows an athlete with a medical condition to use a prohibited substance or method, only if the condition set out in Article 4.4 of the World Anti-Doping Code and the international standards for therapeutic use exemptions are met. This is an important provision in the Bill and the purpose there is self-evident.

There is a matter which I heard Sen. (Prof.) Ongeru talk about and I think that was in confirmation of what the Senator for Bungoma County was talking about. It is on the issue of education, but I have seen some provisions in the amendment Bill which clearly shows that particular subject is dealt with in this amendment. It allows the WADA to delegate certain aspects of their authority, including education, but in a controlled way. This way, the WADA will not totally relinquish its responsibility in carrying out education in matters to do with doping or anti-doping. I hope by the end of the day, we will pass this Bill and have it assented to within the time required.

Mr. Speaker, Sir, you know that historically athletics has played a very big role in nations of antiquity and even currently. The Greeks started the Olympics in 776 Before Christ (BC). It basically involved events of track and field, but now athletics have expanded beyond what probably the Greeks had as the Olympics in their time. More and more sports are getting included in the world of athletics, including athletics and the World Cup.

Nations have tended to try and use athletics as a way of expressing their superiority. You would remember during the Olympics in 1936 when Jesse Owens won several field and track events, Hitler was not amused. He was very unhappy. However, he went back home feeling proud of the Germans because they won most of the medals in track events, swimming and gymnastics.

That is why we normally do not do very well. In the end, Kenya would have probably been number one, two or three in the Olympics or in other sporting events. However, because most of our athletes concentrate on field events, and to some extent track events, we do not normally do very well overall compared to the countries that get away with most of the medals.

Mr. Speaker, Sir, you will remember that Hitler wanted to create a master race. They actually came up with a way of breeding, preparing and rearing the Aryan race, which would have been a superior race, creating supermen. That is why athletics was so important to Hitler.

Genetic engineering to some extent played an important role. That was not lost to the country called East Germany. There was a time when East Germany always used to do very well in world games and world Olympics, especially in track events because they were using performance enhancing drugs. The moment these controls came into effect, although not as effectively as it is today, that country started losing out. They ultimately became part of the Federal Republic of Germany.

The event in Berlin in 1936 was very instructive of the ideas that men have about the creation of super men and super women. It also involved elimination of those who they thought were inferior. If you were somebody who was deformed, in the eyes of the Germans, you were for elimination, not for treatment.

Without mentioning names, big countries both in the East and West now take a lot of time to make sure that they reign supreme in these events. To that extent, sometimes I wonder whether in putting these legal regimes, including anti-doping, the third world countries and countries of the South are not getting a raw deal.

I was just discussing with Sen. Wetangula, and I heard his speech earlier; he is very well informed and a repository of these events over time. I was just wondering whether sometimes in applying these rules, sometimes they can be done so selectively that athletes suffer. Seeing that we do not have the same resources and facilities, we might not be able to be of use to some of these athletes when they face such crisis. For example, when one of your own is banned for life, how does the country help? Some countries go out--- When most of the Russians were being kept out of athletics because of suspicions of doping and so on, their country developed a regime where they could help their athletes challenge some of these decisions by world anti-doping organizations.

I hope that countries in the South can get together and create facilities. You never know, just like there is cheating in football, if an athlete from Kenya, including from the county of champions, Nandi, and Uasin Gishu County, you may have an agent there who, for some reason, may be used in order to make sure that we fail at a cost. Some of these agents tend to be foreigners. For some reason, they are used in order to make sure that we fail at a cost. How do we make sure that those kinds of things happen? If we just become part of an organisation or process without having real sense in it, we may suffer a lot of consequences. That is not to say that this law is important.

I must commend our athletes. Tom Mboya was assassinated in July, 1968 and the whole world was offended with Kenya. Kenya had a bad name internationally because he was a well-known politician. However, our Kenyan athletes put Kenya on a glorious picture in Mexico City in 1968. I think that is the only time we won a gold medal.

Kipchoge Keino, Amos Biwott and Ben Kogo were there. They made Africa and Kenya in particular a factor in world athletics.

I do not know what happened with our athletes for middle and short races particularly the sprints. I think we got a silver medal in Mexico City in one of the relays where we had Daniel Rudisha, Hezekiah Nyamao, Naftali and Charles Asati.

I cannot fail to say that sometimes there are people who have special gifts and talent. If you go to football, people from Western and Nyanza tend to do well. When it comes to athletics, people from Nandi and that part of the world do better, just like people from Ethiopia do a lot better. For historical reasons, Brazil and Argentina may be good in football. Where we fail is nursing people.

As we make laws, training or taking people to academies--- The Messys would have come from Western. Over a long time, we have had people there with talents. In the sprints, I think we fail our people because we do not have the kind of facilities that makes Jamaica constantly a dominant factor in the short races, particularly the sprints for both men and women. It is both men and women because they have facilities.

In passing this Bill, we are simply saying we are part of the world community of athletics and that performance enhancing drugs should not be allowed such as growth hormones, steroids and blood doping. We have got to look at this carefully and make sure that we become part of the responsible nations in the world as far as athletics is concerned.

As I said, I must be quick to add that we must always look at these things carefully because we have been offended before. Some of our athletes have been banned. There was a great lady from the US who I thought was one of the most wonderful athletes. I asked Sen. Wetangula but I have just discovered her name. She was called Marion Jones, a super athlete.

Sometimes when you do not support your athletes, you may have your records wiped out for reasons which are unexplainable. Despite performing very well in three Olympics, all that went. So, sometimes it may be a way of the first world unfairly treating the second or third world who are fighting to catch up like China and so on.

We must do this catching up. The rules sometimes can be used to ensure we do not catch up too quickly with the other people. I hope that this Bill will be passed and that we will then be seen to have complied with the code that would be in place in the year 2021.

Mr. Speaker, Sir, there was a very hearty conversation that was going on. I am not trying to go back to what you had ruled. However, sometimes I think we are too sensitive as a House. Little banter here and there sometimes is good. When you come in a House like this, if we just talk like we are in a debating club and the rules are so tight, sitting here the whole afternoon would be very difficult.

I remember there used to be two Prime Ministers in the United Kingdom, Gladstone and the first Jew to become a Prime Minister in the United Kingdom. When Gladstone used to talk to Queen Victoria, he would go there and talk to her as if he was addressing a rally. However, the other Prime Minister whose name I forget - he even wrote a book about the two nations - used to joke around with the Queen.

Mr. Speaker, Sir, I remember one time he asked Queen Victoria why--- The Victorian age was not known for its morality and so on. He was called Benjamin Disraeli. He asked Queen Victoria, how come you are the head of the Church of England and all these morality issues in the Victorian age are personified by your office and character. How do you come then to have so many children? Queen Victoria answered and said: "I close my eyes and think of England because England needed more and more people." Sometimes some of these jokes are not necessarily the sweetest thing that we want to hear but sometimes, they are part of the banter.

Mr. Speaker, Sir, like you remember Bessie Braddock who told Winston Churchill that "you are so drunk" and Winston retorted back that "I am drunk but you are ugly but when I wake up tomorrow, I will be sober but you will still be ugly."

That is one of the most famous quotes by Winston Churchill. I think, sometimes we may go over-board. We have had words like "scooping" and so on. They are part of the lingua although not considered quite the language we should use. I think sometimes in these debates, we should have a little poetic license.

With those few remarks, I support.

The Speaker (Hon. Lusaka): Okay. Sen. (Dr.) Lang'at, proceed.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir. I would like to support this Bill. You know very well that sport in this country is a very important sector that has created alternative wealth for most of our citizens.

Sometimes you are surprised that sportsmen and women own most of the buildings you see today in Kapsabet and Eldoret. It is a very important area. I have said that this Bill provides five very important areas on matters to do with anti-doping.

Mr. Speaker, Sir, one is that it is a proactive measure because it provides a framework for education programs that will instill values for a doping-free sports environment.

When the Bill is passed, it will provide a very important framework to guide our sports men and women as well as schools to ensure that doping practices are not entertained.

Mr. Speaker, Sir, the law will provide an avenue for research. It will work in compliance with the WADA to conduct comprehensive research on laboratories for testing as well as very many other things to do with sports. The Bill will provide a national and universal awareness to all the athletes and every other stakeholder on matters to do with ethical, health and social aspects on sports.

The Bill is also important because it provides a framework for the consequences of those who may stray or not adhere to the anti-doping rules. The Bill provides proper consequences on defaulters. It is important for people to know the consequences of whatever behavior they are undertaking.

I have seen that the Bill provides a comprehensive oversight to the anti-doping awareness in sports which is very important. I appreciate all the Senators who have been able to participate in this Special Sitting on very short notice; physically or through Zoom to ensure that this urgent Bill goes through.

I beg to support this Bill and urge the rest of us to support it.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Lusaka): Finally, Sen. Faki

Sen. Faki: Asante Sana, Bw. Spika, kwa kunipa fursa hii kuchangia Mswada wa kuzuia madawa ya kutitimua misuli katika michezo. Kwanza, kabisa, ningependa kutoa rambi rambi zangu kwa familia ya mchezaji wetu mmoja kwa jina maarufu Ali Kajo, ambaye alifariki jana Mombasa. Marehemu Ali Kajo ni mojawapo aliyecheza na marehemu Joe Kandenge, James Yanga, Farah Ahmed na wengineo ambao waliletea nchi hii sifa nyingi katika miaka ya 1960.

Marehemu Ali Kajo na wenzake walishinda Gossage Cup mwaka wa 1965 na kuiweka nchi yetu ya Kenya katika zile nchi ambazo zilikuwa zimeboba kwa kandanda. Nachukua fursa hii kutuma rambi rambi zangu kwa familia, ndugu, marafiki na wachezaji mpira wote wale wa zamani na wa sasa. Wakati wa zamani, ilikuwa nguvu zako binafsi ndio zilikuwa zinatimika zaidi katika michezo yote. Wachezaji walikuwa wanaaminika kwa sababu wengi hawakupatikana na shida ya kutumia madawa ya kuongeza nguvu au kulisimua misuli.

Bw. Spika, naunga Mswada huu mkono kwa sababu umekuja wakati mwafaka tukiona kwamba katika ulimwengu, tunaingia katika awamu nyingine ya kupambana na madawa za kulisimua misuli.

Nchi za ulimwengu zitakuwa na sheria mpya katika mwaka wa 2021 na sisi Wakenya hatutaachwa nyuma kwa sababu tukiachwa nyuma ina maana kwamba wanamichezo wetu wengi watafungiwa nje. Hatutaweza kuruhusiwa kushiriki katika michezo ya ulimwengu ambayo inaletea nchi yetu sifa na pesa za kigeni ambazo ni haba sana katika nchi yetu ya Kenya.

Bw. Spika, kwanza kabisa, sheria inapendekeza kujumuisha *federation* za nchi na vile vile za kimataifa katika utekelezaji wa masuala ya *anti-doping*. Pili, katika Kifungu cha tano, wanapendekeza kuleta elimu ya masuala ya madawa katika risala za kufundihsa wanamichezo ili wajue dawa fulani zikitumika mtu atakuwa amevunja sheria.

Vilevile katika Kifungu cha tisa, *World Anti-Doping Agency* (WADA) itakuwa taasisi huru katika nchi ambayo haitaegemea upande wowote kwa Serikali ama kwa shirika lolote la michezo katika kutekeleza jukumu lake. Hii ni muhimu kwa sababu bara nyingine itakuwa inalemea upande mmoja na *federation* fulani. Ina maana kwamba hawataweza kutoa uamuzi huru katika masuala muhimu kama haya.

Katika Kifungu cha 31, *Sports Tribunal* ama jopo la kusimamia masuala ya kesi za michezo limepewa uwezo wa kuangalia na kusikiliza kesi ambazo zinahusiana na ukiukaji wa sheria hii ya *anti-doping*. Hii ni muhimu kwa sababu masuala kama haya mara nyingine inabidi yapelekwe katika taasisi za kimataifa kama vile *Court of Arbitration for Sport* (CAS) Louisiana, Ufaransa, ambayo ni ghali. Vilevile sisi kama Wakenya hatuna uwezo wa kuchukua mawakili kwenda kusikiliza kesi kama hizo.

Taasisi hii ya *Sports Tribunal* imepewa jukumu la kuangalia *therapeutic use exemptions*. Hizo ni zile dawa ambazo zinatimika kutibu magonjwa fulani ambazo pia zinaleta athari ya mtu kuonekana kuwa ametumia dawa za kulisimua misuli.

Hii itaipa nafasi *Sports Tribunal* yetu ili kusaidia kutatua masuala ambayo yanaweza kutatuliwa papa hapa nchini Kenya. Kama kutakuwa na suala lolote la kukata rufaa, rufani ile inaweza kufuatwa katika taasisi za kimataifa.

Taasisi hii pia imepewa jukumu la kuweka kanuni zake binafsi. Hawatatumia zile za kimataifa. Wana uwezo wa kuweka kanuni zao binafsi ambazo zitaweza kusaidia kuendesha kesi kwa haraka zaidi katika taasisi zile.

Bw. Spika, tumeona hii sheria inawalenga wana michezo ambao wanacheza michezo moja kwa moja. Hata hivyo matatizo yako pia katika hizi *federation* zetu za michezo. Ukiangalia, labda inayofanya kazi ya kuonenkana ni *Athletics Kenya* pekee. Ukiangalia kwa mfano, *Football Kenya Federation* ina matatizo chungu nzima.

Timu zetu zinazokwenda katika nchi za kimataifa kucheza michezo kama vile juzi Gor Mahia, walienda Algeria wakafungwa mabao sita kwa bila. Walienda bila kocha ambaye anasaidia timu ile kujiandaa kwa michezo ya kimataifa kama hii.

Baada ya kuipitisha sheria hii, kuna haja ya kurejelea *Sports Act*. Tuangalie ni vipi tunaweza kuwasaidia wanamichezo wetu ili wasiteseke mikononi mwa walaghai ambao wanatumia *federation* kama vitega uchumi vyao binafsi.

Bw. Spika, tukiangalia hapo nyuma, juzi tulipokuwa na kura ya *Football Kenya Federation (FKF)*, kuna wadau wengi ambao walilalamika kwamba hawakuhusiswa katika kura zile. Walikimbilia *Sports Tribunal*, lakini ilikiuka amri ambayo walikuwa wametoa awali kuhusiana na swala lile lile. Walisema kwamba kura inaweza kuendelea licha ya kwamba *Sports Registrar* alikuwa amesema kwamba *FKF* haijatekeleza yale masharti ambayo yalikuwa yamewekwa kama sheria kuhakikisha kwamba wanafanya uchaguzi ambao ni huru na wa haki.

Bw. Spika, mbali na kuangazia wachezaji ama wanamichezo ambao wanahusika katika michezo moja kwa moja, iwapo tunataka kukuza michezo na kuinua vipaji katika nchi yetu, kuna haja ya kuangazia hizi *federations* kama vile utendakazi wao na jinsi wanatumia fedha.

Bw. Spika, kulikuwa na tuhuma hapo awali kwamba pesa zinazokuja za FIFA za kukuza michezo, yaani, *youth development*, ili kuangalia michezo ya *under 17*, *under 19* na *under 1*--- Hata hivyo ifikapo mwisho wa mwaka, hakuna hata kitu kimoja ambacho kimefanyika kuhakikisha kwamba michezo ile inainuka.

Bw. Spika, kuna haja muhimu kabisa. Hii ni kwa sababu michezo inawapa matumaini watu wengi. Kwa mfano, vijana wengi hivi sasa wanaingilia mihadarati kwa sababu hawana nafasi ya kucheza michezo. Tukiangalia viwanja vyetu vya michezo, michezo kama basketball imeweza kufa katika miji mingi kwa sababu hatuna viwanja vya kutosha kuhakikisha watu wanafanya mazoezi na wanaendelea na michezo yao.

Bw. Spika, kuna haja tuangalizie hizi *federations* pia. Hii ni kwa sababu hii sheria inamlenga yule mwanamichezo binafsi kuhakikisha kuwa akikimbia ama kufanya mchezo wake, asiwe ametumia madawa ya kulevya ama madawa ambayo yanatumika kulisimua misuli. Tuangalie pia hizi *federations* zinatumia vipi fedha zinazotoka, yaani *sports levy* ambayo ililetwa ili kukuza michezo. Je, imetumika vipi mpaka sasa kuinua michezo? Kwa nini timu zetu kama hizi zinazoshiriki katika michezo ya kimataifa---

Kwa mfano, juzi Gor Mahia walipokuwa wanaenda Algeria, walikuwa na shida ya kupata tikiti za ndege kuenda kukaa kule kwa siku tatu ama nne kuhakikisha kwamba wanacheza mchezo ule.

Asante, Bw. Spika, kwa kunipa fursa hii. Naunga mkono hii sheria ambayo inakusudiwa na hii *Anti-Doping Bill*.

The Speaker (Hon. Lusaka): I now call upon Sen. Farhiya to reply.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, for allowing me to reply to the Bill. There are many people who have talked time and again about education on anti-doping in this Bill. It is specifically provided in Clause 6, but in the main Act, it is Section 5, which says: “Delete paragraph (ua) and substitute thereafter the following paragraph-

Plan, implement, evaluate, promote anti-doping education in line with the requirements of the international standard of education.”

It also provides that there can also be an agency to provide that education, but the agency that takes another agency to provide the education takes responsibility for the quality of education that is given. That is very much provided in Section 6.

Mr. Speaker, Sir, I also wish to congratulate our athletes for doing an amazing job out there. They are our brand ambassadors. They promote Kenya all the time. We thank them for doing an amazing job.

Mr. Speaker, Sir, time and again, the issue of double taxation for athletes has come back. I just want to inform people on how taxation in this country works. If the tax rate of taxation of the country that is taxing is lower than the Kenyan tax, then Kenya takes the difference between their rate and the country that has taxed. There is absolutely no double taxation. That is how the rule of taxation works.

I do not think that there is a specific rule for double taxation for athletes alone. That is how it works everywhere.

A Cabinet Secretary was called a flower girl because she has not stopped taxation of athletes. The responsibility of taxation, I want to inform the public, is with the Ministry of Finance and National Treasury and not the Ministry of Sports, Culture and Heritage. You can see that people just look for an opportunity to bash women leaders for responsibilities that are not theirs.

I hope that the agency that will be created by this Act to take care of this issue of doping will be corruption-free. We do not want cases where people have been checked, then they test positive for substance again. We need credibility within the sporting fraternity, not only in Kenya, but globally, so that when you get an award, it is an award that you deserve and not an award that you get because you have cheated your way round.

I like the idea of having protocol officers in embassies where our athletes compete because they are our brand ambassadors. We do very well, and I am proud of my country for doing very well in sports all the time.

As Kenyans, regardless of where we come from, when it is sports, we are united. We are always very happy to see our teams excel irrespective of their tribal inclination. When our athletes win, it does not matter whether they come from North Easter, Western or Rift Valley, we all celebrate them. We should take a leaf from that and we, as Kenyans, shun tribalism. When we shine, let us all shine as Kenyans.

Mr. Speaker, Sir, I wish to thank all the Senators who have contributed to this Bill. I wish to start with Sen. Wetangula for seconding it, Sen. Wambua, Sen. Cherargei, Sen. (Dr.) Musuruve, Sen. (Prof.) Ongeru, Sen. (Dr.) Ali, Sen. Nyamunga, Sen. Orenge, Sen. (Dr.) Langat, Sen. Faki and not forgetting Sen. Kang’ata who was stopped halfway.

Mr. Speaker, Sir, I rise pursuant to Standing Order 61(3) to request that you defer the putting of the question to afternoon sitting.

I beg to reply.

The Speaker (Hon. Lusaka): It is granted.

(Putting of the question on the Bill deferred)

We will put the question at exactly 2.30 p.m. when the voting will be done.

Sen. Farhiya: Mr. Speaker, Sir, I thank you.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, having concluded the business of the Morning Sitting, the House stands adjourned until today, Tuesday, 29th December, 2020, at 2.30 p.m.

The Senate rose at 12.40 p.m.