

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th April, 2016

The House met at 2.30 p.m.

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

PRAYERS

MESSAGE

Hon. Speaker: Order, Hon. Members! This is Message No.4 of 2016 from the Senate.

Hon. Members, Standing Order No. 41 relating to Messages requires that the Speaker does expeditiously report to the House any messages received from the Senate. In this regard, Hon. Members, I wish to report that on Thursday, 31st March, 2016, in accordance with the provisions of Article 110(4) of the Constitution, I received a message from the Senate regarding the passage of the Water Bill (National Assembly Bill No. 7 of 2014). Hon. Members, the Message states:-

“The Water Bill (National Assembly Bill No. 7 of 2014), which was published in the *Kenya Gazette* Supplement No. 27 of 17th March, 2014 as a Bill originating from the National Assembly, was passed with amendments by the Senate on Tuesday, 22nd March 2016. The Senate now seeks the concurrence of the National Assembly on the said Bill.”

Hon. Members, the Senate has amended 22 clauses of the 155 clauses of the said Bill. I am aware that the Clerk has since circulated the amendments to Members in accordance with the requirements of Standing Order No. 145, including submitting them to the Departmental Committee on Environment and Natural Resources during the recess period. The Committee is expected to submit its report on the amendments to the House expeditiously. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate and not any other parts of the Bill.

Hon. Members, I also wish to report that I have received three other messages from the Senate regarding the passage of the following Bills:-

- (i) The Office of the County Printer Bill (Senate Bill No. 42 of 2014).
- (ii) The Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015).
- (iii) The Office of the County Attorney Bill (Senate Bill No. 37 of 2014).

Hon. Members, these Bills were passed by the Senate on 22nd March, 2016 with amendments. The Senate now seeks the concurrence of the National Assembly to the said Bills in accordance to the provisions of Article 110 of the Constitution.

I am also aware that the Clerk has also circulated copies of the three Bills after being read a first time. Pursuant to the provisions of Standing Order No. 143, the Bills will stand committed to the following Departmental Committees for consideration:-

- (i) The Office of the County Printer Bill (Senate Bill No. 42 of 2014) shall be committed to the Departmental Committee on Administration and National Security.
- (ii) The Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015) shall be committed to the Departmental Committee on Education, Research and Technology.
- (iii) The Office of the County Attorney Bill (Senate Bill No. 37 of 2014) shall be committed to the Departmental Committee on Justice and Legal Affairs.

The Committees are expected to submit their respective reports before the Bills are considered by the House on their Second Reading. I also direct that before the Bills are scheduled for First Reading, the Liaison Committee, which is now performing the roles of the Budget and Appropriations Committee, will submit to the House its recommendations pursuant to the provisions of Article 114 of the Constitution relating to money bills.

I thank you, Hon. Members.

Hon. Members making their way, please, do so quickly. Hon. Members at the back who are making their way into the Chamber, please, do so quickly.

(Several Hon. Members entered the Chamber)

PETITIONS

REVIEW OF STANDING ORDERS TO ENHANCE PUBLIC PARTICIPATION

Hon. Speaker: Hon. Members, this is conveyance of a Petition to the National Assembly on proposed amendments to the Standing Orders to provide for enhanced public participation in the legislative process and parliamentary business. This is Petition No. 7 of 2016.

In accordance with the provisions of Standing Order No. 225(2)(b), I wish to convey to the House that my office is in receipt of a Petition signed by a group of 15 individuals referring to themselves as the “Devolution Forum”. The said group is praying that the National Assembly effects appropriate amendments to the Standing Orders to enhance public participation as contemplated in Article 118 of the Constitution with regard to public access to Parliament and public participation.

Hon. Members, Standing Order No. 127(3) provides for consideration of public views and recommendations on Bills while Standing Order No. 198 provides for public access to meetings of Select Committees. Nevertheless, the Petitioners aver that Parliament has failed to:-

- (i) Provide adequate opportunities for meaningful public participation in the House business;
- (ii) Adequately educate the public on issues before the House; and,
- (iii) Provide sufficient time for the public to deliberate, consult and offer feedback on matters before the House.

The Petitioners pray that the National Assembly, through the Procedure and House Rules Committee, amend the Standing Orders to:-

- (i) Provide for a period of, at least, two months for public involvement in legislative and other businesses of the House;
- (ii) Provide for public awareness on matters before the House; and,

(iii) Make any other order or direction it deems fit in the circumstances of the case.

Hon. Members, you may wish to note that this is a very unique Petition, as the prayers sought by the Petitioners propose amendments to our Standing Orders. This will require meticulous consideration as they propose to basically alter the manner in which we conduct business. I am aware that the Procedure and House Rules Committee, which I chair, is currently considering various proposals for amendment of our rules of procedure.

This Petition, therefore, stands committed to the Procedure and House Rules Committee for consideration, together with the rest of the proposals that have already been forwarded to the Committee. The Committee is required to report its findings to the Petitioners and to the House. The Committee should also undertake to hear the Petitioners with a view to incorporating their proposals, if any, to our rules of procedure relating to public participation in the legislative process.

I thank you, Hon. Members.

Hon. Silverse Anami.

MEASURES TO STOP DESTRUCTION OF KAKAMEGA FOREST

Hon. Anami: Thank you, Hon. Speaker. On behalf of the residents of Kakamega and, in particular, Shinyalu Constituency, I wish to draw the attention of the House to the following:-

THAT, Kakamega Forest was first gazetted as a trust forest in 1933 and later on in 1986, a total of 4,000 hectares of the northern portion of the forest alongside the adjacent 457 hectares of Kisere Forest were amalgamated and gazetted as Kakamega National Park;

THAT, the Forest is an important catchment for Isiukhu and Yala Rivers. It holds a large and diverse wildlife population with over 16 species of birds that are not found anywhere else in the world;

THAT, the Forest has a coverage of 14,000 hectares, out of which 11,000 hectares are covered by indigenous trees while 1,600 hectares are covered by exotic trees;

THAT, the Kenya Forest Service continues issuing logging permits for mature exotic trees, but indigenous trees get harvested by those loggers who hide them in between the exotic trees;

THAT, this exercise has affected rain patterns, water availability and food security and, consequently, the livelihoods of rain-reliant communities;

THAT, various efforts have been made to deal with this situation, but this has proved futile and, at the moment, the situation is grave;

THAT, the matter presented in this Petition is not pending in any court of law.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:-

- (i) Recommends that the Kenya Forest Service, the National Environment Management Authority and other relevant Government agencies, in consultation with the communities involved, find a way to stop the deforestation because very soon, we will not have that forest;
- (ii) Ensures reforestation with a view of restoring the indigenous trees;
- (iii) Makes any other order or direction that it deems fit in the circumstances of this case.

Hon. Speaker, the deforestation affects not only the Shinyalu people but the Members of Parliament from adjacent constituencies like Emgwen, Hamisi---

Hon. Speaker: You are now engaging in a debate. You are through with your Petition after explaining what your Petitioners are praying.

Hon. Anami: Thank you, Hon. Speaker. I just wanted to request that---

Hon. Speaker: No! Do not bother. It is not your business. Your work is finished.

Hon. Anami: Most obliged, Hon. Speaker.

Hon. Speaker: Hon. Moses Injendi.

Hon. Injendi: Hon. Speaker, I wish to support the Petitioners. That is something that is really common in western Kenya. Even in Malava Constituency, we have loggers who have been licensed to log trees. When those people come, instead of harvesting the old trees, they harvest young and indigenous trees. So, I support the Petitioners and urge the Committee to look at that matter urgently, as it really affects our environment.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Onesmus Njuki.

Hon. Njuki: Thank you, Hon. Speaker. I want to support the Petitioner. The appetite for use of wood in this country is seriously affecting the climate and causing the global warming phenomenon that we are experiencing today. While the rains are supposed to set in around 15th day of every March, some parts of this country have not received rainfall to date. The biggest problem is the loggers, whether licensed or not. They pretend to be going for exotic trees, but they end up removing indigenous trees from the forests. They hide them in the same haul with other wooden products that they normally have.

This issue is not isolated to western Kenya only. If you go to the Mount Kenya region today, especially East of Mount Kenya, loggers have left forests that we can see. But if you happen to have an aerial view of that mountain today, you will be very shocked. There are open patches all over. There are people who are growing *bhanga* in that forest. They have cut trees and destroyed the forest. The patches earlier on occupied by indigenous trees have become *shambas* for *bhanga*.

When the Departmental Committee on Environment and Natural Resources looks at this issue, it should not just look at the impact this has on the environment. It should also look at the issue of illegal businesses involving both animals and plants that are taking place in the forests. The forests are harbouring elephants and those elephants are being killed because of their tusks. The elephants have committed no crime by carrying their tusks.

Thank you, Hon. Speaker. I support that Petition.

Hon. Speaker: Hon. Silvanse Osele. Did he request for the Floor and decided to take leave of absence? Hon. Ali Wario, do you want to comment on this Petition? Not on this one? I see. Hon. Kathuri Murungi, is your intervention on this Petition?

Hon. Murungi: Thank you, Hon. Speaker. I want to support the Petitioner by noting that Kakamega Forest is one of the tropical rain forests that we have in the western Kenya region. It has very unique biodiversity comprising of both plants and animals. The Petitioner forgot to mention the famous "Mama Mutere" tree, whose home is Kakamega Forest.

Besides Kakamega Forest, the Kenya Forest Service should look around the country to make sure that all the forests are protected. We are now struggling to attain 10 per cent of tree cover. As we look into this Petition, as a Member of the Departmental Committee on Environment and Natural Resources, I would like KFS to consider that aspect. Even though I am

not the Chairperson of the Committee, I promise that we will visit Kakamega Forest in the interest of this Petition. We implore KFS to do reforestation to restore the already damaged sections of that forest, as we try to attain the 10 per cent forest cover.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Joseph M'eruaki, is it about the same?

Hon. M'uthari: Yes, Hon. Speaker. I rise to support the Petition. Kakamega Forest is part of our national and world heritage. The destruction of that forest is leading to loss of biodiversity in flora and fauna. That means we are losing as a nation. In fact, I would like KFS to consider not only Kakamega Forest, but all the forests with indigenous trees because we are losing some plant materials that may not be found anywhere else. Allowing that kind of destruction is a loss not only to the people of Kakamega, but to this Republic. We are likely to lose some species of flora and fauna. That may cost us and the generations to come.

This is a good Petition. I support it. Thank you, Hon. Speaker.

Hon. Speaker: The Petition stands committed to the Departmental Committee on Environment and Natural Resources for consideration.

Hon. Members, before we proceed, allow me to recognise the students seated in the Public Gallery, who are from the following institutions: Greenfields School from Eldoret, Kapseret Constituency of Uasin Gishu County; Garissa Academy from Garissa Township Constituency of Garissa County and Donyo Mixed Secondary School from South Mugarango Constituency of Kisii County.

(Applause)

Further, I would like to recognise the following students from Starehe Boys Centre and School, seated in the Speaker's Gallery: Mr. George Kiruthi of Form III, Mr. Isaiah Wanyama of Form II, Mr. Timothy Mabango of Form II and Mr. Joseph Njenga of Form II. These students are undertaking a one week voluntary service programme in various departments of the National Assembly. The purpose of the programme is to allow the students to give back to the community, be inducted into the working environment and benefit from mentorship from Members and staff of the National Assembly.

(Applause)

They are welcome to observe the proceedings of the House.

Next Order!

PAPERS LAID

Hon. Speaker: Hon. Leader of the Majority Party

Hon. A.B. Duale: Thank you, Hon. Speaker. At the outset, I would like to welcome back Members after the short 10-day recess.

I beg to lay the following Papers on the Table of the House:-

(i) The Address of His Excellency the President delivered on 31st March, 2016.

(ii) The Report on measures taken with progress achieved in the realisation of national values and principles of governance submitted by His Excellency the President on 31st March, 2016.

(iii) The Report on progress made in fulfilment of international obligations of the Republic submitted by His Excellency the President on 31st March, 2016.

(iv) The Annual Report to Parliament on the State of National Security submitted by His Excellency the President on 31st March, 2016.

(v) Schedule of cases pending before court as at 30th March 2016 submitted by His Excellency the President on 31st March, 2016.

(vi) Schedule of properties identified/frozen/recovered/seized as proceeds of crime in respect of National Youth Service fraud and other cases submitted by His Excellency the President on 31st March, 2016.

(vii) The Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016 and the Explanatory Memorandum (pursuant to Section 18 of the Public Finance Management Act).

(viii) The Capital Markets (Derivatives Markets) Regulations, 2015 and the Explanatory Memorandum (pursuant to Section 12 of the Capital Markets Act).

(ix) The Corporate Governance Practices for Issuers of Securities to Public, 2015 and the Explanatory Memorandum (pursuant to Section 12 of the Capital Markets Act).

(x) The Guidelines on Prevention of Money Laundering and Terrorism Financing in the Capital Markets, 2015 and the Explanatory Memorandum (pursuant to Section 12 of the Capital Markets Act).

(xi) The Capital Markets (Licensing Requirements) (General) (Amendment) Regulations, 2016 and the Explanatory Memorandum (pursuant to Section 12 of the Capital Markets Act).

(xii) The Capital Markets (Securities) (Public offers, Listing and Disclosure) (Amendments) Regulations, 2016 and the Explanatory Memorandum (Pursuant to section 12 of the Capital markets Act).

(xiii) The National Government Budget Implementation Review Half Year Report for the Financial Year 2015/2016 from the Office of the Controller of Budget.

Hon. Speaker: Reports Nos. (vii) to (xii) are referred to the Committee on Delegated Legislation. Hon. Ottichilo.

Hon. (Dr.) Ottichilo: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Environment and Natural Resources on the All African Parliamentary Conference on Sustainable Development Goals (SDGs) which took place from 9th to 11th March, 2016.

Thank you.

Hon. Speaker: Hon. Chepkong'a.

Hon. Chepkong'a: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014).

Thank you.

NOTICES OF MOTIONS

ANNUAL REPORT ON STATE OF NATIONAL SECURITY

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to give notice of the following Motions:-

THAT, pursuant to Article 240(7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of the National Security submitted by His Excellency the President on Thursday, 31st March 2016, and laid on the Table of the House today, 12th April, 2016.

EXPOSITION OF PUBLIC POLICY

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address by the President delivered on Thursday, 31st March, 2016, and laid on the Table of the House today, 12th April, 2016.

REPORT ON FULFILMENT OF INTERNATIONAL OBLIGATION

THAT, pursuant to Article 132(1)(c)(iii) of the Constitution, this House notes the report on the progress made in the fulfilment of the international obligation of the Republic submitted by His Excellency the President on Thursday, 31st March 2016 laid on the Table of the House today, 12th April 2016.

REPORT ON NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

THAT, pursuant to Article 132(1)(c)(i) of the Constitution, this House notes the Report on the measures taken and progress achieved in the realisation of the national values and principles of governance submitted by His Excellency the President on Thursday, 31st March, 2016, and laid on the Table of the House today, 12th April, 2016.

Thank you.

ADOPTION OF REPORT ON ALL AFRICAN PARLIAMENTARY
CONFERENCE ON SUSTAINABLE DEVELOPMENT GOALS

Hon. (Dr.) Ottichilo: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the All African Parliamentary Conference on Sustainable Development Goals (SDGs) held from 9th to 11th March, 2016, and laid on the Table of the House today, 12th April, 2016.

Thank you.

APPROVAL OF MEDIATED VERSION OF POLITICAL PARTIES (AMENDMENT) BILL

(SENATE BILL NO.3 OF 2014)

Hon. Chepkong'a: Thank you, Hon. Speaker. I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014), laid on the Table of the House today, Tuesday, 12th April 2016 and approves the mediated version of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014).

Thank you.

Hon. Speaker: Next Order. Hon. Wario, I can see you have persistently wanted to say something.

POINTS OF ORDER

RULING SOUGHT ON CONDUCT OF A MEMBER OF THE CHAIRMAN'S PANEL

Hon. Wario: Ahsante sana Mheshimiwa Spika, kwa kunipa fursa hii. Nimesimama kuomba mwongozo kutoka kwako. Alhamisi tarehe 31 Aprili, 2016, kulikuwa na maandamano yaliyofanyika ndani ya Bunge hili. Kwa masikitiko makubwa, miongoni mwa walioandamana ni mwanachama wa Kamati ya Spika. Bunge kama taasisi ina mila, desturi na kanuni. Nasikitika nikiuliza swala hili kwa sababu watoto wetu siku za usoni watakuwa Wabunge pia. Je, ni sawa kwa mwanachama wa Kamati ya Spika kuongoza maandamano ndani ya Bunge? Kama si sawa, hatua gani inayostahili kuchukuliwa kwa mwanachama wa Kamati ya Spika aliyeongoza maandamo ndani ya Bunge? Kama ni sawa, je, atakapokaa hapo unapokaa, ni sawa mimi nije na firimbi nimpigie?

(Laughter)

Nasimama kuomba mwongozo ili taasisi ya Bunge irudishe ile heshima iliyokuwa nayo. Ahsante.

(Applause)

Hon. Speaker: Hon. Ali Wario has only appealed to me. I do not require the assistance of anybody.

Hon. Wario, I will make the Communication. I can see there are few other people who want to address me. He has put his case. It does not require an elaboration. I will give a response in the course of the week.

Hon. A.B. Duale: On a point of order, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party, what is your intervention?

THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE
TO INVESTIGATE THE PROBLEMS FACING BANKING/FINANCIAL SECTORS

Hon. A.B. Duale: Hon. Speaker, I am not standing on the matter of Hon. Wario. I am not very fluent in Kiswahili, but I am sure in your three years as a Speaker, you have not done a Communication in Kiswahili. So, we expect the Communication as sought by Hon. Wario will also be delivered in Kiswahili.

(Laughter)

Hon. Speaker, I rise under Standing Order No.206 regarding the mandate of the Departmental Committee on Finance, Planning and Trade and that of Public Investments Committee (PIC) with regard to the worrying trends in the banking and financial sectors, following the placing under receivership of Imperial Bank, Dubai Bank and now Chase Bank, and the corporate issues facing the National Bank of Kenya.

On Thursday, Central Bank of Kenya (CBK) placed Chase Bank, one of the country's medium-sized lenders, under receivership. Thousands of Kenyans - from farmers to pastoralists to business people - have lost their hard-earned savings just because a few directors engaged in insider lending and decided to rob the depositors of this country. It is the third bank that the Central Bank of Kenya has taken over since Patrick Njoroge became its Governor last June. A fourth bank has since sent its chief executive officer and five senior managers on leave while its accounts are being investigated.

The Auditor-General has been auditing the National Bank of Kenya under the Public Audit Act since it is a State corporation. Hon. Speaker, considering that the National Social Security Fund (NSSF) is the largest shareholder in the Bank, underlying the fact that most of the funds invested in that Bank are pension funds, can you order the Public Investments Committee to expedite their report on matters that they are currently investigating with regard to the National Bank of Kenya because that is their mandate? Secondly, can you, Hon. Speaker, direct the Departmental Committee on Finance, Planning and Trade to investigate the same because we represent those depositors? Today, there are Kenyans who cannot put food on their tables just because one director in Chase Bank obtained an unsecured loan of Kshs1 billion through inside lending. The matter is so grave such that it is not only about the directors, but the auditors of those banks who, in previous years, have given those banks a clean bill of health. It touches on the former Governor of Central Bank of Kenya and the previous leadership. It is a very serious matter. It is only in this country where you go to sleep while rich and wake up a poor person. It can only happen in Kenya. It does not happen anywhere else.

Since Independence, there is no bank that has gone under receivership that has ever been revived. I can go on record on that. The 349 Members of this House are representing the many Kenyans who have lost their hard-earned sweat to criminals who have decided to form banks and steal from the depositors. Hon. Speaker, I want you to direct the Departmental Committee on Finance, Planning and Trade to investigate and report on all the problems that are currently facing the banking and the financial sector, including corporate governance issues in all the three banks, and report to this House within 45 days.

In their investigation, the Committee should also inquire into possible regulatory issues at the Central Bank of Kenya and why it has failed to regulate the banking sector in advance. That Committee must also propose an amendment to the Kenya Deposit Insurance Corporation (KDIC) on how to safeguard the depositors of this country. For those of us who bank with other

banks, how sure are we that our money is safe? We are not sure whether the salaries we send - however little they are - to Co-operative Bank, Barclays Bank and all those other banks are safe. We are not even sure about the banks that Parliament saves its money in.

In conclusion, I want the Committee to investigate the following three issues, among many others that they will look into. The Committee should investigate the liquidity issues and corporate governance at Chase Bank, Imperial Bank and Dubai Bank. They should investigate the previous governors and the leadership of the Central Bank of Kenya to find out why they failed to detect this matter in advance and why the Board of the CBK is not properly constituted. The Departmental Committee on Finance, Planning and Trade should leave whatever else it is doing and invite the directors of CBK to speak to the people's representatives and not to the media. The Departmental Committee on Finance, Planning and Trade is the best Committee to handle that so that they can give this House a report. We, the people's representatives, can then put everything in order. If there are any amendments to the law, we can deal with them once and for all before we break for the long recess in May.

Hon. Speaker: Hon. Chepkong'a, what is your point of order?

Hon. Chepkong'a: Thank you very much, Hon. Speaker. I rise pursuant to Standing Order No.83 to support what the Leader of the Majority Party has just spoken to. This is a very serious matter. I get very surprised when I hear the Governor of the Central Bank of Kenya saying that there was insider trading. When people steal money in Government, it is called corruption. When people steal money which we have banked in Chase Bank, it is called insider trading. Stealing and corruption is one and the same thing, whether it is found in the private or public sector. We should call a spade by its name.

The second thing that the CBK must be alive to is that we passed a Bill which is now an Act of Parliament; namely, the Insolvency Act. When dealing with companies such as Chase Bank and Imperial Bank, they should apply the law as it is. We have now incorporated Chapter 11, which is applied in the United States of America, to protect banks that are becoming insolvent, so that we can protect the banks instead of closing them, to allow depositors to withdraw even Kshs50,000. We should not completely close the banks. We should put a ceiling of how much money can be withdrawn. We should allow those people who sell *mboga* and who have banked Kshs10,000 or Kshs5,000 to withdraw their money. Chase Bank marketed itself as a bank for the poor, the youth and the family. It did not market itself as a bank for the corporates. In fact, the people who are suffering are the poor. There was a taxi man who, yesterday, brought me to the airport from Eldoret Town. I asked him where he was and he said he was in town. I asked him what he was doing and why he was not at the airport, he said he was confused. I asked him what had happened and he said that he had lost all his savings at Chase Bank. You can imagine that somebody has a taxi business; he is confused and has stopped doing business. People's lives have been destroyed completely.

We expect the Inspector-General of Police to have dealt with this issue. We expect people to be behind bars. I do not know what we are looking for. We have been told that somebody has stolen Kshs8 billion. Do we need any more evidence on that when we know that Kshs8 billion has been lost? Two banks have been closed and we are still saying that we are collecting evidence. This looks like a merry-go-round investigation where some people are paying themselves. The directors are also paying the investigators. What are the Criminal Investigation Department (CID) officers doing? Those fellows should be sleeping inside Kamiti Maximum Prison. What they have done is tantamount to killing people. Some people have said

that they are going to hang themselves. Surely, those persons who have stolen the money have killed those people. They should even be charged with murder. We would like to hear from the Departmental Committee on Finance, Planning and Trade. Those people should appear before us to answer for their crimes. If they do not know what they are doing, they should abandon their jobs and go somewhere else.

Hon. Speaker, on a lighter note because I have finished with this one of the Leader of the Majority Party, something happened before we went on recess. I noted and see that it is being misreported. My very good friend, Hon. Timothy Bosire, while attempting to sit, His Excellency the President encouraged him to stand. He actually stood when he was encouraged to do so because he knows that one of the majors who were killed in El Adde was from his constituency. So, for someone to continue misreporting that there was defiance to His Excellency the President by Hon. Bosire is completely incorrect. He may get some *bonga* points where he comes from because they may think that he defied the President. He did not defy the President. He stood in solidarity with us. The record needs to be very clear or corrected.

He never defied the President. I sat here and I have two clean eyes. You can see I do not wear four eyes. I just have two eyes and I am very clear in my mind. I saw the Member and in fact, I confronted him in the morning and he actually accepted that it is true. So, the record needs to be true. Do not ask him to respond.

Thank you.

(Laughter)

Hon. Speaker: Let us deal with the matter raised by Hon. Duale. Please, those who want to comment because the matter raised is grave, just take two or three minutes. Make your comments and then we can make a decision.

Hon. John Mbadi.

Hon. Ng'ongo: Thank you, Hon. Speaker. I also want to welcome my colleagues from the short recess, which started, in my case, a little earlier than expected.

I want to speak directly to this issue that the Leader of the Majority Party has brought. I want to add that in investigating, the focus should be more on the Central Bank of Kenya (CBK) because it is the institution that has the supervisory role on the financial sector of this country. I do not want to belabour the point of suffering Kenyans or depositors who are likely to lose their hard-earned investments.

It worries when an individual, whether he is a director, shareholder or whatever you want to call it, can purport to have borrowed Kshs7.9 billion. That is an amount that is only given to a few counties in this country and would run them in development and recurrent expenditure. An individual who borrows that money and he is not captured through the audit process, it is worrying. We need to start asking fundamental questions on the auditors who are registered in this country to carry out audit jobs. I say this because I heard Hon. Duale say that the National Bank of Kenya (NBK) is audited by the Auditor-General. The NBK is audited by a private auditing firm. Even though the National Social Security Fund (NSSF) has invested a lot in NBK, that does not qualify it as a State corporation or a parastatal.

The important question we need to ask is the role of CBK. What is hindering it from discharging its duty? Is it the legal framework, the personnel or is it corruption? That takes me to my final comment.

I would urge the Jubilee Administration to enforce zero tolerance to corruption. In the absence of that, even the banking sector has started borrowing bad habits of the Jubilee Government. They have started stealing just the same way theft is going on in the Government. They think it is business as usual. I urge the Leader of the Majority Party to talk to the responsible authority in the Jubilee Administration led by the President of the Republic of Kenya. He should show by action zero tolerance to corruption. Let people who have stolen money be behind bars. Then those banks will fear and will not be involved in corruption. But if it is business as usual, the bad habits start percolating to other Government institutions, the private sector, the *Jua Kali* people and everybody will now start stealing.

(Loud consultations)

Hon. Speaker: Hon. Kimani Njuguna.

Hon. Ngunjiri: Thank you, Hon. Speaker. I want to add my concern on this issue of the banking crisis in this country. The financial sector is a thermometer of economic performance of any nation. We had gone through the same crisis in the 1980s, where we even set up the Deposit Protection Fund that was later enhanced to an insurance fund. In 2008, we raised the capitalisation of banking for those who want to set up a bank to Kshs1 billion. With all those measures, we are saying that in the last nine months, this country has witnessed the collapse of three banks, starting with Dubai Bank in August, which was capitalised to about Kshs5 billion. Because it was a small bank, it was ignored. In October, the Imperial Bank was placed under receivership. It was number 17 in terms of strength. We have about 43 banks and one mortgage institution. The Imperial Bank had assets worth about Kshs70 billion with Kshs58 billion as deposits. It had 26 branches in this country and five in Uganda. So, you can see the extent of economic mismanagement.

Last week, Chase Bank was placed under statutory management with deposits worth over Kshs100 billion and about 1,400 employees. This is a very serious matter. When we say that banks are a thermometer to the economy of a country, you can therefore imagine the extent of damage in the entire country, coming particularly from Chase Bank, whose focus was on small and medium enterprises, women SACCOS and the youth. Some companies are now going under. Once a bank is licenced, we do not have to go asking for an audit. That licence from the CBK is enough. Somebody is sleeping on his job. We would want to know the truth. It is affecting this country.

I support the Leader of the Majority Party. We want this issue to be sorted out. Kenyans are eager because---

Hon. Speaker: Hon. Manson Nyamweya.

Hon. Nyamweya: Thank you, Hon. Speaker. This is a serious matter. As a nation, we should not take it lightly. There are two culprits. The CBK needs to come and tell us what happened. We are in an Information Technology (IT) world. The CBK is connected or linked to all financial institutions in this country. The biggest question one would ask is how come the CBK never noted that problem?

Another issue is the auditors who are very expensive and qualified. They are the people who are messing this country. They audit books, “cook” figures, publish them and embrace us. They dupe us to bank with them. We are using very nice words like “inside borrowing”. There is nothing like inside borrowing. That is outright theft. People have taken depositors’ money. Those

people are walking free and because they have more money, they will hire lawyers; they will hire justice; they will hire the system and they will be let free. So, let Parliament take this issue but, as a nation, let us not sleep.

Young people who have started businesses and small businessmen were banking with Chase Bank, which has gone under with the depositors' money. They were inducing people with slightly low interest rates which other markets were not offering. They were taking money from individuals. Let Parliament be very decisive. The number of days should be reduced to 30, so that a decision is made by the National Assembly. A period of 45 days to me is much and yet, the information is available.

I associate with my colleagues. As a nation, it is important not to be greedy. That is because what is putting us where we are is greed for money; where everybody wants to be rich irrespective of the method.

With those few remarks, I support. Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Sakwa Bunyasi.

Hon. Bunyasi: Thank you, Hon. Speaker. I rise to contribute to this important proposal that has been put forward by the Hon. Leader of the Majority Party. I thank him for putting emphasis on a matter that is important. Every economy has many sectors, but some sectors are more important than others. The banking and finance sector is one such critical sector in any economy and that is why when there is a crisis in governments around the world, they move in with public resources to secure and stabilize it so that there is no alarm.

The consequences of a failed financial sector, including the banking sector, are dire and large. They go at the very heart of the existence of the nation. So, it is good reason for us today to spend some time reflecting on this. I have not seen my Chairman and the Vice-Chairman of the Departmental Committee on Finance, Planning and Trade. This is a matter we should take up with the suggestion he has made, put other things aside and focus on this. One of the most important things that happened in this country was the appointment of the current Central Bank of Kenya (CBK) Governor. Not only did he have the qualifications as many others have, but he has the level of integrity and an approach to things that did not exist before.

Therefore, I support the second part of the Hon. Leader of the Majority Party's proposal that in looking at this issue, the Committee should also look at the previous administration of the CBK. People might think it has been six to nine months but all of these things are beginning to come to light in some respect because of the current approach of the CBK Governor. A lot has happened and, Hon. Speaker, we feel that some heat and efforts should be directed to the CBK because banking supervision is one of the most critical things that any financial system needs to have in place - one that is robust and has high degree of integrity.

In advanced countries such as the United States of America (USA), when some of the big institutions went down, they had some of the best auditors. The big five had been auditing them, but the accountants are cleverer than engineers. There are ways which we might fail to see it. Certainly, we need this and I hope that what has happened is an alert to the banking sector and not an alarm. It must be an alert because I am sure a lot more is happening elsewhere. I strongly support. If the Chairman is here, we should agree to start this yesterday.

Thank you Hon. Speaker.

Hon. Speaker: Thank you, Hon. Sakwa. As one of the very diligent Members of that Committee, I am sure you are taking notes of what is being said by your colleagues so that your

investigations are not limited to the issues raised by the Hon. Leader of the Majority Party. Let us have Hon. Eseli.

Hon. (Dr.) Simiyu: Thank you, Hon. Speaker. It is a long time since I got such a chance. What the Hon. Leader of the Majority Party has raised is very important. This House has been asleep because what is going on at the National Bank of Kenya (NBK) was published long time ago. For some reasons, NBK sold all their buildings and, in the process, showed a profit. That did not sound like banking to me. I wondered where our Departmental Committee on Finance, Planning and Trade and Public Investments Committee (PIC) were to look into this matter. So, to some extent, this House has slept and we need to accept that. Then, the rest of the country has gone rogue and that is why we are having this. This is a reflection of the nation as we are because financial impropriety has permeated every part of this nation to the extent that the banking sector was going to be affected with time. There is financial impropriety all over, even in parastatals!

Some of that ill-gotten money is being put in those banks. Some of those bank directors know that it is ill-gotten wealth and they also want to steal some of it. This is a rot that is permeating the whole nation. I will quote from two books, although I will not quote the exact verses. They are diametrically opposed but they say the same thing. The Bible encourages rulers of nations to surround themselves with people of integrity who are selfless to serve under them and who will be able to deliver to the people. Although I used a difficult name when he was made Governor of CBK by calling him a monk, but one such a person is the Governor of CBK. In *The Prince*, Machiavelli says that as a ruler, you should surround yourself with selfless people who will not rob the people but, instead, they will work for the people.

This is an example and the Jubilee Administration should learn from what is going on. You have got a CBK Governor who has come up to show you where the rot is. That is important and should be a lesson to the Jubilee Administration that is appointing leaders to lead over Kenyans. Who audits auditors? Many of those audit firms, when you look through the reports of PIC over the years, have been involved in helping to “cook” the books.

Hon. Speaker: Hon. Asman Kamama.

Hon. Abongotum: Hon. Speaker, I fully support the sentiments of the Hon. Leader of the Majority Party. I request the Departmental Committee on Finance, Planning and Trade to expedite this. The period should be reduced to 21 days as opposed to 45 days. This is a financial tragedy in this country as 1,400 workers are going to lose their jobs. We are talking of a bank with an asset base of Kshs103 billion and so, the magnitude is that great.

We want the Departmental Committee on Finance, Planning and Trade to move in and take action as a matter of priority. When President Obama took over in the USA, there was a problem in the mortgage, banking and automobile industries. They managed to salvage the situation by getting some special package for those institutions.

So, the Committee should ensure that, at least, there is a package to cushion those banks from collapsing or getting money so that they can continue running. We have lost many financial institutions right from Delphis Bank, Rural Urban Bank, the Dubai Bank Kenya Limited and Chase Bank.

So, it should be taken seriously. We are being told that the CBK Board has not sat for some time because they have no directors. The Hon. Leader of the Majority Party should remind the appointing authority to ensure that those directors are appointed so that they can sit and address that problem.

The supervision department at CBK is sleeping on its job. They should have seen this a long time ago and would have given signals to the Government. So, that department must undergo some radical surgery because it is charged with supervision.

The department should also be giving us signals on a fortnight basis. That department is asleep and we want it to work.

Lastly, on the issue of corruption raised by my friend, Hon. Mbadi, this Government is not corrupt.

(Laughter)

Hon. Speaker: Hon. James Nyikal!

Hon. (Prof.) Nyikal: Thank you, Hon. Speaker. Let me add my voice to this matter. What I find extremely disturbing is that I see no anger. People are talking of laxity at the Central Bank of Kenya (CBK) and the audit firms, but we are talking of people who have taken home about Kshs8 billion. The directors start banks, take deposits from members of the public and walk away with the money. When we came to this Parliament, I once said that we must start thinking of some economic crimes for which people should be given life sentences. When the Member for Kiharu brought up this matter, we quickly turned it down. Let us think of the people who are suffering. Some people are going to die. Children are not going to go school because over 1,000 people are going to lose their jobs at Chase Bank. What are the people who had small businesses depending on the employees of Chase Bank going to do?

As the Finance Committee looks into this matter, this country must consider giving the death sentence to people who collect other people's money and commit economic crimes that hurt people *en masse*. This is the direction we must take. People must not continue collecting people's money and leaving. We are now talking of how to come up with nice laws. We know those people. Why is it not possible for the Government to start going for their properties and selling them? Those should be the first people to go to court. This country is not serious. In other countries, this matter would have resulted in people going to the streets to demonstrate. But in this country, we have accommodated corruption so much that we do not see what this means.

As I support what the Leader of the Majority Party has said, one of these days, we must introduce the death sentences to some types of economic crimes.

Hon. Speaker: Hon. Ali Rasso.

Hon. Dido: Thank you very much, Hon. Speaker for giving me this opportunity. I also wish to add my voice to what is happening in our financial sector.

At the heart of the Kenyan financial sector are our banks. This tells a lot about the health of the Kenyan economy and finances. We must proceed particularly in terms of legislation and the judicial review, to bring the culprits to book. We cannot allow hard earned cash and people's life-long savings to be taken away by individuals. In China, if you are involved in an economic crime, the sentence you will face is death. In Kenya, once you take huge amounts of cash, like the Kshs8 billion that certain individuals have taken away from banks, the first thing you do is to rush to court to block prosecution. That is why the poor become poorer as criminals grow richer in this country. The Government must step in.

We have heard what the Leader of the Majority Party has said, but the Government cannot put that issue at the doorstep of CBK and leave it there. The Government must step in and ensure that our people do not lose their hard earned savings.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, appreciate that not every Member will speak on this matter.

Hon. Ochanda.

Hon. Ogolla: Thank you, Hon. Speaker. This country is shutting down with regard to the many things that are happening around. We must not allow the kinds of things that we are seeing in the financial sector, particularly in the banking sector, to continue. Which other institutions can you trust if you cannot trust banks? You cannot trust anybody wherever you are, whether you are on the streets or in a school or colleges or any other environment in this country. This country is shutting down. A lot of soul-searching needs to be done.

This is happening when we have a very clear policy on job creation in this country. We want to create as many jobs as we can, but it appears that this policy is not a wholesome approach in the sense that some Government departments are not looking at it that way. As some departments struggle to create jobs, many other people struggle to reduce those jobs. On the crisis that we have in this country today, particularly regarding bank depositors and employees, something drastic needs to happen, particularly in terms of the law or within the CBK regulatory framework. There should be a way of ensuring that when such things happen, small depositors get quick remedies. Regarding the current crisis, many depositors are contemplating committing suicide. Some of them are not able to move. In my view, small depositors need some kind of protection. There is need for a mechanism of remedying them very quickly when we find ourselves in this kind of situation as a country. These are indicators that in real sense, we are going down as a country.

I support the Leader of the Majority Party. The proposal needs to be fast-tracked by this Parliament.

Hon. Speaker: Hon. Members, including the Members for Luanda and Molo, as you all know, the functions of a Departmental Committee as well stated in our own Standing Order No.216(5) in various paragraphs, include the power to invest in the functions of investigation, inquiring into and reporting on all matters relating to their mandates, including administrative activities, operations and financial estimates of the assigned ministries and departments. Standing Order No. 216(5) mandates Departmental Committees to make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

When you go to the Second Schedule, paragraph (g) is on the Departmental Committee on Finance Planning and Trade. You will see that this is the Committee whose mandate is public finance, monetary policies, public debt, financial institutions, investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies, planning, national development, trade, tourism, promotion and management, as well as commerce and industry.

Hon. Members, it is obviously clear that the issue raised by the Leader of the Majority Party falls squarely within the mandate and functions of the Departmental Committee on Finance Planning and Trade. Therefore, even though the Leader of the Majority Party has requested that the Committee investigates, inquires into and reports within 45 days, given the gravity of this matter, the Committee should do all those things taking into account the various matters that several of you have raised in your comments and any other matter that may be incidental to their investigation and inquiry, and report to the House from the date hereof.

If it becomes necessary for the Committee to seek further time, they should come, apprise the House and seek such further time. Therefore, I would like to urge Hon. Sakwa Bunyasi, a Member of that Committee, those who have spoken and those that have not spoken to take up the mantle, do justice and see what could be done to bring to an end the suffering of the many Kenyans who have fallen victims of these malpractices that you have raised.

BILLS

Second Reading

THE LAND LAWS (AMENDMENT) BILL

Hon. Speaker: Hon. Members, the debate on this Bill was concluded and what remains is for the Question to be put, which I hereby do.

(Question put and agreed to)

Second Reading

THE POLITICAL PARTIES (AMENDMENT) BILL

Hon. Speaker: Hon. Members, business was also concluded on this Bill and what remains is for the Question to be put. I would like to encourage Members to appreciate that if you desire to propose amendments, once a Bill has gone through the Second Reading, you should start preparing so that when it comes to the Committee of the whole House, it has your input.

(Question put and agreed to)

THE ANTI-DOPING BILL

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to move that the Anti-Doping Bill be now read a Second Time.

This is an important Bill and I would like to ask Hon. Members to fast track it.

(Loud consultations)

Hon. Speaker: Hon. Members, you are just from a short 10 days' recess. I thought you would be tired of speaking loudly because the 10 days were meant for you to be speaking very loudly out there. Let us listen to the Leader of the Majority Party. He has just indicated that this is an important Bill. Before we went on recess, a number of you had indicated interest to debate this Bill. Those who are withdrawing should do so in silence so that we can transact business.

Hon. A.B. Duale: As per the Standing Orders, this House is to debate the Presidential Address in the next four sessions.

I would like to ask Members that as we debate this, we should do whatever it takes to conclude the Second Reading of this Bill because it is important to the nation. It touches on an important segment of our society which is important to the athletes.

Doping is the use of prohibited substances and methods to gain unfair advantage over fellow competitors mainly in sport. They are known as medicines used by sportsmen to enhance their performances and to enable them to win where they could have lost. It has become common knowledge that there is a lot of money to be won in sports, for instance, I am a fan of Manchester United Club but I will take an example of Man City Football Club where players earn between Kshs5 and 10 million a week which translates to about Kshs20 to 70 million a month. Our country is known for the marathoners who earn a minimum of Kshs5 million as a prize after two-and-a-half hours of running, and Kshs10 million for endorsement annually. This economy is important to our country. Doping is not only unique to Kenya but it is a worldwide problem and that is why this law was created. Currently, one of the very famous tennis players, Maria Sharapova tested positive for a prohibited substance. Along that side, 27 Russian athletes who were swimmers and race walkers tested positive last week. Investigative reports conducted by the World Anti-Doping Agency (WADA) in Russia established the existence of a systematic doping in that country to such a magnitude and level that Russia was banned from participating in Rio de Janeiro Olympics in June this year.

Kenya is a renowned sporting country and the supremacy of Kenyan athletes dates back to 1960. Since then, Kenya has excelled in boxing, volleyball, weight lifting and many other sporting activities. Many young Kenyans are engaged in sport at school, college and club levels. In all this, there is the necessity for Kenya to join the rest of the world in making sure that we sign and pass this law. The entire world, Kenya included is keen to see that those participating in sport do so in a clean way. To this end, Kenya is a signatory to various international instruments like the Luciano Declaration that set up (WADA), in August, 2009. Kenya ratified the 2005 United Nations Educational, Scientific and Cultural Organisation (UNESCO) International Convention Against Doping in Sport and last year, Kenya was elected to the position of the Vice-President of the Convention Conference of Parties. This Bill deals with substances and methods prohibited in sports. These are mainly normal medications and substances for treating well known diseases.

I would like to highlight salient issues in this Bill. Unfortunately, the only renowned marathoner and athlete, the Member for Cherangani is not in the House. I am sure that there are Members of Parliament who are great runners in their constituencies. If you are not here and your constituency produces great runners, then you do not want to pass. I come from the desert. There is nobody from my constituency who got a medal but I am proud of the Kenyans who got them on our behalf. I expected my friends from the Rift Valley to be full of pride. I have seen a number of them. This is a great piece of legislation. You saw the President yesterday showing the way. He had breakfast with the marathoners who won in Paris. I am sure our colleague is in Boston. Kenya is known for that. We are known for the good and for the bad. As banks are collapsing, we must make a law that is for those men and women who, when we watch television every night, get number one to number seven. I am sure there are many people in the world today who are waiting for Kenya not to beat this deadline. There are men and women in sports who get position 10 and 11. So, once Kenya is out of the race, then they can be in position one and two. However, I am sure this House is up to the task. Please let us finish the Second Reading. I ask the Speaker, who is the Chair of the House Business Committee, to allow the Bill to be fast-

tracked so that by Monday or Tuesday or even Friday this week, the President can assemble all the men and women who are in this industry and assent to the Anti-Doping Bill so that Kenya will have its place in the nations that are known for sports.

With those many remarks on the salient features of this Bill, I ask my colleague, the Majority Whip, Hon. Katoo ole Metito, to second and give colleagues a chance to contribute. This afternoon we are doing a very noble job. If you are from the North Rift or surrounding areas like Kitale and Trans Nzoia - Hon. Wamalwa is here. The great Secretary General of the Orange Democratic Movement (ODM) and Member for Budalangi, Hon. Ababu Namwamba is seated here. I am sure you will count on us to have this Bill passed and Kenya will beat the deadline.

I ask Hon. Katoo to second.

Hon. Speaker: Let us have the Majority Whip.

Hon. Katoo: Thank you, Hon. Speaker. Let me first thank the Mover of this Bill, the Leader of the Majority Party, for having moved it very eloquently. With your permission, Hon. Speaker, I stand to second. I start by congratulating two members of this House: Hon. Elijah Lagat, MP for Chesumei and Hon. Wesley Korir, the Member for Cherangany, for having done this country proud in their youthful years by representing this country in different sporting activities and won gold medals.

This is a very important Bill. Sporting has earned this country a lot of respect globally. It is always very emotional, attaching and very good to see our flag being raised in the international arena because our athletes have won events. Other than that, it has also earned this country good cash in terms of revenue. It is a good way of marketing this country internationally. A lot of tourists have known this country through athletics. It is also a very good base for stabilising individual families in our own country. A lot of money from the diaspora comes to this country through sporting. However, this thing called doping is very dangerous. It can kill this very important sport. The Bill has defined what doping is. It is good to remind the House that it refers to the use of banned performance enhancing drugs by athletic competitors to improve training and sporting results. The use of these drugs to enhance performance is considered unethical. The key word here is “unethical”. Therefore, what we are discussing today is trying to bring sanity as well as ethical practices in sports. According to most international sports organisations, including the International Olympic Committee, doping is unethical. I am very sure we are discussing this Bill because of the upcoming Olympics in Rio de Janeiro, Brazil, in August this year. I thank the World Anti-Doping Code and also the United Nations (UN) for giving Kenya some window. The deadline was within the time of recess. They moved it to 2nd May 2016. That is a good gesture because we have seen some countries being banned from participating in the forthcoming Olympics in Rio, Brazil, including a big country like Russia. However, Kenya has been given that window to pass this legislation. I call upon my colleagues to pass it without any further delay.

There are some drugs like the steroids that often come to mind when we talk about doping. However, doping also includes use of other forbidden drugs such as stimulants, hormones, diuretics, narcotics and *marijuana* and also the use of the forbidden methods such as blood transfusion or gene doping. Even the refusal to take a drug test is prohibited. Any attempt to tamper with doping control is a crime.

The second point is about anti-doping violation. These are circumstances which constitute a violation of anti-doping rules. This includes the presence of a prohibited substance in an athlete’s sample. The use or the attempted use of a prohibited substance or method,

possession of a prohibited substance or method and the administration or even the attempted administration of an athlete is in the Bill. Such issues like refusing, evading or failing to submit to sample collection and failure to file athlete's whereabouts or missing doping tests will constitute violation in this issue of anti-doping.

The Mover of the Bill had talked of the need for the entire world, including Kenya, to do the sport in a clean and ethical way. He talked of Kenya being a signatory to various international instruments. The most important is the Luciano Declaration, which is the one that set up the World Anti-Doping Agency. Therefore, as he said, this country took a very senior position of the vice presidency in the Conference of Parties. It will be very bad and unfair for this country not to be in the list of countries that have passed this anti-doping legislation yet we occupy such a senior position.

As I said in my opening remarks, Kenya has been hugely successful for decades mostly in the middle and long-distance races. It remains a global leader on the track and in city marathons such as the New York Marathon and the London Marathon. It is very saddening to see some of our renowned athletes testing positive for these banned substances. I have a list of our own athletes who have been banned for testing positive for these banned substances. In the last three years, it is so surprising that about 40 of our athletes have been banned for doping. It is very embarrassing. They have been banned for using different substances and the penalties range from three months to four years. You can imagine an international athlete, even a gold medallist, being banned for four years. That kills the talent of that sports person as well as brings a lot of shame to this country.

Clause 5 of the Bill establishes the Anti-Doping Agency of Kenya while Clause 7 of the Bill enumerates the functions of the agency. The functions are so many, but I am interested in paragraph (b) which says:-

“Create awareness in order to discourage the practice of doping in sport among the public and the sporting community in particular.”

At times when our athletes test positive for the banned substances, they claim that they are not aware of the harm of the drugs they were given by their coaches.

The enforcement of the prohibited activities is well enumerated in clauses 26 and 27 of the Bill. Clause 29 of the Bill provides for the appointment of anti-doping compliance officers. These officers, according to sub-clause 2)(b), will have police powers in exercise of their functions under this Act.

Finally, the dispute resolution process is provided for under Clause 31. One can go to the Court of Arbitration for Sport or to our courts to get justice.

With those few remarks, I beg to second.

Hon. Speaker: Hon. Members, before I propose the Question, allow me to recognise the presence in the Speaker's Gallery of students from Moi Kapsowar Girls' Secondary School in Marakwet West Constituency, Elgeyo-Marakwet County. You are welcome to observe the proceedings of the National Assembly.

(Question proposed)

Hon. Speaker: Hon. David Were, the Chair of the Departmental Committee on Labour and Social Welfare.

Hon. Were: Thank you very much, Hon. Speaker. On Friday and Saturday last week, the Committee had a retreat with stakeholders together with the Ministry to review this Bill. A report has been prepared but it was not ready for your approval. It will be tabled tomorrow.

On the same note, because of the requirements of the Constitution that the public must participate in the passing of Bills, last week on Friday in the *Daily Nation* and *The Standard*, the National Assembly published an advert requesting any interested stakeholders to send in their memoranda to reach the National Assembly on or before 14th April 2016, which is Thursday this week.

Kenya ratified the International Convention against Doping in Sport. This Convention places certain obligations on the country such as having legislation to fight doping in sport. It also requires the country to have an institution for carrying out anti-doping activities such as testing athletes, research, investigations and prosecuting offenders, and to combat illegal sale, distribution, stocking and trafficking in prohibited substances.

Kenya is also a signatory to the World Anti-Doping Code 2015, which is the constitution of anti-doping in the world. It governs specific aspects of anti-doping such as regulating how testing should be carried out globally, the manner of analysing samples, the sanctions to be visited on sports persons globally, production of international standards such as the prohibited list, the international standards for laboratories, the international standards for therapeutic use exemptions, among others. These standards offer strict guidelines to be adopted by signatories. For example, the prohibited list contains all substances that can be used to unfairly enhance performance. Their use in sport is, therefore, banned.

A taskforce was set up some time back to investigate the doping level in Kenya and a report was completed in 2014. The report revealed as follows:-

- (i) That doping or use of prohibited substances in Kenya is very rampant;
- (ii) *Marijuana* is widely used in football while beer is widely used to dope in the game of darts;
- (iii) Many different substances are used in a variety of sports;
- (iv) In 2008 a Kenyan boxer was sent away from the Olympics for having used cathine or *miraa*;
- (v) Many weightlifters and athletes have been suspended for using anabolic steroids;
- (vi) A number of Kenyan athletes have been banned for testing positive for erythropoietin.
- (vii) Currently, over 50 Kenyans have been banned for using a variety of prohibited substances in sports such as football, rugby, weightlifting, athletics and boxing.
- (viii) These prohibited substances get to athletes through coaches and managers, pharmacists, ordinary traders, doctors, friends, *et cetera*.

We, therefore, need a law that will deter all persons involved in the alleged handling of prohibited substances. Legally, all prohibited substances, as has been indicated by the Mover and seconder of this Bill, are actually the medicines which are normally prescribed for treatment of diseases. But when illegally used, the dosage is much higher. We are told that sometimes dosage can be even 10 to 20 times above the normal dosage so that it enhances the ability of these athletes to compete.

We require this Bill to enhance fairness in competitions. We need to fight against doping in sports so that we can guarantee fairness in competition. Sports competition should be left to people with natural talent so that when people compete they do not compete against others who

have doped and have unfair advantage over the rest. Where doping is involved, we cannot tell whether competitors win genuinely or through cheating. That is why the WADA has insisted that we must have this law in place; they have been doubtful that we have been winning fairly. That is why it is necessary that this Bill is passed.

Hon. Speaker, the other intention of the Bill is to protect the health of athletes. This is paramount because the long-term effects of using prohibited substances are grave. What happens to, say, ladies after using some of these prohibited substances? Their voices change from soprano to bass. The substances cause beards and a lot of hair to grow all over their bodies, their breasts and ovaries shrink and dry up and they increasingly become aggressive. Girls become very aggressive when they take these substances. The substances change girls into men, and they eventually become sterile. Those are some of the effects of prohibited substances on women.

The prohibited substances cause the male sexual organs to shrink, disable testicles from generating sperms, cause early cancers of the liver and other body parts, and eventual sterility. Men become incapable of fathering children.

One of the prohibited substances is called “erythropoietin”. It is a commonly used doping drug that has very serious health effects. A few Kenyans, like our marathon queen Rita Jeptoo, have been accused of using it. The substance causes the blood to thicken, induces hypertension and leads to cerebral convulsions, thromboembolism, heart attack and stroke. Dr. Nyikal understands what I am talking about.

It has been observed that some athletes have collapsed and died because of use of these substances during training or normal activities. When we were in Mombasa over the weekend, Hon. Wesley Korir was very passionate about this Bill. He gave us examples of five young athletes who have lost their lives over the last one month. They just collapsed and died. Their deaths have been connected to the use of prohibited substances. Therefore, I urge Members to support this Bill so that we protect the lives of our athletes.

The Bill has been summarised very well by the Leader of the Majority Party and the Chief Whip of the Majority Party, who have taken us through the various clauses as required. I also noticed that the agency proposed by the WADA requires independence so that its funding can be guaranteed. There is fear that the agency might not function properly if its funding will be coming through the Ministry of Sports, Culture and Arts. There is a proposal that its funding be secured and charged to the Consolidated Fund.

I also noticed that some of the penalties provided under Clause 42 are very lenient. The Departmental Committee on Labour and Social Welfare has come up with proposals on how to enhance the penalties with a view to deterring athletes from using prohibited substances.

I also noticed that there are parts which have not been covered in the definitions. In our Report, we have enumerated the proposed amendments. We have captured all the proposed amendments in order to guide Hon. Members accordingly during the Committee of the whole House.

That Report will be tabled tomorrow. We cannot proceed to the Committee of the whole House because we are still receiving submissions from stakeholders. The exercise will close on Thursday evening.

With those few remarks, I beg to support.

Hon. Speaker: The Member for Budalangi, you have heard about some substances.

(Laughter)

Hon. Ababu: Hon. Speaker, let me say at the outset that this is absolutely an important piece of legislation. I expected this House to be full to the brim and with enthusiasm in support of this very historic piece of legislation.

As a recent former Minister for Youth Affairs and Sports in this country, I have interacted with these issues at close proximity. I have interacted with the WADA in their determination to rid of sports cheating across the world, especially through steroids and all sorts of substances that are foreign to the body. This is a matter to which we must give absolute support as a House. It is in recognition of the fact that sports, more than anything else, have put this country on the global map. Every time you watch television, whether it is the Olympics or the normal Golden Leagues or races across the world, you see our boys and girls winning and lifting the name of this country. When you listen to our National Anthem and watch our National Flag rise, your blood and body feels truly proud of being a citizen of this land.

Therefore, we must protect this most important of all export in the best way possible. That is about protecting the image of our athletes. We must not have even a whiff of suspicion that our athletes could be cheats when competing out there. The passage of this Bill into law will set the bar or the standards and send a very clear message to the WADA and the entire world of sports that we mean business. I was very disappointed when I watched a young lady I have admired throughout her growth period as a sports person fall for doping early this year. The lady is the tennis star, Maria Sharapova. As I watched her admit to a stunned global audience that she had been using foreign substances and cheating my faith in the integrity of sports crumbled to an extent. I could imagine the impact that this development has had on many young people who have looked up to Maria Sharapova; their dreams and inspiration extinguished.

Maria Sharapova is nearly the latest in a long list of athletes who have fallen from grace to grass because of cheating. Of course, we remember Lance Armstrong, the young man who took the world by storm in the world of cycling. Lance Armstrong had basically become the icon and standard that every athlete in the sport of cycling looked up to. When these young men fell from grace to grass, it brought the entire sport of cycling to its knees. These are merely recent examples of a problem we have had for a long time. I was looking through the history books and I was surprised that the use of steroids goes way back to the turn of the last Century. I came across a gentleman called Thomas Hicks who won the gold medal in the 1904 Olympics marathon. This gentleman had injected himself with a steroid called “strychnine” and he ran the whole marathon with this substance in his body. But because these substances also have poisonous elements, the fellow collapsed right at the finish line. Were it not for some emergency swift medical attention, he would have died because of the use of these substances. So, we are not just talking about cheating, we are talking about substances that can also ruin the health of these athletes. The list is long.

Diego Maradona, at the 1994 World Cup in USA, a man that many young soccer players had looked up to as an icon in soccer, was disgraced when he was thrown out because of using ephedrine, a banned substance.

There is Ben Johnson in the 1998 Olympics in Seoul, South Korea. This is a gentleman who took the world by storm setting the then world record of 9.79 seconds. This race won by Ben Johnson came to be known as the dirtiest race in history. After Ben Johnson was banned and his gold medal taken away, the fellow who had finished second, the American Carl Lewis, was handed the gold medal. But it turned out that Carl Lewis himself, another great icon of short

aces like 100m and 200m, had cheated and had tested positive to banned substances in the build up to the 1988 Olympics. It would be proven later that only one athlete in the whole team that raced for the 1988 100m final was clean. The whole team had taken substances.

Marion Jones, a girl that many young girls had looked up to also failed because of these banned substances. The list is long.

I mention these names to send a warning to our athletes because I know that the law alone is not enough as a deterrent. I mention these names: Sharapova, Maradona, Ben Johnson and Carl Lewis to send a warning to our young athletes that as they participate in sports, whatever means they use to cheat, it will catch up with them. It may take long but it will definitely catch up with them. Take this young lady Marion Jones, she had taken the world of short races by storm. At the 2000 Olympics, this lady won five medals at a single Olympics. It took seven years from 2000 to 2007 when the law finally got up with her for her career to crumble. So, be warned out there if you are an athlete. However long it takes, if you engage in cheating, it will definitely at some point catch up with you.

I hope that besides ensuring that athletes and other sportspeople are deterred from engaging in cheating, other actors who are part of this whole cycle are also dealt with decisively. Here, I am thinking about agents. I know that agents play a major role. They are a major influence on athletes across the entire world of sports, whether you are talking about football or athletics. This law must have the capacity to ensure that agents are kept in check. This law must have the capacity to ensure that pharmaceutical agencies that engage in the manufacturing and marketing of these banned substances are dealt with decisively.

I want to conclude by giving the example of one of the most famous scandals in the USA that involved a firm called “Bay Area Laboratory Co-operative (BALCO)”. This is an agency that had perfected the art of providing athletes with nearly undetectable steroids. For a long time, many athletes including Marion Jones that I mentioned last had become clients of BALCO. It is an agency that the American judicial system used as an example---

Hon. Speaker: Your time is up!

Hon. (Ms.) T.G. Ali: Thank you, Hon. Speaker. I rise to support the Anti-Doping Bill. As the Vice-Chairperson of this Committee, we were in Mombasa and as my Chairman has already said, we have been very committed to ensuring that this Bill comes before this House.

From 2005 when this anti-doping issue started, Kenya did not enact any legislation to ensure that our sportsmen and sportswomen are safe.

[The Speaker (Hon. Muturi) left the Chair]

[The Temporary Deputy Speaker (Hon. Cheboi) took the Chair]

Hon. Temporary Deputy Speaker, I also want to congratulate and thank the Ministry of Sports, Culture and Arts because in three years, they have been able to put the policy together, looked at all international standards, complied and ensured that this Bill was brought to Parliament. Lack of this legislation has exposed our athletes, sportsmen and sportswomen to many dangers.

If we had this piece of legislation that early, we would not be dealing with some of the health issues that we have been discussing here in Parliament. We know that a number of athletes have died because of these drugs. We also have a number of them who have lost jobs

because even running is income generating. Many of them have been barred from participating in any of these sports because of using these drugs.

If we pass this Bill, this legislation will protect Kenyan sportsmen and sportswomen. We know that we are the world champions and many countries out there that we are competing with are not very happy because we have been taking all the gold medals. We have had the great name of our nation and our flag flies very high. There is a lot of pressure from the other countries to ensure that Kenya does not participate in the next sport activity.

If we have this Bill passed, we will be protecting Kenyans and our sportsmen and sportswomen so that we can continue to dominate the world champions. So, I am urging this House and Members to assist and ensure that we have this legislation passed. I am sure a number of Kenyans are waiting. Many of our sportsmen and sportswomen especially the athletes are very scared. Many of them think that they are going to be thrown out and that they are not going to participate in many of the activities that are ongoing in the world. It is only prudent that we get back Kenyans to believe that we are also working for them.

The main function is to promote participation of our sportsmen and sportswomen in sport which is free from doping. As earlier said, it also protects the health and well-being of our sportsmen and sportswomen. These drugs are going to affect the health of our people, athletes and sportsmen. If all this affects them, they will not be able to fully participate in sports.

We also looked at the issue of funding. Quite a number of times when we participate in international sports, many of our sportsmen and sportswomen are not fully supported because we do not have an institution or agency that deals with this issue. Once this legislation is implemented, funding will be guaranteed. The proposed funding source will be a consolidated fund. We will have money to ensure that our sportsmen and sportswomen participate in different activities outside the country. A number of them prepare themselves before such events. At the end of the day, they lack money to go out there and participate. Guarantee of funding will help them. It will ensure that our teams participate as required.

We also looked at the penalties for individuals or organisations that are guilty of breaking some of the laws that we are going to put in place. Starting with the people who sell drugs, those who use them and those who are distributors, this Bill has given extensive penalties that can deter any person who sells these drugs.

We also looked at the management of the agency. We came up with a board of directors. We looked at the Chief Executive Officer (CEO) and the qualifications that are required of him or her. Considering the importance of this agency, the qualifications required for the CEO are of international standards. The experience required is important. We also looked at the board of directors. One unique thing we looked at is the provision for inclusion of athletes on this board. Many times we do not look at the people who need the services. We want to ensure that people who engage in different fields of sports are brought on board to solve issues that affect them. These people will be on the board to improve the status of sports and ensure that life is made easy for them.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let me give an opportunity to an athlete so that we get more practical points. Let us have the Member for Chesumei, Hon. Lagat.

Hon. Lagat: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. As you have said, I also participated in running. I won the Berlin, New York and Boston marathons. I also participated in the Sydney Olympics running for Kenya. This Bill is very necessary

because many countries are signatories to it. African countries do not participate very much in athletics because many countries do not have athletes like Kenya. Kenya is the super power in terms of sports. Kenyan athletes always win about 800 races in the world - from the track to marathons. That is why Kenya is a super power and is looked up to by everybody. That is why it is necessary for us to pass this Bill.

Secondly, Kenyans have benefited very much in terms of sports. In terms of education, there are track scholarships where athletes run and get education for free, especially in the United States of America. Hon. Ababu Namwamba has mentioned the 1988 Olympics in Seoul, South Korea. Peter Rono, who won the gold medal in the men's 1,500 metres, was a student in the United States of America. Paul Ereng, who won the gold medal in the men's 800 metres, was also a student in the United States of America. Julius Kariuki, who won the gold medal in the men's 3,000 metres steeplechase was a student in the United States of America. Patrick Sang, who won the silver medal in the men's 3,000 metres steeplechase at the 1992 Olympics in Barcelona, was also a student. The team captain at that time was Ibrahim Hussein, who had also graduated from the university through a track scholarship. These athletes have benefited very much in terms of education and sports because they are sponsored by colleges, which they compete for to earn money for themselves.

Sports are also a source of income because these athletes do not run for free. They win money and have changed the lives of many. In Eldoret, most of the buildings belong to athletes. They have changed the societies economically. This is an income that we recognise as a community.

The WADA is very necessary because many countries are signatories to it. In Kenya, we have the Anti-Doping Agency of Kenya (ADAK), which is not recognised because it has not been put into a law. Even though we have ADAK, it needs to be put into law. If this Bill goes through, it will change a lot in terms of sports. My Chairman has mentioned those banned substances which have affected many athletes. Hon. Ababu mentioned that we lost five athletes in one year because of those drugs. That is why we need to put this law in place. We need this Bill to be passed into law so that we can also penalise those who sell those drugs. There is a penalty for those who sell the drug and for the manager or the coach who supplies the athlete with those drugs. When an athlete wins, the coach gets 15 per cent of the prize money that is won. They also want to earn more money by using these athletes. However, the side effects of these banned substances are bad.

My Chairman has said that it affects both men and women. They cannot reproduce because of the side effects. Their parents may be expecting grandchildren but they are not there because of the side effects of these drugs. In order to protect the health of athletes, we need to pass this law. Kenya is a super power in terms of sports. We need to protect our athletes and maintain our position.

I have made the Kenyan flag to be raised. In 1997, I won the Berlin Marathon with the fastest time in the world in that year. In 1998, a Brazilian won the Marathon and broke the world record. When I went to Sao Paulo in December, I found the winner and he was a mad man. He won the money but he never enjoyed it because he became mad due to drugs. It is bitter when somebody wins and other people enjoy his or her money because of the side effects of drugs. That is why we need to protect our athletes as a country. We want to maintain the sport and our name because there are very many athletes who are coming up. We need to protect them.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I can see that there is a lot of interest in this Bill. It will be in your interest not to repeat yourselves so that we can have more Members speaking to the Bill. Let us have the Member for Kiminini briefly. You do not have to repeat what the rest have said.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Anti-Doping Bill. First and foremost, I want to thank the Committee and the many Members who contributed significantly so that we can pass this Bill within the timeframe.

Kenya is a signatory to the 2005 UN Convention against doping. In line with our Constitution, as long as all the international treaties that we are signatory to are ratified, they are part and parcel of our laws. We are doing this for the benefit of our youth. I am also speaking on behalf of Hon. Wesley Korir, who is my friend, a neighbour and the Member of Parliament for Cherangany in Trans Nzoia County. He requested that we support this Bill. He is away for the Boston Marathon. I humbly request Members to expedite debate and pass this Bill for the interest of our sports people.

Hon. Temporary Deputy Speaker, as you have heard from other speakers, choices have consequences. You might get these drugs, most of the time steroids, and yet they have some crazy side effects. As we try to pass this Bill or put this legal framework in place, it is also our humble request to the youth or the sports people to desist from issues of enhancement. I have seen many people trying to enhance themselves in many ways. We have been told that enhancement has been there in other quarters. But as we said earlier on, the side effects may not be known. Hon. Were is laughing. I do not know which other enhancement he knows but people know that it is really dangerous. It is the same thing we have heard from the previous speaker that somebody won but became mad afterwards. He could not enjoy that money.

It is critical that there is attitude change in our sports people. Having a substance that enhances your competitiveness to win a gold medal or being number one for purposes of financial gain is like rigging. It is like rigging where somebody has not worked but rigs himself into leadership. Those who have rigged themselves into leadership have found it disastrous. It is important to win fairly. So, we humbly request sports people and those emerging or coming up to learn the attitude of getting things in a fair and just manner. We should avoid this at all costs.

Looking at the penalties, I agree with the Chair of the Committee that, indeed, they are not stiff enough. So, as we go to the Committee of the whole House, it is important that we should enhance the penalties that can work as a deterrent. Remember, money is not an issue to the sports people. They earn more money than politicians. I know there are many politicians who have come here through sponsorship of some sports people. My friend, Hon. Pukose, looks like a beneficiary. Hon. Pukose and I come from an area of athletics. They have been helping politicians in their campaigns. So, when we put penalties, they must meet the threshold but not something somebody can pay for the sake of it and does not feel anything. This will go a long way in helping the situation.

Another issue is whether this Bill has to go to the Senate. If it is not going to the Senate and His Excellency the President has committed that we are going to meet that deadline, I humbly request Members, after looking at the mood of the House, as we move on, we conclude quickly so that we move on.

Thank you and I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Hon. Wamalwa, you know the rules. You cannot have contributed and ask Members to conclude when you have had your take. So, I will give a chance to the Member for Ol Jorok.

Hon Waiganjo: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also put a chance on this very important piece of legislation. I congratulate the Committee as well as say that I am very proud because we have Members who are athletes in this House. It feels nice when they debate this Bill

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gichigi, you do not have to remove your card because you are actually next unless you want to forfeit that position.

Proceed, Hon. Member.

Hon. Waiganjo: Therefore, it is in the interest of the country that this House supports this Bill and passes it expeditiously. We are lucky that we are able to keep in the timelines so that our athletes continue to perform their duties. We are proud of them. I like what the previous speaker said that Kenya is a powerhouse as far as athletics is concerned.

This piece of legislation has come at the right time considering that Kenyan athletes are not abusers of these drugs. In fact, we have had very few incidents, if any, where Kenyan athletes have been found to have used performance enhancing substances. Therefore, this is a Bill we need to support with the knowledge that when we do this we are not only protecting our athletes but we are also looking into the future. We are also telling our young men and women who are trying to get into the field of athletics that it does not pay to cheat or to use performance enhancing substances.

This Bill has proposed the creation of an anti-doping agency. It is an agency that will be charged with the performance and functions that are clearly provided for in this Bill. This agency has many functions. I cannot agree more that it will require consistent funding from the Exchequer. We do not want to create an agency that will be starved of cash or will be under the mercy of the Ministry so that when they want to perform any function or any mandate given to them by this Bill they have to go begging the Ministry to fund them. We want this agency to have proper funding to perform its duties.

I have looked at the composition of the board of this agency that has been proposed under Part II Clause 10. Even though it looks quite representative, I have seen that the chair is an appointee of the President and the Principal Secretary, National Treasury and the Principal Secretary, Ministry of Sports, Culture and Arts are board members. The agency has a CEO. They have five others appointed by virtue of their knowledge in sports, but they do not specify these others. We should have more participation by sports associations just like they have created in Clause 23 the Therapeutic Use Exception Committee. It looks like a good committee chaired by a medical doctor with seven years of experience in sports, two medics with experience of five years, retired international level athlete and a sports administrator who is retired. I think that because we have retired international level athletes and retired sports administrators in Kenya they should also be brought in to serve in the board. These are people who will not only bring a wealth of experience but also enrich the board in moving forward.

I have also looked at conflict resolution, particularly at the Sports Tribunal whereby any decision by the agency can be appealed at the Sports Tribunal. The decision of the Sports Tribunal, therefore, can only be appealed at the international level. I was trying to look at the issues surrounding conflict resolution and prosecution of anti-doping offences before the courts. We would have probably been more specific in this Bill and indicate whether the prosecution of

the anti-doping offences should go to the Sports Tribunal or to our courts. It is important to specify so that we know if the first port of calling in matters anti-doping is the Sports Tribunal, so be it. If it is the agency that is going to determine a dispute regarding an athlete, then we know. If we say that one of the functions of the agency is to prosecute anti-doping offences before courts or the Sports Tribunal, then we are not clear on whether we have a tribunal of first instance or whether matters on anti-doping would necessarily go to court.

So, even while acknowledging that performance enhancing substances are not confined to athletics only, it would have been important for this Bill - and this is something that should be done at the Third Reading on amendments - to include other sporting activities apart from athletics. As you know boxing is also a sport that is quickly growing and we have other sports like *Karate*. I think in every sport, performance enhancing substances are in use. I would really like to see that even if it is a---

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Waiganjo! The Member for Kesses, what is it. You seem to have an intervention.

Hon. J. K. Bett: Thank you, Hon. Temporary Deputy Speaker. It was not my intention to interrupt my friend, Hon. Waiganjo, but I rise under Standing Order No.97 to request that because of the interest that this debate has generated, time be reduced for subsequent speakers to three minutes.

The Temporary Deputy Speaker (Hon. Cheboi): You are out of order. Member for Kesses, you are a fairly older Member. Whenever you would be interested in that kind of an intervention, it should be at the beginning. Look at the Standing Order you are referring to and this should be done at the beginning. You have made your point, which is fairly valid. I only wish you had put it a little earlier, but maybe for Members to know that there is a lot of interest, you can, on your own volition, without having to be pushed by the Speaker, reduce your time. Hon. Waiganjo, I can see you are very interested in finishing your entire 10 minutes. Please, proceed by summarising.

Hon. Waiganjo: Thank you, Hon. Temporary Deputy Speaker. I am going to do what the Member for Kesses, Hon. Jimmy Bett, wants me to do. I thank our athletes. This piece of legislation is made for their own good. It is not meant to be oppressive to them. It is meant to promote their participation in sports and protect their health and wellbeing. It is also to protect the rights, not only of the athletes, but of all the stakeholders while also creating awareness on the peril of doping.

We could expand this by reflecting and having a conversation around other performance enhancing substances like *Viagra* and *Mukombero*, so that even as we debate this Bill, we know that some of the substances do not enhance completion in any sport, but for leisure and enjoyment.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. I can see Hon. Rachael Amollo disagreeing with you totally on that last one. I will give a chance to the Member for Butula. If we can, let us reduce our speaking time. To be clear for the Member for Kesses, look at Article 97(3) of your Standing Order and it indicates very clearly that the Motion cannot be moved in the course of the debate. It has to be at the beginning of the debate.

Proceed, Hon. Onyura.

Hon. Onyura: Thank you, Hon. Temporary Deputy Speaker. I will also be brief, so as to give my colleagues a chance. I support this Bill, which is very timely. Perhaps it was going to be

late. It looks like everybody was waiting for it. Athletes have been looking forward to it as well as this House. It looks like even the rest of the world was waiting for us to take this step.

After the Bill was published and the President made comments, it was headline news in many international media agencies. This is because of the name Kenya has made for herself in athletics. I believe that we have a lot of support all over the world. It was worrying for the rest of the world that we might miss being in Rio in the next Olympics. We are the Brazil of athletics, so to speak.

We have said severally that it is not just a question of enacting laws. In many cases, it is not the lack of law that has made us fail to comply with certain things. The issue of awareness and education is key. The agency that will be set up should put a lot of emphasis on that. In Kenya, we have youth with a lot of talent right across which we can nurture. This is natural talent without having to taint it with some of these substances that we are talking about.

When our athletes are participating, we see the level of patriotism, emotion and interest that we all participate with even just watching them on television. We get involved with our families and everybody urges them on. When the Kenya National Anthem is played at the podium, you feel a sense of patriotism. You feel high up and thank God for creating you a Kenyan.

You can imagine what it feels if after a while you get reports that the champion has been snatched the medal or disqualified. You feel embarrassed and completely deflated. I want to urge our youth to desist from this habit. This legal framework will assist in enforcing this. There are many other things that are a threat to our sports and athletics. Even mismanagement of the affairs of the various sporting bodies, be it football or athletics affect performance. Rugby is also having problems. Those are threats to our sports and they need to be addressed.

There is need for infrastructural development like stadia. The Jubilee Government promised to put up high quality stadia in each region, but we do not see them. County governments should take up this challenge to ensure they develop sporting facilities in every county. That will also encourage participation.

I support this Bill. Thank you for the opportunity.

The Temporary Deputy Speaker (Hon. Cheboi): Very Well. Let us have the Hon. Member for Endebess.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker, for allowing me to contribute to this very important Bill that is a great landmark in our Republic. I thank Hon. Wesley Korir, my neighbour Member of Parliament. I wish him well as he competes in the Boston Marathon. I am hoping he will perform well considering that he has been a champion of the Boston Marathon.

The history of athletics in Kenya dates back to the 1960s. You remember Kipchoge Keino who won the Olympics having run bare feet. I want to assure the world that Kenyan athletes have come a long way and it is something that is natural.

This issue of enhancing performance is a new phenomenon and has never happened from the time of Kipchoge Keino and Ben Jipcho from Mt. Elgon and other runners who have made history in running for this nation. In the neighbouring country of Uganda, you hear of Kiproop and Kiprotich. It is a lineage that runs. It is something that is inbuilt that they are able to perform well.

The issue of doping to enhance performance is cheating. It is corruption. What happened at the University of Nairobi, Hall Nine, where prohibited drugs were found, was shameful. These

are things that are permeating in our society. This Bills talk of anti-doping agency. One of the things that is lacking and we need to input is a therapeutic regulator. The therapeutic regulator in the Pharmacy and Poisons Board will help since they have a Pharmacovigilance Committee that will find out what drugs are in the market and they will be able to advise.

Clause 9 talks of Therapeutic Use Exemption Committee. We will need a clinical pharmacist because when you talk of drugs and call somebody who does not understand medical terms, it will be a challenge to him. Those are some of the amendments that, we from the medical profession, can move to enrich the Bill. This will ensure that we have people who understand terms such as “erythropoietin” which cannot apply to members from other committees. They will even have challenges pronouncing the terms. One may not even know what it is and how it works in the body. Somebody could be running then they collapse and die of cardiac arrest and stroke. How can someone who is not from the medical profession explain all these mechanisms with the use of erythropoietin? This is a Bill that we will need to enrich as we go into the Committee of the whole House. This will ensure that we have a committee that understands what these doping drugs are, what we need to do and how we should regulate the market, so that even the punishment is not only to the person taking the drug, but also to the person giving the drug. The attempt to make profit out of somebody’s life is a dangerous thing.

With those few remarks, thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have the Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker for this opportunity. This is a very good Bill. Drug addiction is dangerous not only to sportsmen and women, but to anyone who consumes them anywhere in the world. This is a good Bill simply because it is protecting the heroes of this nation. These are people that we admire who have brought gold medals to us, earned a lot of money and brought success stories to us. We need to protect them because they contribute to the name of this nation as the country continues to be admired worldwide.

In trying to protect them through this Bill, we are preserving the history of this nation. However, I wish this Bill also concentrates on local sports that are done in villages. I deal with young people in sports and I notice that they participate in drinking as they participate in sports in order to win. They have the sense that in order to win, you need to enhance your body with some kind of substance, so that you can win. It boils down to the local areas and this Bill should apply to our local sports without focussing on athletics alone.

It is alleged that musicians take drugs to perform in public. These are people who are involved in the entertainment world. They are good people, we love to watch them perform, but they take drugs in order to perform well. Musicians and athletes are known for that. When I was in high school, I was a swimmer and one day, a young boy came to swim while drunk and he drowned in the pool. This is a good Bill, but it must encompass participants in all the sports and not only at the international level, but also locally. People are dying in sports locally, but we do not know that. It is happening all the time. In any competition, people try to cheat. We even saw in national exams last year people trying to cheat in order to get grade “A” or pass very well. This is a good Bill that is going to protect sportspeople in the country.

In conclusion, I support the Bill. We need to extend it to involve local sportsmen and women and all those who are involved in entertainment.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Let us have Hon. Nyikal.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Bill because it is our international obligation as members of the World Sporting Association. I hope one day we shall not turn around if anything goes wrong and say that we do not want to belong to that organisation.

The other reason I support this Bill is that as we look into protecting our athletes from cheating, the most important aspect is looking at their health. As the Chair of the Committee indicated, there is a great danger because these substances other than enhancing performance have health risks. He was struggling with the issue erythropoietin. Erythropoietin enhances production of cells that carry oxygen and when that happens, the blood gets thicker and if it clots and gets to the lungs, it leads to death. If it goes to the head, it leads to stroke. It is also important to understand that the same substance is found in high amounts in those who live in mountainous areas. In our country, those who perform well naturally have higher amount of such substance because their bodies produce it to respond to the less oxygen up there. So, they need it.

It is also important to know that sometimes athletes may be accused wrongly if we are not careful. Steroids that build body mass that one would worry about, in the case of women, they get masculine features because they are metabolising the body to bring that. In the case of men, they are metabolised to bring substances that feminise them. Most of these things are used for treatment therapeutically. Therefore, it is important to know what time the athlete is tested. He may have been treated and the substance is still there. These substances such as steroids are used in treatment. A simple drug which is used in common cold may be a prohibited substance depending on the level. This is an extremely important area. Therefore, it is important for us to have a law that looks at all these areas like detecting and deterring the abuse.

When you say these are prohibited substances, the other side of the coin is that, for therapeutic purposes, they are allowed. We have a committee for that and it is extremely important. This Bill establishes an important agency. If you look at the functions of the agency, they are very important. There is the World Anti-Doping Laboratories and it is important that the laboratories are world accredited. That is the only way you can protect athletes from being wrongfully accused. These laboratories have standards and can detect whether the drug may have been used therapeutically a little earlier.

The Bill in Clause 7(g) talks about undertake, co-ordinates or arrange research all over the world. These substances exist in the body and the levels are different. If these agencies can perform research, we can have local levels so that we can know that if you live in the Rift Valley, your erythropoietin level is likely to be this much. Those are the extremely important areas that we have to look at.

The World Anti-Doping Code in Clause 9 is probably desirable though it looks like it gives so much power that they shall not require the consent and authority of any person to commence any investigation or impose any administrative sanction. That is useful, but it can also be abused. We probably have to look at how to get amendments that can help in such areas.

Again, Paragraph (b) provides that they should not be under the direction or control of any person or authority in the exercise of their powers under this Act or any other written law. This will be necessary but, at least, if you are ambushed and told that you are now being tested and nobody asks you whether you have had treatment or whether you have been sick, it is important to know that.

I am a bit worried about the membership of the board of the agency. Why should we insist that a person shall qualify to be appointed as a member of that board if he holds a degree

from a university recognised in Kenya? That is excessive to me. There may be people without degrees, but with experience in the field of sports and therefore, their contribution will be missed if we insist on that. Again, it is not clear who are the five people to be appointed by the Cabinet Secretary (CS). Who are they? We cannot just leave it to the CS to decide without some form of direction.

Clause 26 of the Bill lists prohibited activities under this Act which include presence of a prohibited substance or its metabolites or markers in an athlete's sample. As much as we are discouraging cheating, we may go to an extent that some people can be wrongly accused. Unlawful administration or unlawful attempted administration of any prohibited substance to an athlete in a competition is important. We have to indicate how we can relate this to the treatment used. An athlete might be sick, treated and go into competition. We have to clear that they are not suffering from what was appropriately prescribed.

I support this Bill because under the financial provisions, I have noted that Parliament is to appropriate money. This body is so important that we cannot just leave it to donors and well-wishers because they will start controlling it.

It is important to have a dispute resolution mechanism and tribunal. In the area of sports, there are a lot of disputes regarding testing, when one is tested and how the test is conducted to the extent we start doubting one's gender. It is important to have that in place.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have your counterpart on this other side, Hon. (Dr.) Murgor.

Hon. Murgor: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice on the Anti-Doping Bill. This Bill is long overdue. First and foremost, it will allow our athletes to participate in the coming Olympics and other international leagues. The Bill will protect sports particularly in Keiyo North, the home of athletes. It is unethical to use enhancing substances to perform because sport in itself will lose meaning. There will be no purpose of sports where one uses enhancing substances to win.

This Bill will protect the health of our sportsmen. I will touch on some of the substances used like steroids. Prolonged and excessive use of steroids causes a number of health issues. Initially, they may have retention of fluid which subsequently progresses and they may develop hypertension. When you develop hypertension, there are consequences like strokes and kidney failures. People may not know that you can develop diabetes from prolonged use of steroids. Other things like adrenaline suppression come in which causes athletes to collapse while running. When there is stress, pressure goes down and one collapses. Other substances like erythropoietin, hormones and androgens have also been talked about.

Doping comes in many ways and an athlete can be doped unknowingly. Some time ago, I saw a young lady on television crying a lot and you could see that she was not aware she had used banned substances. In such cases, it is probable that she was unknowingly doped. I am happy that this Bill has brought in coaches, managers and agents because they are beneficiaries when an individual wins.

Athletes are human beings who also get sick and suffer from conditions that require usage of some drugs. As clinicians, we normally ask athletes if they are going to participate in a race any sooner. They could say that they are participating in a month or two months' time and we always inform them we are prescribing a certain drug that is banned. I am happy that is well

addressed in Clause 23 of the Bill. We will introduce various amendments to enrich this Bill when it comes to the Committee of the whole House.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. The Anti-Doping Bill has come at the right time because sportsmen are using illegal substances to enhance their performances. Some of these illegal drugs are anabolic, steroids, stimulants and hormones. It is important that we adopt and pass this Bill because we want to protect our athletes and comply with international standards in terms of competing, so that our athletes are not banned and affected by these terrible drugs.

Over the years, we have performed very well and brought our image into the limelight. We want to maintain the standards set by Kipchoge Keino, so that our athletes continue earning a lot of money. As a House, we will ensure that Kenyan standards in sporting activities are maintained. If we go by what we have now, Kenya is a proud country. We have improved our economy because the money we get from abroad is ploughed back into our country. As Members have already said, most of our towns especially in the North Rift have big investments done by the athletes.

If we are not careful, we will earn enemies. I know most countries may not be happy because of our performance in athletics or sporting in the world. So, adopting Anti-Doping Bill is a way of ensuring that those countries that are jealous of us are deterred from trying to interfere and even taking opportunity of us not complying with the international law. We should continue to reap what is good for us.

There are many opportunities that have not been explored in athletics and sports in this country. Many young men in northern Kenya can perform as well as the ones who are performing in the world stage. I want to appeal to the Ministry of Youth Affairs and Sports and all those organisations that are supporting sports in Kenya and at the international level to explore means and ways of supporting the young men who have not gone into these kinds of activities, so that they can also benefit.

Many of them can do better than even the ones who are already there and we can have as many athletes and sportsmen as possible in the world stage and in our country. The Government should also improve the sports' budget, so that we can have many training fields and create awareness which will encourage many of our youth to join the world of sports and improve our country's image abroad and locally.

With those few remarks, I support this Bill. I also request that we speed it up and pass it, so that we can meet the deadline that was given to us by the international community.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Aldai.

Hon. Serem: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. Olympics minus the Kenyan team will not be the same. It is necessary to have this Bill because it is the only way we can have sanity in athletics. I come from Nandi County which is the home of champions. It is where the first individuals who raised the flag of Africa come from. Unless all of us address anti-doping issue, we will lose the most. We cannot have a situation where kids who are under 15 years are given some substance, so that they can be better than someone else.

For us to have systems in place, the only way is to have a law that will deter anyone from abusing substances in this country. We are under a lot of pressure to make sure that we have a country where people who compete in sports follow the law. If all of us want our team to

appear in the next Olympic, we should stand firm and support this Bill. Consequently, we will have the right fellows to represent our interests and their own.

I have some reservations in terms of why the international community is putting pressure on us as if we are the only African country which will participate in the Olympic Games in Brazil. I support that we should have a Bill in our country, so that we have the right fellows with the right characters representing this country out there. The importance of this Bill is to deter manufacturers, suppliers, coaches, doctors and agents from purposely making money through doping. In most cases, our children do not know about these substances, but a few people, who are greedy, want to take advantage of our own.

These people cannot run and the Bill will kick them out of this country. We know of some few characters in this country who have intentions of coming here to make money by making our children guinea pigs of their labs.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): I will skip a few Members because I have realised that the left side of the Speaker is not very well represented here in the top list. So, I will go all the way to the Member for Voi for purposes of mixing the membership.

Hon. Mlolwa: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I also want to add my voice to this Bill which is long overdue. It should have been there even yesterday. I am a Member of this Committee. We sat in Mombasa the whole weekend and went through the Bill with a tooth comb. The only issue which came up is funding which is supposed to come directly from the Consolidated Fund. We shall agree on that one. This is an important authority and it needs to get funding directly from the Consolidated Fund.

The other issue is penalties for people who deal with these drugs. Penalties in the Bill are very lenient. They need to be increased, so that we deter people from selling, distributing and consuming these drugs.

The other issue is protecting our children in future because this is not only about sports, but their future. The Bill is straight forward. We need to support it and pass it, so that our sportsmen and women can compete without any hindrance.

I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Narok West.

Hon. ole Ntutu: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. First of all, I would like to thank Hon. Wesley Korir, Hon. Langat and the Committee for doing a good job. Most of us who have been in this House have seen Hon. Wesley Korir pushing this Bill so that it can be passed. As one of the athletes, Hon. Korir has seen that doping is affecting our athletes in this country.

This Bill will help our athletes. They will not cheat. Athletes are very important in Kenya and there is need to bring some order in sports. This Bill will do that. It is also important to note that this Bill talks about our athletes' health. Some of the Members have spoken about the need to stop foreigners from cheating our children that if they use these prohibited substances, they will be faster than they are.

Sports have contributed a lot to the Kenyan economy. We earn a lot of foreign exchange when our athletes win. They bring a lot of money. This improves our economy and helps their families in terms of earning money for their businesses.

All of us are proud of them when we see them out there raising our flag. We do not want them to be ruined simply because of cheating. This Bill has established the Anti-Doping Agency which has its own functions. One of the functions is to promote participation in sports which is free from doping in order to protect the health and wellbeing of competitors and the rights of all persons who take part in sports. This is very important.

The other issue is creating awareness in order to discourage the practise of doping among the public and, in particular, the sporting community. We have heard from our own athletes who are Hon. Members. Sometimes they do not know these substances. They have said that their coaches, most of whom come from outside this country, tell them they can use the substances without being detected. This will go a long way in helping our athletes, so that they do not use those substances because they are going to affect their bodies.

The penalties in this Bill are very lenient. At the Committee of the whole House, we will come up with amendments to increase the penalties. These athletes can afford fines like Kshs200,000 or Kshs300,000. I hope the Chair of the Departmental Committee on Labour and Social Welfare will look at that, so that we can increase the fines. That is the only way we can deter the athletes from using these bad substances.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Likuyani, Hon. (Dr.) Kibunguchy.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Speaker. Before I make my contribution, because we are now talking about sports, it is good to announce to the House that our girls' team, the Harambee Starlets, has qualified to go and play in the women football.

I support this Bill. I will talk on two areas only. One, penalties should go towards the various actors that surround this whole concept of doping. In my view, quite a number of the athletes who are caught up in this trap of doping do it out of their intentions. To me, the people to blame are their agents, couches or managers. I would like Hon. Were to take that into consideration when we come up with amendments. Couches, agents and managers are the people who need to be punished harshest. Quite a number of these athletes, especially the ones who are just starting in their fields, are quite naïve and they can be misled. I am sure they are usually misled by the agents. The agents earn according to the amount of money that the athletes get. They earn on percentage basis. So, the more the athlete earns, the more the agent will earn.

The second area that I would like to talk about is not quite directly related to this. As a country, I would like us to seriously think about how we can set up sports academies virtually in every corner of this country. I know areas where athletics is the supreme sport. Certain other areas have managed to produce people who are excellent in football, rugby and boxing. If we were to set up these academies, we can start tapping some of these very young people at a very tender age and mould them and we can excel in many fields of sports.

Finally, I would like to commend our athletes. More than anything else, people talk about them earning a lot of money and investing in our economy. The one thing they do in this country, which is priceless, is that they have put Kenya on the world map. Many people know about Kenya because of our athletes who do very well out there.

In a way, these athletes, more than politicians, work to unify this country. Every time we watch them on television running, regardless of where you come from, which party you support or which tribe you are, you cheer them because they are Kenyans. They bring us together. For

those two reasons, I would like to commend our athletes. If this Bill can bring a little bit of sanity and put our athletes on the narrow and straight path, I support it 100 per cent.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Jimmy Angwenyi.

Hon. Angwenyi: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this important Bill. I want to thank Hon. Duale for bringing this Bill for discussion. This Bill is long overdue. It has come at the right moment when this country has declared war against illegal drugs and drinks, so that we can fight even those substances that affect our athletes.

Our athletes have put this nation high on the world map. Nobody in the world does not know Kenya simply because she produces the best athletes. Recently, while our President was visiting Europe, during one of the races, the hosts thought that the President was also a runner. They wanted him to run, but he was not able to remove his suit and put on a sporting wear. The athletes have put our country on the world map.

We have had athletes for the last 50 years. When I was a young boy, I remember reading about Nyandika Maiyoro who ran in Melbourne in 1952 and won. He was running bare feet while all the other athletes had shoes. He beat all the participants. That is the first time Kenya was put on the world map as an athletic country. You remember Kipchoge Keino, Julius Sang and Rudisha. Some of these athletes make us proud to be Kenyans. Like my colleagues have said, they have tried to unite this country. I am proud of Rudisha and Korir although they do not come from my tribe. Unlike us, politicians, who keep on dividing this country, athletes unite this country.

If we pass this Bill and enforce its provisions, countries that may be envious of our performance will not find a way of questioning our performance. Since most of these coaches come from abroad, they can be used to destroy our athletes by doping them. That will destroy them or make them outlawed when they compete. If they are not outlawed, doping can destroy their health. It causes high blood pressure, kidney failure and all sorts of illnesses that our people should not suffer from.

I am happy with the penalties spelled out here. They should be enforced to the letter. For us to have a country where our athletes are free from doping, we have to enforce these penalties. That will deter them from doping. It will also make them mentors of our young people who will want to join athletics. Even if they are not athletes, they will keep away from drugs which are another major menace among our youth in this country.

We have to support this Bill and pass it with dispatch, so that our athletes prepare, go to compete and win all those races in Brazil come this August.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Hon. Member for Baringo, Hon. Kiptui.

Hon. (Ms.) Kiptui: Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice to what my colleagues have said. Everyone is in support of the Bill, save for the few areas where the Bill needs some amendment. This is a good Bill.

I come from the Rift Valley and I stand here as a legislator from that area. I stand here as a mother. Before I go into the provisions of the Bill, my first call is to our sportspeople to desist from using enhancing substances. I urge them that like in the old days, we can conquer the world with our sports prowess because it is a God given gift. They do not need to partake of those

substances. In any case, we have a history. We have people like Kipchoge Keino and Rose Tata-Muya of those days. They conquered the world without using drugs.

However, I feel that they do not take the drugs out of their will. There must be some sneakers who are people who are not endowed with the gift of running like our young people and who want to make money using the young people. It is enumerated here that we have agents, managers and coaches. When you look at the list, you find that most of them may not even be from the areas the athletes come from. This law should pin down those people because they are taking advantage of our very young people who have their raw God-given talents.

The punishment is very lenient. We need to amend it and make it a very serious issue. Besides the law, I know that human beings are prone to lawlessness or breaking the law. Laws are made to help those who cannot stay straight out of their own volition.

I support this Bill. However, I also ask the people in the area of sports, especially athletics, to be encouraged and exposed to the dangers that lie ahead, so that we can prevent them from using drugs. We hear that 50 people have already lost their lives or have tested positive. We have been given the list of disadvantages of doping. We have heard very many strange things like women growing beards, having hoarse voices, breasts shrinking and all those manner of things. Let me tell the athletes that winning is not an end in itself. It is only one thing that they do in life, but they still have their lives ahead of them. So, they do not need to cut corners to make that money. We are very happy that they are able to make money. They bring a lot of money to this country. Most of them have opportunities to study abroad.

Yesterday, I got a photograph via the Whatsapp of my niece who went through a sports scholarship to America. They have settled down and right now they have a baby. It is a joy for us to see that they are progressing. However, we are against the issue of people taking advantage of our young people to make money which they do not deserve.

Apart from the fact that we have evidence that doping is taking place, there is an element of corruption. It is an indicator that our society is permeated by corrupt practices just like young people cheating in exams and people in public positions stealing money. It is a wakeup call that we, as a country, need to smash mercilessly corruption in our country. It is unfortunate that even something as beautiful as sports has been attacked by this evil spirit of corruption. Apart from passing laws, we all need to do our role to ensure that we educate the young people on the dangers of doping.

Clause 10 gives the people who will be appointed to the agency.

The Temporary Deputy Speaker (Hon. Cheboi): You should be summarising, Hon. Kiptui.

Hon. (Ms.) Kiptui: Thank you, Hon. Temporary Deputy Speaker. I hope and pray that when election time comes, they will remember gender balance. It is alleged that women are less corrupt than men. We hope that they will elect women into these positions and this will help a bit.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we will be moving faster now because I intend to bring this debate to closure before we finalise the day. I will give Hon. Member for Kakamega, Hon. Amolo, a chance. Be as brief as possible.

Hon. (Ms.) Amolo: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill. I also take this opportunity to salute the starlets who have made history as the first Kenyan women team to defeat Nigeria in the Africa Cup of Nations (AFCON) qualifiers. It is the right

time that we are talking about anti-doping. I just want to address women that they should avoid being doped at any time anywhere as they continue to perform in their sports.

I also want to support Hon. Korir who is in Boston. As we are discussing this, I know wherever he is, it is already a win for him because this is something that he has always been following up and pushing to happen.

As we talk about sports, I also want to support Kenyan athletes, more so, when I look at one of us, Hon. Eusilah, who is married to an athlete in this Republic of Kenya who has won many races. It means that Kenyan women depend on good athletes because that is where we get future husbands.

I want to support them especially when they are not doped. We have listened to the Chairman of the Departmental Committee on Labour and Social Welfare saying that those who go into doping do not perform and do not give us children. We are fighting that it never happens, so that our daughters and sons can get future husbands and future wives who are rich because of the natural resources that are found in Kenya. I support this Bill especially when I notice that it takes care of minors. There is a clause that takes care of minors. There are experienced minors who get involved in athletics. Guardians or parents of these minors take care of the minors and sign any document that is required.

We also need to deal with the firms which supply these drugs. A drug user is a sick person. We need to fight those who supply the drugs through supply suppression. Once we deal with them, the drugs will not be available in our country. Our innocent athletes or sportspersons will not be involved in doping.

Kakamega is known for producing footballers, volley-ballers and rugby players. All these should not be easily involved in doping.

With that, I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Mutura, the Member for Makadara.

Hon. Kangara: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. I want to note that there was reluctance on the part of the Ministry of Sports, Culture and the Arts with regard to this Bill, which is really bad. This is how the Ministry has been taking issues to do with sports. The Government had to seek an extension, so that we are not banned from athletics.

The Temporary Deputy Speaker (Hon. Cheboi): What is it, Hon. Member for Tharaka? Let me give you the microphone. Proceed.

Hon. (Ms.) B.N. Nyaga: Hon. Temporary Deputy Speaker, as you can see from the mood of the House, there is no Member who is opposed to this Bill. I rise under Standing Order No.95(1) to request that the Mover be called upon to reply. Everyone is repeating what has been said.

The Temporary Deputy Speaker (Hon. Cheboi): That makes a lot of sense, Hon. Member for Tharaka Nithi. Rather than dispose of your proposal, which will take time, I will request Members to speak for two minutes before we give an opportunity to the Mover to respond. We will still have achieved the same thing one way or the other.

Hon. Mutura you have two minutes. You have a minute and a half to go.

Hon. Kangara: Thank you, Hon. Temporary Deputy Speaker. I will try not to repeat what other Members have raised. I was raising concern on how the Ministry has taken the issue of sports in this country. It is high time the Ministry views sports as an investment just as we view coffee and other stakeholders' investments in this country. In a town like Eldoret, there is a

lot of development done by athletes. That tells you that sports is a major foreign earner in this country. We should support it.

There is a problem of doping. I was discussing with my colleague, Hon. Korir, and he told me that it is getting rampant because there is a lot of money involved in sports. I appeal to the Government to take major steps to curb this problem. No single investment has been done by the Government, for instance, building a track. It is by sheer luck that some of these athletes progress. As we tighten the law, the Government should chip in support for some of these activities.

The Temporary Deputy Speaker (Hon. Cheboi): You will not take much more time than that. So, kindly, wind up.

Hon. Kangara: I come from Makadara where there are vibrant sports activities. Many people in the sports fraternity and many of my friends were worried that we may get banned. I want to assure them that the National Assembly is up to the task and has their concerns and is going to do all it takes to see that we participate in the Olympics.

The Temporary Deputy Speaker (Hon. Cheboi): Hon Member for Turkana, followed by the Member for Kesses, the Member for Vihiga and the Member for Sirisia, in that order and quickly. Then we will see if we can have more time for others. Quickly, Hon. Members.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill and I will not repeat points that have been stated.

This Bill is long overdue given the fact that institutions like the International Olympics Committee (IOC) which works with the World Anti-Doping Agency started the fight against doping in the 1960s. It considers the fight against doping a priority and has established a zero tolerance policy to combat cheating and punish the culprits. By passing this Bill, Kenya will be at par with the rest of the world because we will be effecting the World Anti-Doping Code and the UNESCO Convention Against Doping.

I want to bring in the issue of the recent police recruitment where many of the candidates collapsed after running and we lost a few. I also lost a cousin.

The Temporary Deputy Speaker (Hon. Cheboi): I do not think that was out of doping. Proceed, anyway.

Hon. (Ms.) Emanikor: It may be. I am just suggesting that there should be ways of administering tests even before people run, so that we do not lose many of our young people. I understand we lost about three people on that Monday.

I also urge the Ministry and all the actors in sports to start recruiting and supporting athletes from the rest of the counties. In Turkana, we had Ereng and Kelai. We have many others who do not access the opportunities because they do not get support.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kimaru.

Hon. J.K. Bett: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to this Bill.

From the outset, I take this opportunity to salute Kenyan sportsmen and women who have consistently kept the flag of Kenya flying high particularly in the 3,000 metres steeplechase, which we have won for many years. I take this opportunity to salute people like Kipchoge Keino, Jipcho, Tergat, Komen, Kosgey, Julius Korir who won the Olympics in 1984, Moses Tanui and Ezekiel Kemboi who has always won gold in the 3,000 metres steeplechase, not forgetting the You-Tube man who trained for javelin.

Sports have always kept the Kenyan flag high and many times our National Anthem is sung in international fora. Economic developments like real estates have been initiated in places like Eldoret where most of the athletes come from. They have investments heavily.

I support the Bill and the National Assembly will stand to the task because by 2nd May, we should have complied. By complying, we shall be creating an equal playing ground for all the players. I want to discourage athletes from using drugs because we have been told that these drugs cause abnormalities in their bodies. They even hinder them from procreation. So, you can imagine a situation where we are not procreating yet we need more athletes.

As I conclude, I ask county governments to set up infrastructure by way of stadiums and other facilities, so that we can develop athletics in Kenya.

With that, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have Hon. Chanzu, Member for Vihiga.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker. I also support this Bill. We will need to do much more than what we are doing now. The problem is that those who take these drugs to increase their capacity for the short term may be the ones who are already in athletics, but in some places the habit starts with our young people and what they emulate. We set up the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), but I noticed one thing which is very interesting; they do a lot of seminars in hotels but we have a lot of people down there in the villages who are addicts of various drugs and illicit brews.

It is a very important Bill but for the future and posterity, we need to look at the matter in a much broader way. This is so that we are able to completely eradicate it until nobody talks about the issue of drugs in a country like this one. We want to achieve faster growth and we cannot achieve that with people being involved in illicit habits.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. I realise there are two Vihigas here, yourself and Hon. Kedogo but I am not going to give her the opportunity. We have heard one voice from Vihiga. Let us give the Hon. Member for Kisii. I will later on give to the Hon. Member for Sirisia immediately after her.

Hon. (Ms.) Keraa: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this important Bill. Doping in sports is a major challenge as it is not only a threat to the integrity of sports, but it also puts athletes' health at risk. This Bill seeks to protect the health of athletes and put in place coordinated effective mechanism to deter and prevent the use of prohibited substances.

Many points have been said and I do not want to repeat, so I support.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Hon. Member for Sirisia and that will be it.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I am happy that the Chairman for Athletics is here. I can see the general at the Speaker's Gallery. The Hon. Chairman needs to concentrate on field events. That is the area that Kenya is weak at. However, I support the Bill because sports and athletics have made this country proud all over the world. This Ministry should be given more money. We should check on how we can maintain these men and women who are making this country proud all over the world.

They are selling Kenya all over. The money allocated to the Ministry of Commerce, Tourism and East Africa Region to attract tourists to come to this country should partly go the Ministry of Sports, Culture and Arts because the sportsmen and women, athletes and rugby players are selling the name of this country.

I support this Bill. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): As the Mover proceeds to his place to reply--- Hon. Duale, it is your time now. As you make your way, let us have the Member for Kajiado for a minute.

Hon. Manje: Thank you, for giving me this chance to contribute to this very important Bill and support it. We cannot underrate the impact of athletics to the growth of the economy of this country.

We know athletics is a source of income to our country and I would like to say that it has marketed this country in a positive way. Whenever you go out and introduce yourself as Kenyan, they will mention athletics and think that you can also run. This is one aspect that as a country we can be strategic enough to come up with a strategy that can be used as a source of employment and create many sports academy.

I would also like to thank the Government because it has identified Ngong and Eldoret as areas where we can make Vision 2030 stadiums. We have special climate in the Ngong Hills where athletes train and later board planes to the outside world.

I would also want to say that some of these athletes are put in a mess without knowing. Some of them are not properly educated on why they should not take these kinds of drugs, while others are under pressure by their sponsors.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Manje, your minute is over. Let us have the Leader of the Majority Party.

Hon. A. B. Duale: Thank you, Hon. Temporary Deputy Speaker. I want to thank all the Members who participated this afternoon, in making various contributions to Anti-Doping Bill. This is a very important Bill to the people of Kenya and I am sure we will fast track it so that our country meets international deadline. The various contributions will translate to the various amendments.

With those many remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Hon. Members, that brings us to the end of that particular Bill in terms of the debate. We still have some few minutes but I am not going to put this to Question now because of obvious reasons. We will proceed and adjourn.

ADJOURNMENT

Hon. Members, the time being 6.28 p.m., this House stands adjourned until tomorrow Wednesday, 13th April, 2016 at 9.30 a.m.

House rose at 6.28 p.m.