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FEEDBACK REPORT ON THE ANTI-DOPING POLICY ADVICE PROJECT

COUNTRY ASSESSMENT REPORT

KENYA

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6 July 2015

The ideas and opinions expressed in this publication are those of the authors; they do not necessarily reflect the views of UNESCO and do not commit the Organization in any way.

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1.0 Introduction

A number of Kenyan athletes have tested positive for either medicinal or recreational drugs prohibited by WADA during competitions (IAAF, 2011). Examples include; Susan Chepkemei and Lydia Cheromei who tested positive for medicinal drugs, David Munyasa and Komen who tested positive for recreational drugs. In all the cited incidences, the athletes did not apply for the Therapeutic Use Exemption (TUE) and neither did they make appeals after the cases were determined. Such cases of doping portray Kenyan athletes as being largely ignorant of banned substances, doping test procedures and their rights and responsibilities. In 2013 the IAAF banned three top Kenyan athletes for doping; Wilson Erupe Loyanae, a two time winner of Seol marathon, Nixon Kiplagat and Moses Kurgat, both renowned Kenyan distance runners (AK, 2013). The recent statistics released by WADA and published by Athletics Kenya (2013) on the list of athletes serving a ban for doping indicated a drastic rise of Kenyan athletes on the list, from 4 in 2010/2011 to 17 in 2012/2013 representing an increase by 425%. Regrettably most of the cases tested positive for PEDs rather than medicinal or recreational drugs as witnessed in the past. There has also been

wide allegations of doping by Kenyan athletes by both print and electronic media and even among the athletes' themselves. Two Kenyan athletes, Moses Kiptanui and Mathew Kisorio have openly confessed that doping is rife in Kenya (BBC Interview, 15th February 2013). This has raised concern by the WADA who has issued stern warning to Kenya Government to address the issue.

Recently, the International Association of Athletics Federations (IAAF) announced sanctions for eight Kenyan athletes found guilty of various doping violations. Of the eight athletes, most of them marathon runners, Alice Ndirangu received the harshest sentence of a four-year ban after testing positive at the 2012 Maraton Gobernador 47 in Mexico. The others are Emily Perpetua Chepkorir (two years' ban), Stephen Kibet Tanui (two years), Philip Kandie (two years), Julius Kiprono Mutai (two years) James Maunga Nyankabaria (two years), Flomena Jebet Chepchirchir (six Months) and Elizabeth Chelagat (two years).

Doping therefore is a serious challenge and threat to Kenya's sporting excellence and calls for serious attention and action by all stakeholders nationally and internationally and hence the current efforts.

1.2 Political dynamics and Anti-doping Legal Frameworks in favor of anti-doping in Kenya

Although there is political goodwill against doping in sports in Kenya, there is no single document that outlines or is the primary reference legal document on the legal regime dealing with anti – doping in Sports in Kenya. The reason seems to be because the primary agents that fight doping in sports are sports federations who develop their own independent legal frameworks. The government through the Sports Act No. 25 of 2013 has created a sports tribunal which can now supervise all the local disciplines doping regimes through the cases that are presented to it and hopefully unify all the frameworks. This tribunal is still not yet active or functional.

1. The following legal distinctions will come up and will be discussed together, *substantive*¹ viz-a-viz *procedural* law and *local*² viz-a viz *international* law. We propose to start by a discussion on the legal position of international instruments dealing with doping and answer the question whether they form part of Kenya law. We will then turn to highlighting

¹ Here we mean specific provisions dealing with doping while procedural law will deal with the organs empowered to deal with the offences and the form of the proceedings

² Here the paper refers to municipal or the laws of Kenya while international we mean international instruments that Kenya has ratified with other countries as part of its laws

anti – doping statutory legislation and then subsequently review a few sports federation anti-doping rules before tying the discussion with the courts stance on federation decisions in order to contextualize the relationships between the High Court and federation decisions. One recommendation is also proposed at the tail end to strengthen the Anti-doping legal regime.

2. As a background it may be noteworthy that Kenya pursued by default a philosophy or approach of ‘self-regulation³’ as opposed to government interventionist to stem out doping in sports.
3. In pursuit of its obligations however under the Convention against Doping in Sports, ratified by Kenya in 2009, the government is now warming up to a dual approach. A concerted and harmonized legal effort is being developed to not only cater for two regimes but to avoid the courtesy of letting the other regime operate and ultimately loose the operations of either and a stalemate will ensue. Both the

³In ‘self-regulation’ this paper means a federation lead effort where the federation is given a free hand with minimum interruption from government.

private and public legal needs to be pursued regimes to stem out doping and the same should be pursued jointly and harmoniously.

4. The starting point would therefore be the constitution. The Supreme law in Kenya is the constitution⁴. The constitution creates two levels of government; a national government and county governments. The two levels of government have legislative mandate in all spheres and are supposed to be only limited by ‘distribution functions’⁵ provisions in the fourth Schedule of the same constitution. Promotion of Sports and Sports Education is designated a national government function by the constitution – meaning that doping is a national government prerogative. However, it is the duty of the county⁶ governments as well and sports organizing entities to ensure their sport is dope free.

⁴ Refer to Article 2 of the constitution for the sources and hierarchy of Kenyan law.

⁵ The Schedule distributes functions between the national government and the county government with supporting distribution of finance.

⁶ This is fortified by the fact that long distance athletics world champions come from a regional.

5. As to whether international treaties become Kenyan law automatically, Article 2 (6) of the constitution of Kenya provides that:-

‘Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution‘

On the face of it, after 2010 - when the constitution was promulgated - any international convention, instruments or treaty upon ratification by Kenya automatically is part of Kenyan Law.

However, in the same breath Article 94(5) of the same constitution provides as follows:-

“No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation”.

These provisions placed side by side, all the constitution requires is for parliament to approve prior to ratification any ‘international’ instrument so that upon ratification such instruments become part of Kenyan law.

6. The International Convention on Doping in Sports treaty was ratified by Kenya in 2009 prior to the progressive provisions of the new constitution being promulgated in 2010 and also prior to enactment of Ratification of Treaties Act in 2011. Therefore all those provisions are not Kenyan law.
7. The position that applies to it is what subsisted prior to the 2010 constitution is as was decided in *Okunda v R (1970) EALR 18*, particularly that international law and principles did not form part of Kenyan law unless they were *domesticated*. In other words, treaties ‘ratified’ by Kenya did not automatically become Kenyan law but had to be passed as an Act of parliament. Considered in isolation⁷, as a starting point therefore, the republic must bring the instrument within the provisions of the Ratification of Treaties Act for parliament to domesticate it and make it Kenyan law to benefit from its provisions.

⁷ That none domestication as will be seen later does not stop a Federation from adopting by contract procedural or substantive provisions of a treaty applying to it and its membership. However, why do that if the country can in itself ratify the whole treaty.

8. The second attempt in dealing with doping in law is at the legislative level. The Kenyan parliament passed the Kenya Sports Act No. 25 of 2013. The Act is a general statute to deal with sports in the country and mentions doping in passing. Significantly however, the Act creates a tribunal, a judicial body to arbitrate sports related disputes and also gives the Cabinet Secretary a free hand to make rules regarding anti - doping. The actual provisions state as follows:-

Sec. 74. (1) Every person involved in sports and recreation shall observe anti-doping rules.

(2) The Cabinet Secretary shall make regulations for the better management of anti-doping activities and such regulations may prescribe penalties for contravention of subsection (1).

The Cabinet Secretary must make rules. He may just as well apply the World Anti – Doping Agency (WADA) substantive and procedural rules and regulations.

Significantly, the law delegates the rules making power to the Cabinet Secretary deliberately to avoid the delays of legislation and to allow the law to keep in stride with other international instruments and new research frontiers.

9. Regarding the dispute determination, the Act creates a sports tribunal whose membership has already been gazetted⁸ and sworn into office. It provides as follows:-

Sec. 59. The Tribunal shall determine—

(a) appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including —

(i) appeals against disciplinary decisions;

(ii) appeals against not being selected for a Kenyan team or squad;

⁸ With effect from 31st March, 2014

(b) other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and

(c) appeals from decisions of the Registrar under this Act

Sec. 60. The Tribunal may, in determining disputes apply alternative dispute resolution methods for sports disputes and provide expertise and assistance regarding alternative dispute resolution to the parties to a dispute.

10. The advantages of having such a tribunal to supervise and be beyond the national sports organization include *inter alia* that:-

a) These provisions are such that the Sports federation becomes the court of first instance. This will allow the federation to tap to current and ever evolving jurisprudence in anti-doping law.

b) The national tribunal does not take away the jurisdiction of international forums for disputed resolution and as such

allows athletes who compete at the international forum to appeal to the Court of Arbitration for Sports from the national sports organization.

- c) The dispute resolution mechanism is flexible to allow for expertise and flexible procedures like email for submitting documents.
- d) The federation retains enough authority to keep athletes who do not cooperate with it to be kept off participating in sports events which has the effect coercing members into obedience.
- e) It will enable funding from the consolidated fund since funding may have been a major difficulty in implementing anti - doping.

11. We will now turn to how federations' legal mechanisms fight doping in sports. Federations adopt by constitution or regulation, substantive rules of international anti-doping organizations e.g. World Anti – Doping Agency(WADA) or International Associations of Athletics Federations (IAAF).
For example:-

a) The Tennis Association of Kenya have a constitution that provides as follows in Article 25.4 of its constitution:-

25.4 Notwithstanding anything contained in this constitution, the World Anti Doping Agency Code and/or the requirements of an anti- doping policy and rules of a National Anti-Doping Organization established in Kenya by law shall form an integral part of this constitution and shall at all times be binding on Tennis Kenya and all its members, affiliate members, players, officials and coaches(emphasis added)⁹

b) The Kenya Boxing Association also is couched in similar terms save that the Association seemed too have adopted the rules jointly together with other national federations at the international level. Under scope, it provides as follows:

⁹<http://www.kenyalawntennis.org/images/downloads/New%20Proposed%20Tennis%20Kenya%20Constitution%202013.pdf> accessed on 8th December, 2014

These Anti-Doping Rules shall apply to AIBA, each National Federation of AIBA, each Franchisee, and each Participant in the activities of AIBA, WSB or any National Federation of AIBA by virtue of the Participant's membership, accreditation, or participation in AIBA, WSB, National Federation of AIBA, or their activities or Events. The National Federation must guarantee that all Athletes registered for an AIBA Licence accept the Rules of AIBA, including these AIBA Anti-Doping Rules. Each Franchisee must guarantee that all Athletes registered with it accept the Rules of AIBA and WSB, including these AIBA Anti-Doping Rules.¹⁰

Those rules then proceed to detail the procedures and duties of the National Federation in fighting the vice.

c) Again, the Athletics Kenya – the Federation of Athletes is couched in similar terms. In its scope it IAAF rules for 2014/2015 provide as follows:-

¹⁰ <http://www.boxingkenya.org/downloads/> accesses on 8th December, 2014

Rule 30. Scope of Anti – doping rules

1. The Anti – doping rules shall apply to the IAAF, its members and area associates and to Athletes, Athlete support personnel, and other persons who participate in IAAF, its members and area associations by virtue of their agreement, membership and its affiliation, authorization, accreditation or participation in their activities or competition.

While the Athletics Kenya has not posted its constitution in the website, necessarily and by the nature of having been a member of IAAF, the Kenya Athletics Federation is bound by the rules of IAAF.

12. By agreement therefore, local federations have adopted substantive legal frameworks to combat doping in sports. Federations further either have a disciplinary committee or are empowered by the constitution to designate an ad-hoc

independent committee to deal with issues related to doping¹¹.

13. The last consideration is to highlight the inter play between decisions of local federations viz-a-viz the Kenyan judicial system. Two recent High Court decisions illustrates this point i.e. *Republic Vs. Kenya Cricket Association & 2 others Ex parte Maurice Omondi Odumbe (2006 e Klr)* and *Rose Wangui Mambo & 2 others Vs. Limuru County Club & 17 others (2014 eKlr)*. In the Odumbe's case, the ex parte applicant had approached the courts seeking prerogative orders of certiorari and prohibition against the Kenya Cricket Association (KCA) and the International Cricket Council (ICC) who had banned him from playing cricket. He wanted to quash the decision of the arbitration award of the Association. The lady justice Wendo held *inter alia* that:-

'This was a private arbitration within the rules governing membership of International Cricket Council

¹¹ Football Federation and the Tennis Association have clear constitutional provisions for disciplining members. FKF has even an appeal procedure though doping is merely adopted from continental football organization CAF without reference to it in the National constitution.

and Kenya Cricket Association and would not be subject to Judicial Review. In my considered view the tribunal set up in the investigation of the applicant's conduct was a private arbitration, not subject to Judicial Review.'

One wonders if the court would have reached a different finding in the *Odumbe* case had it been by way of a petition or a contract breach claim. The court paved way for the notion of 'none interference'.

14. In *Roses* case, the petitioners challenge a resolution by the Board of Directors of the Club amending part of the Club's by-laws to disallow female membership. Rose challenged that decision alleging that it was contrary to the constitution of the Club and also was in breach of their fundamental rights and freedoms enshrined in the constitution of Kenya. The court was approached by way of a constitutional petition. A three bench court intervened and declared such intervention unconstitutional.

15. In my view, the second decision was not a change of heart, but an appreciation of the nature of sports disputes as earlier highlighted. The courts seem to say two important things. First, those local disputes which can be enforced locally do not take away the court's jurisdiction. Secondly and more importantly, the court seemed to say that, that dispute was not purely about the game of golf, but an administrative decision on admissibility into membership.

1.3 Compliance between national regulation and the provisions of the Convention, its annexes and appendixes

Kenya as a state party is trying to comply with the provisions of the Convention in a number of ways including:

- a) The establishment of a new anti-doping organisation called the Anti-Doping Agency of Kenya (ADAK).
- b) Collaboration with other countries and organizations such as Chinese and Norway for in the establishment of ADAK. China and Norway will oversee the technical training and guidance throughout the process. The Chinese and Norwegian anti-doping bodies were recommended to Kenya by the World Anti-Doping Agency (WADA).The Chinese Anti-

Doping Agency (CHINADA) and ADN (the Norwegian agency) will look at our legislation, policy, education programme as ADAK embarks on its activities.

c) Establishment in 2014 of Kenyan Anti-Doping Task Force to explore allegations of widespread doping among Kenyan athletes and provide a report and recommendations.

d) Establishment of the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA)

The passing into law of the National Authority for Campaign Against Alcohol and Drug Abuse Act, 2012 enhanced the mandate of NACADA by giving the Authority powers to do the following:

- i. Carry out public education on alcohol and drug abuse directly and in collaboration with other public or private bodies and institutions;
- ii. Coordinate and facilitate public participation in the control of alcohol and drug abuse;

- iii. Coordinate and facilitate interagency collaboration and liaison among lead agencies responsible for alcohol and drug demand reduction;
- iv. In collaboration with other lead agencies, facilitate and promote the monitoring and surveillance of national and international emerging trends and patterns in the production, manufacture, sale, consumption, trafficking, promotion of alcohol and drugs of abuse;
- v. In collaboration with other lead agencies, provide and facilitate the development and operation of rehabilitation facilities, programmes and standards for persons with substance use disorders;
- vi. Subject to any other written law, license and regulate operation of rehabilitation facilities for persons with substance use disorders;
- vii. Coordinate and facilitate in collaboration with other lead agencies and non-state actors the formulation of national policies, laws and plans of action on control of alcohol and drug abuse and facilitating their implementation, enforcement, continuous review, monitoring and evaluation;

- viii. Develop and maintain proactive cooperation with regional and international institutions in areas relevant to achieving the Authority's objectives;
- ix. In collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on alcohol and drug abuse and serve as the repository of such data;
- x. In collaboration with other lead agencies, prepare, publish and submit an alcohol and drug abuse control status report bi-annually to both Houses of Parliament through the Cabinet Secretary;
- xi. To assist and support county governments in developing and implementing policies, laws, plans of action on control of drug abuse.
- xii. Carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may from time to time, be assigned by the Cabinet Secretary.

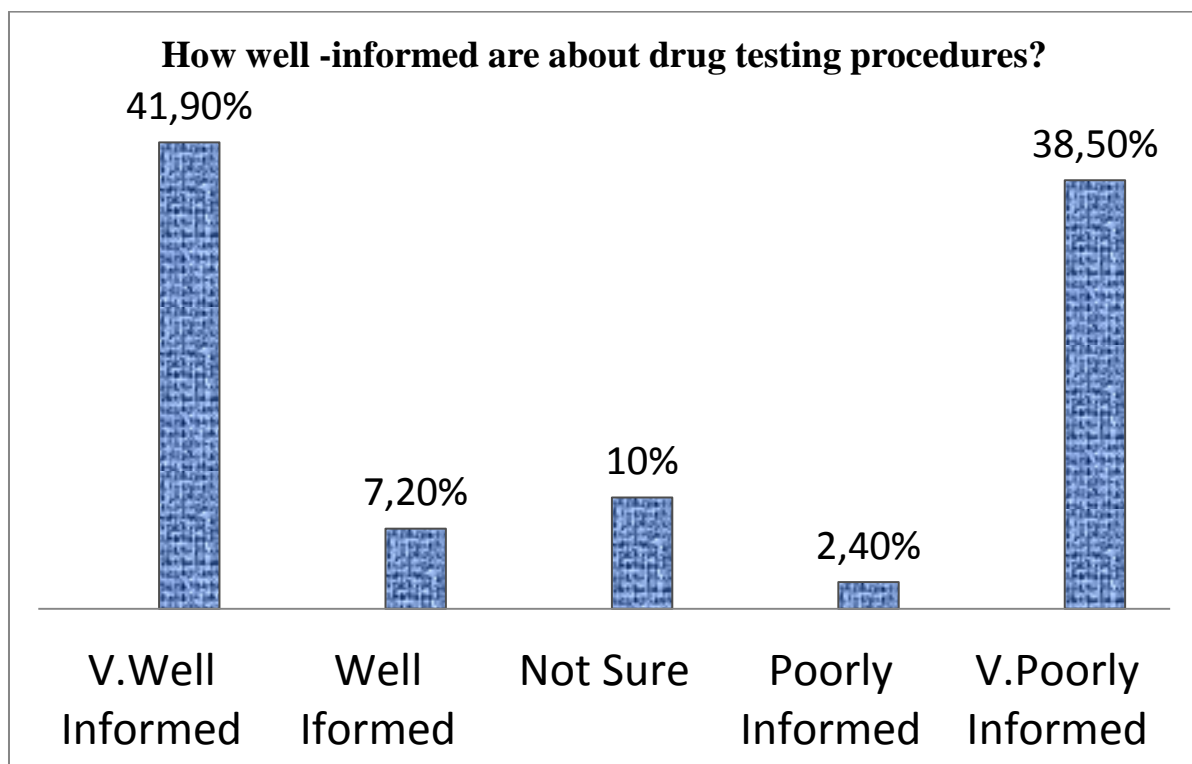
3.0 Studies on Anti-Doping in Kenya

Despite being a very important subject matter, there is paucity of data on anti-doping in Kenya. Empirical data shows a mixture of

responses in as far as the knowledge, attitude and practice of doping among different Kenyan stakeholders as evidenced by the facts below following a study which sampled 400 male and female athletes in middle and long distance running in Kenya both junior and senior athletes.

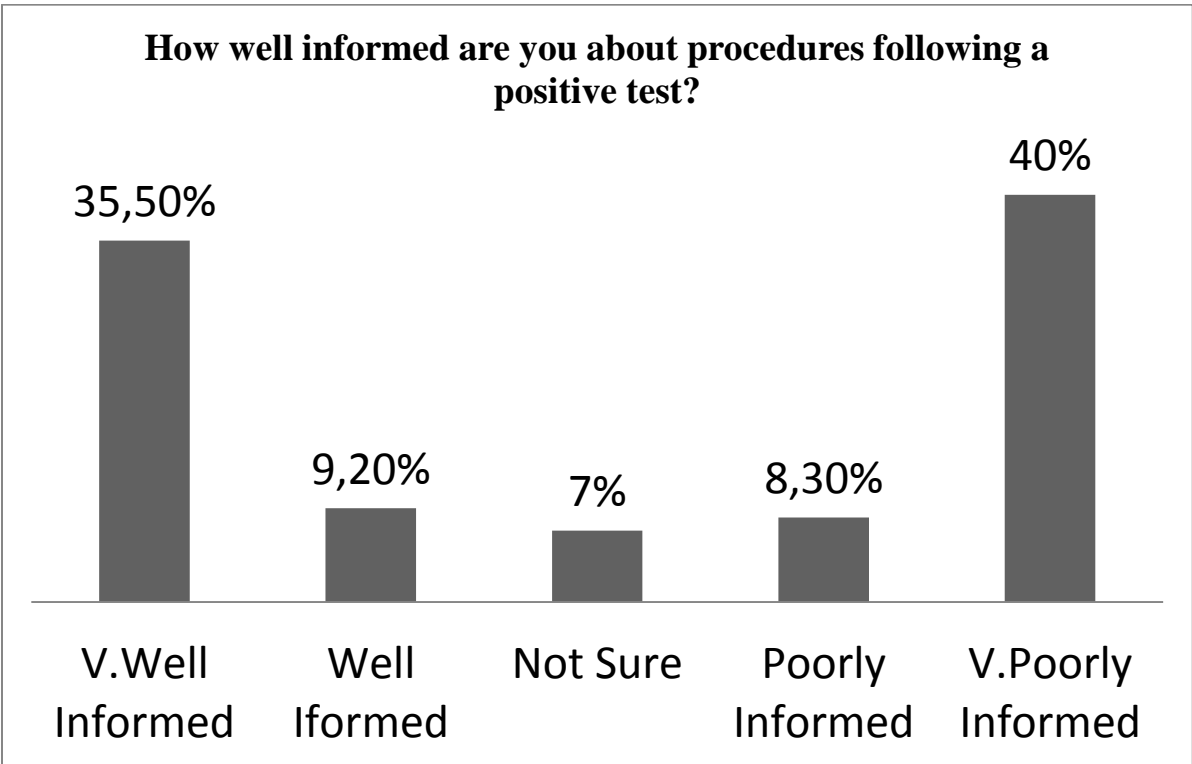
3.1 Rating of knowledge of Drug testing procedures

About 41.9% of Kenyan athletes sampled indicated that they were very well informed of drug testing procedures while 10% were not sure with 2.4% being poorly informed and 38.5% as being very poorly informed.



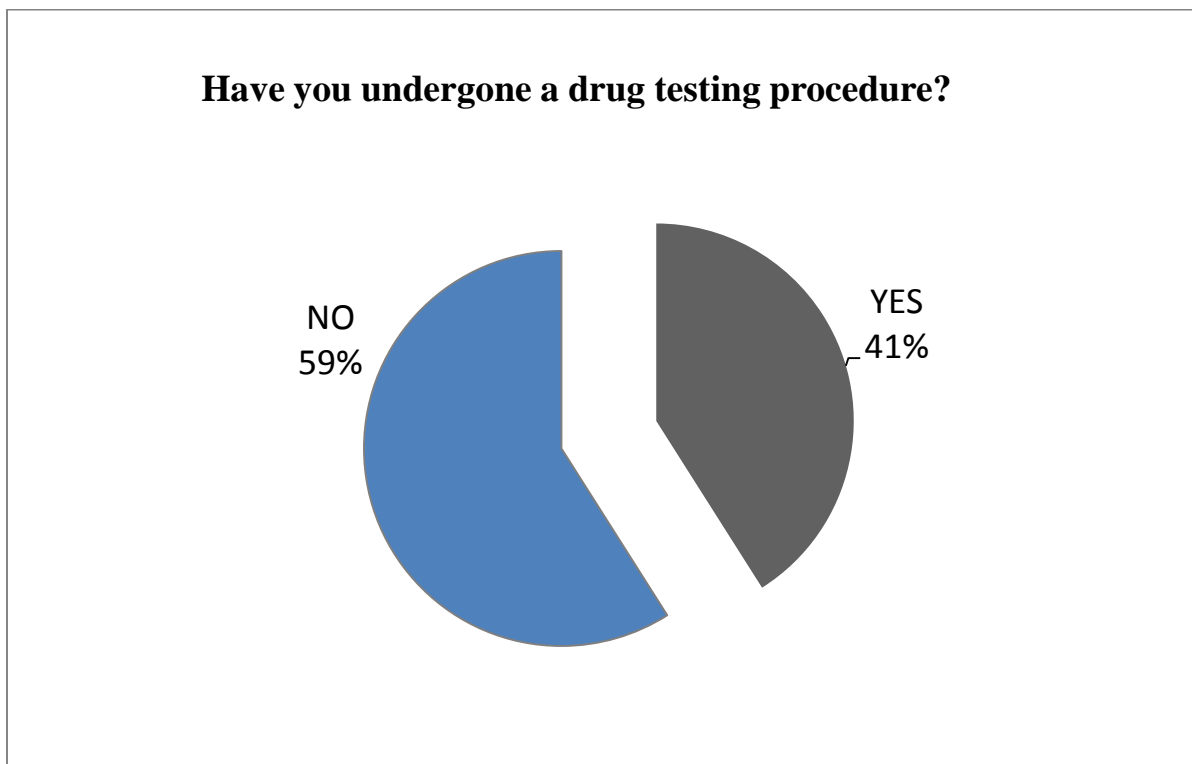
3.2 Athlete’s personal rating of knowledge of procedures following a positive test

35.5% of the athletes sampled reported that they were very well informed of the procedure that follows when laboratory reports positive test with 40% reporting as being very poorly informed. The findings indicate lack of adequate knowledge on doping procedures by more than half of the participants.



3.3 Athletes' exposure to in and out of competition

59.1% of the athletes reported that they have never been tested, while 40.9% indicated having been tested at one time or another.



3.4 Athletes' perception about the fairness of Drug testing procedures

Asked if they were satisfied with the explanation they received about testing procedures 40.8% indicated as being very satisfied, 41.5% as being satisfied, 7.7% as being neither satisfied nor dissatisfied. A total of 5.6% were dissatisfied while 4.25% either do not remember or have never received information.

3.5 Common Sources of Doping Information among sports associations

Source of Information	Frequency	Percent
Athletics Kenya	96	30.6
NACADA	22	7
IAAF	61	19.4
World Anti-Doping Agency	29	9.2
Other	13	4.1
I have received information but do not know the source(s)	29	9.2
Never received information on drug free sport	64	20.4
	314	100
Missing	13	3.9

3.6 Most common anti-doping websites

When elite athletes were further asked to name the most preferred website they are likely to use for up-to-date drug-free sport issues, two distinct categories of athletes emerged; those who visit the Athletic Kenya (AK) website (41.3%) and those who

indicated they had no time to spent on browsing the internet (35.8%). The third category is those who spent time in other athletics agencies' website totaling to 71(22.9%).

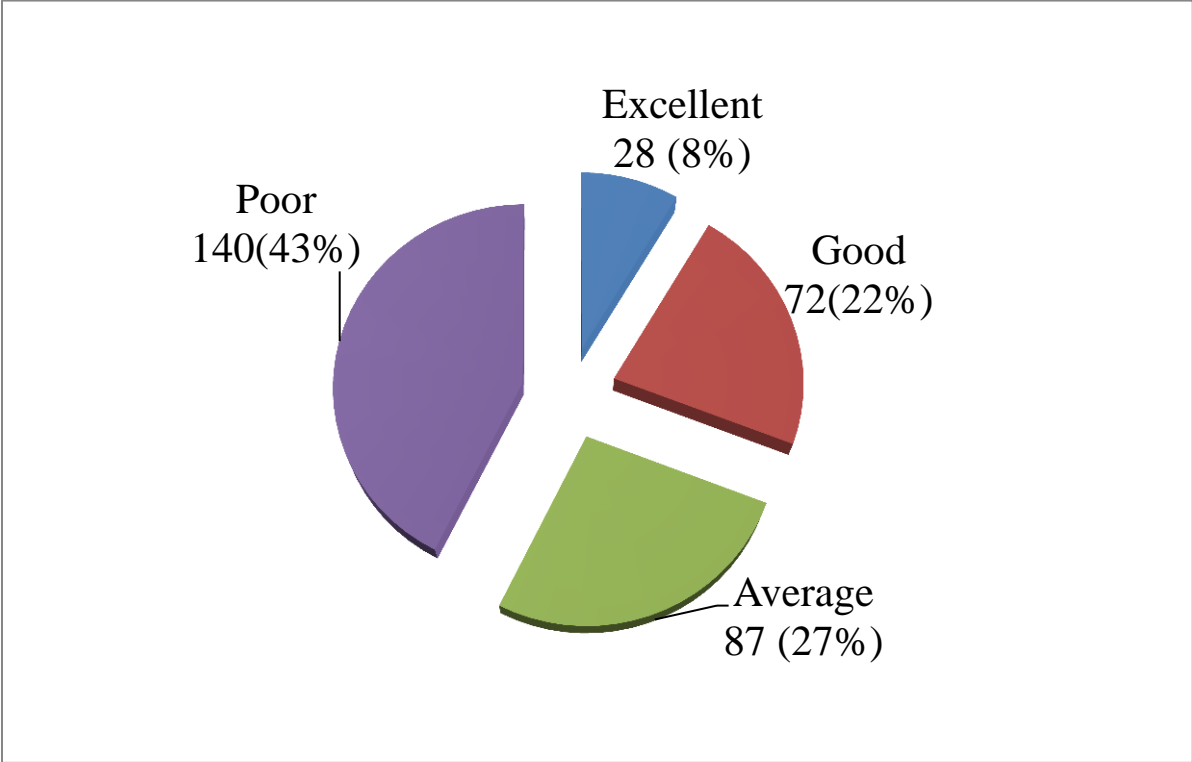
Websites as source of information among Kenyan athletes

Website	Frequency	Percent
National Governing Body	128	38.8%
International Federation	5	1.5%
WADA Website	38	11.5%
Other Website	11	3.3%
Not spent time on website	111	33.6%

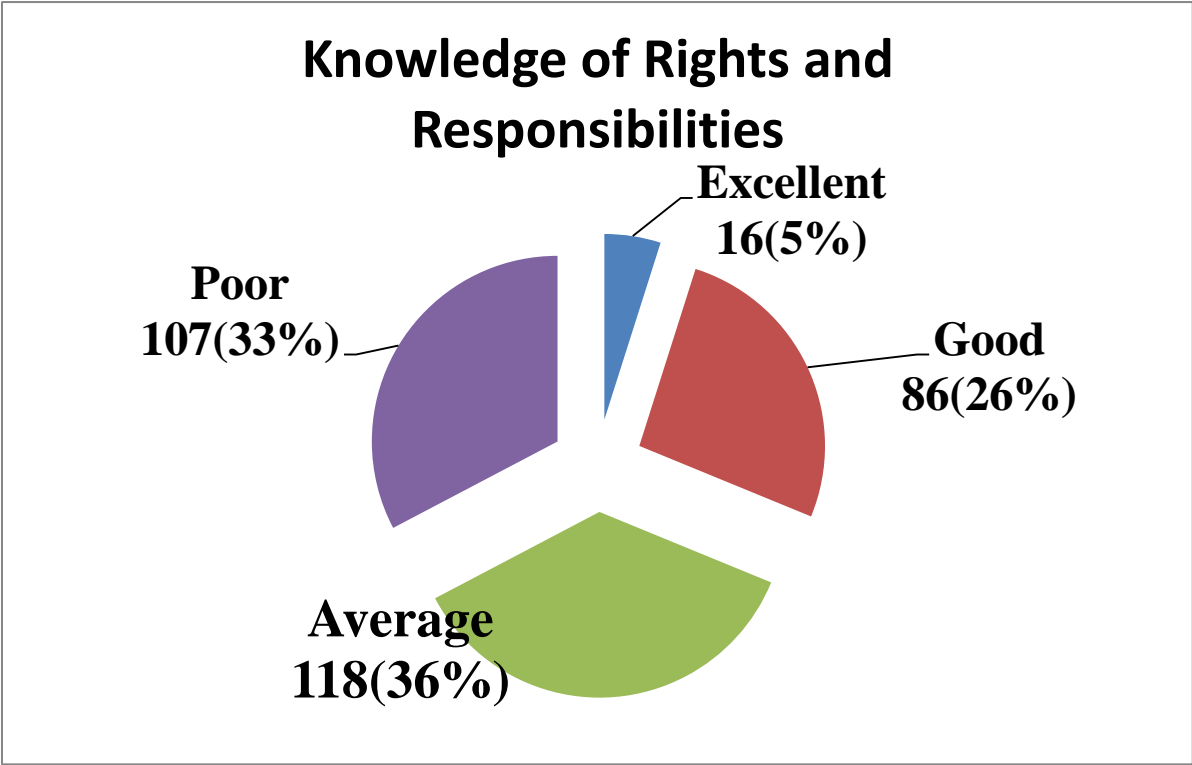
3.7 Prohibited Substances and Methods

It can generally be inferred from that majority (42.8%) of elite athletes have low knowledge on prohibited substances. A great majority of elite sportsmen and women are ignorant about substances that are classified as prohibited in sports and methods of indulgence.

Knowledge of Doping substances among Kenyan athletes



3.8 Knowledge of Athletes' rights and responsibilities



4.0 Findings from sports associations

A total of five associations were interrogated in the study. At least two officials from each association were interviewed. Among the organizations are Athletics Kenya (AK), National Olympic Committee of Kenya (NOCK), Kenya University Sports Association (KUSA), Kenya Teaches Colleges Sports Associations (KTCSA) and Kenya Secondary School Sports Association (KSSSA). The interviews were carried out in a view to establish the existing doping control practices among the associations as well as their awareness about doping practice in the country.

The findings revealed that while AK and NOCK have established structures of doping control the other three organizations, KUSA, KTCSA and KSSSA did not have doping control structures at all. It was further revealed that the structures used by AK and NOCK were as dictated by their affiliate mother federations like IAAF and IOC. However full implementations of doping regulations in Kenya were hampered by the fact that doping violations are not treated as criminal offences by Kenyan law. This implies that the organizations are unable to take action against doctors, pharmacist or drug venders who could have aided the athletes in

the process of doping. Furthermore these organizations are unable to prevent occurrence of new cases as they have no control over the other parties who are involved in the doping process like the medical practitioners and pharmacists.

4.1 Kenya's Ministry of Sports, Culture and the arts

The ministry is charged with the responsibility of developing sports policy. With the wake of the new constitution the ministry is charged with developing the sports bill and sports policy, both of which are expected to provide guidelines in management of sports in the country. Sections of the sports bill provide for regulations in sports without directly mentioning doping. The sports policy also outlines procedures in dealing with sports offences without making particular reference to doping.

It is noted that Kenya ratified the 2005 UNESCO convention, binding it to international doping regulations. According to the new constitution any convention that is ratified by the country becomes part of its laws, therefore bears the responsibility of implementing.

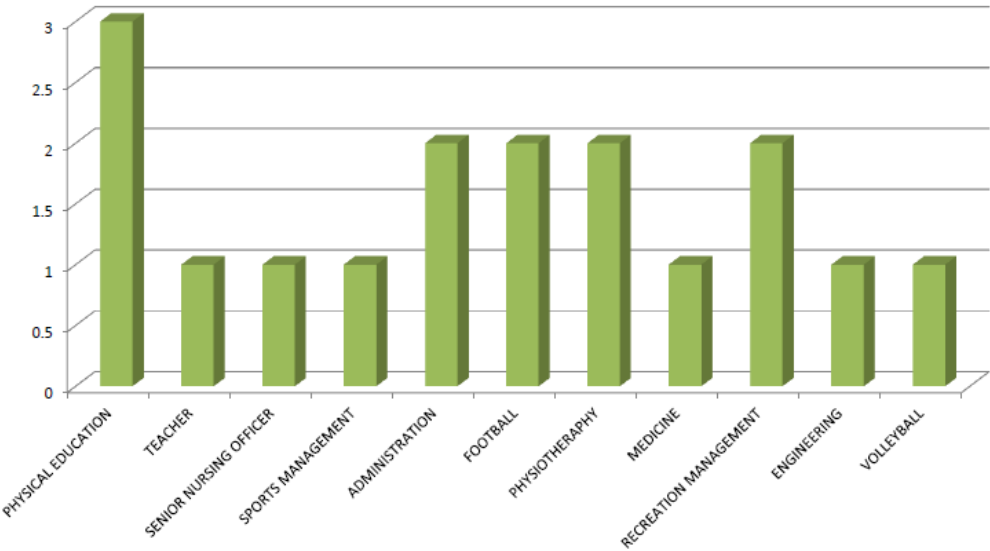
5.0 The situation in East Africa

I had an opportunity to facilitate a workshop for Training of Trainers (TOT) on anti-doping within the East Africa community (EAC) from 2nd - 5th march 2015 at Kenyatta University in Nairobi Kenya. The EAC is composed of Burundi, Kenya, Uganda, Rwanda and Tanzania. The workshop was funded by the Kenya National Commission for UNESCO (NATCOM), an organization that is committed to leading a world-class anti-doping programme for the East Africa Member states.

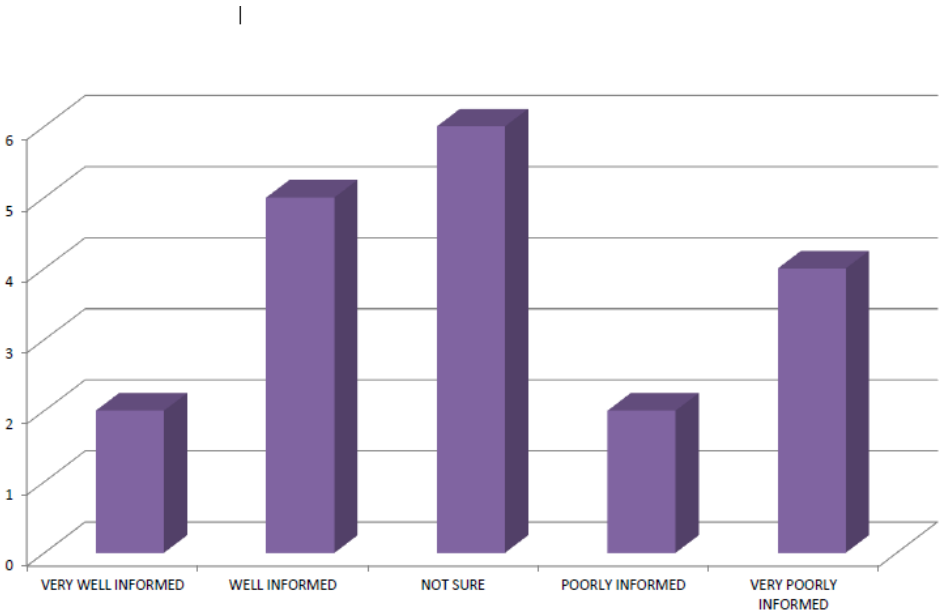
As a precursor to the workshop, a conducted a baseline survey on the knowledge, attitude and practices of doping by stakeholders in the East African community member states of Burundi, Kenya, Uganda, Rwanda and Tanzania.

Some selected findings of the exercise and recommendations are provided below:

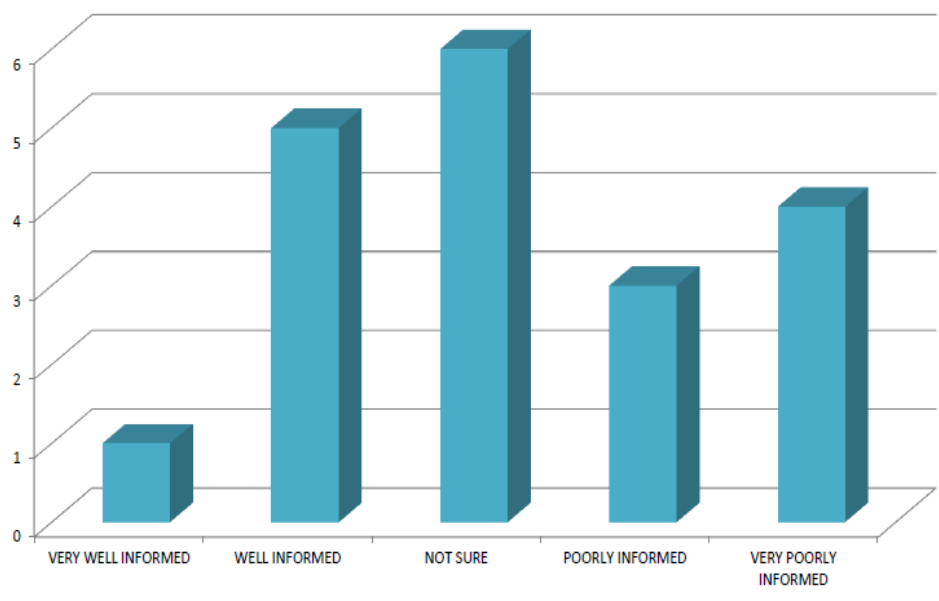
5.0.1 Professional area of specialization of respondents from East Africa



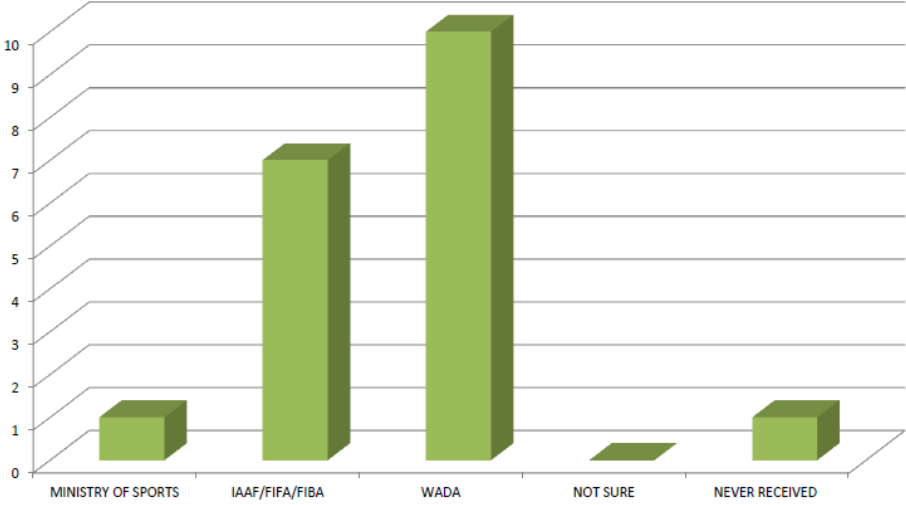
5.0.2 Knowledge on drug testing procedures among anti-doping stakeholders in East Africa



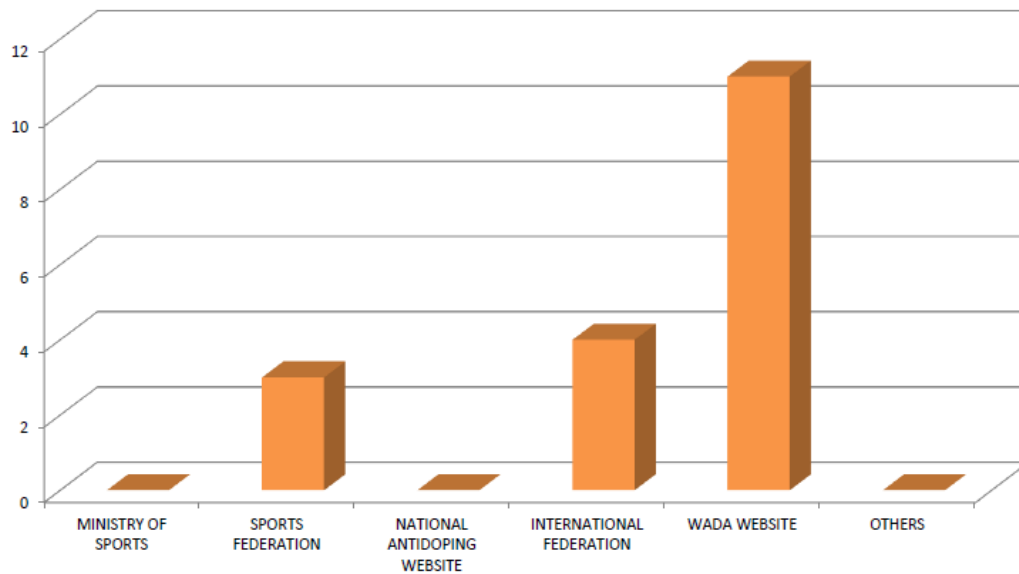
5.0.3 Knowledge among anti-doping stakeholders in East Africa on the procedure that follows if and when results are positive



5.0.3 Sources of information on drug-free sport by stakeholders in East Africa



5.0.3 Websites used by stakeholders in East Africa to keep up to date with drug-free sport



6.0 Observations and Challenges

It is observed that:

1. The Kenya Sports Act 2013 only mentions doping but does not give details or elaborate structures for implementing doping policies in the country.
2. There is lack of a strong Anti-Doping Institution in Kenya
3. The Kenyan Sports policy on anti-doping is scanty, has no details, and does not really capture the spirit of the international body on anti-doping.
4. All sports bodies in Kenya are aware of anti-doping policies as propagated by their respective International Federations and the World Anti-Doping Agency (WADA). However, none of

them has an elaborate programme targeting education and testing.

5. None of the sports bodies has been able to cascade anti-doping education to the branches. Sports persons, who do not make it to the national teams, hardly have a chance to hear about anti-doping.
6. Testing for anti-doping is an expensive affair.
7. There is no budgetary provision for anti-doping activities by these sports bodies.
8. There is lack of a coordinated approach to address doping issues in Kenya.
9. There is lack of awareness and poor dissemination of information (if any) on anti-doping in Kenya.
10. There is insufficient technical capacity to address the anti-doping challenge in Kenya.
11. There is paucity of empirical data to influence policy and practice on anti-doping.
12. Cultural practices might hamper the campaign against doping.
13. There is lack of partnership between stakeholders involved in matters of anti-doping.

14. None of the sports bodies in Kenya fully complies with the obligations required of them by their international federations and WADA.
15. There is poor if not lack of effective implementation of the Convention, its annexes, appendixes or article 8 and 10 of the Convention in Kenya.
16. There is no national monitoring mechanism due to lack of proper structures due to lack of a strong and competent anti-doping authority.

7.0 Recommendations

Finally we will turn to the recommendation. This report and might not be the last to provide recommendations aimed at boosting anti-doping initiatives in sports in Kenya.

a) Through a Kenya Gazette 14612 of 15th November, 2013 the Cabinet Secretary in charge of Sports appointed a task force to investigate concerns by WADA about doping in Sports in Kenya. The Task force returned with a report with one substantive statutory recommendation, that of creating and developing an Anti-doping Act at the statutory level. This is commendable if that recommendation is adopted, it will have the advantage of strengthening the fight against doping nationally by:

- ✓ Putting in place a National Anti-doping Agency which will have a legal basis to operate¹² and have access to funding from the exchequer for funding anti – doping targeted activities.

¹² Though this can still be created by the regulations in Section 74 of the Sports Act as the current NADA does not have any legal basis.

- ✓ Giving criminal sanctions against sportsmen who do not comply with testing or derail the management of testing and other requirements of an anti-doping regime.
- b) Both the government and sports federations must jointly fund the anti-doping organization in line with the policies of WADA.
- c) Research activities on anti-doping need to be initiated and strengthened.
- d) Education and training on anti-doping need to be initiated and intensified.
- e) The WADA policy requires the government to have an anti-doping legislation in place before 1st January 2016. This requirement must be complied with.
- f) There is need to involve schools, colleges and universities in the national anti-doping crusade.
- g) There is need to enact of legislation to criminalize doping offences.

- h) There is need for inclusion of anti-doping information in the schools' curriculum.
- i) Kenya needs to establish a local WADA accredited testing centre preferably hosted in a public university. Anti-doping testing should be done locally.
- j) There is need for all capacity building/training of all sports professionals on anti-doping activities.
- k) Education and awareness seminars, conferences and training should be regularly organized all the way to the grassroots. This should include schools and local clubs.
- l) The use of food supplements must be stopped unless the same have been subjected to analysis and cleared for use

8.0 Recommendations following the workshop on Training of Trainers (TOTs) on anti-doping within the East African community (EAC) held on from 2nd- 5th march 2015 at Kenyatta University, Kenya

Following the TOT's workshop on anti-doping within East Africa, it is thereby recommended that:

- i. Education, workshops and trainings on anti-doping need to be initiated and intensified in the member states.
- ii. There is need to involve schools, colleges and universities in the national anti-doping crusade.
- iii. Fund the anti-doping organization and activities as well as initiatives in the country.
- iv. There is need to comply with the WADA code and policy
- v. Research activities on anti-doping need to be initiated and strengthened.
- vi. There is need for inclusion of anti-doping information in school curricular.
- vii. Establish a local (East Africa) WADA accredited testing centre
- viii. Need for inter-sectoral approach in addressing this issue

- ix. Need for the full implementation of UNESCO's International Convention Against Doping In Sport
- x. Bottom line solution would be to enhance doping awareness among athletes to empower them make informed decisions. Sports federations can partner with other stakeholders to promote this
- xi. The East Africa governments and especially the law making arms of the governments should improve on legislation to facilitate prosecution of those involved in doping
- xii. Structures for doping control should be considerably improved among sports associations.
- xiii. Sports associations should develop refined policies, procedures and regulations of handling doping cases. Such policies will guide on issues related to registration of athletes, coaches, agents and other officials. This will enable them monitor to their practices in a view of castigating their role in perpetuating doping

- xiv. Individual East Africa Countries sports associations should also be empowered to have control over all athletes who compete on their countries passports.
- xv. It should be made a requirement that they seek clearance from sports associations to compete over a period of time and indicate the meetings they wish to attend. This will make it easy for the associations to monitor them, educate them and even test them randomly before major events.
- xvi. Sports associations should makes it mandatory for elite athletes to undertake doping seminar/workshop in order to be allowed to compete for their countries
- xvii. A survey should be carried out on effectiveness of doping education programs already in place with a view of recommending best practice with regard to the same.
- xviii. A comparative analysis can be done with doping education practices of other successful countries in order to establish best practices
- xix. WADA provides a guideline on doping education programs which can be adapted.

- xx. Enhance athletes access to disseminated materials
- xxi. Establish doping education programs to improve athletes' knowledge of doping. This could be done through workshops and seminars
- xxii. Establish means of constantly monitoring athletes, coaches and other officials for possible infringement of anti doping violations
- xxiii. Among the officials, coaches were established to be the main source of doping information. They is need for sensitization on doping issues so they can give accurate information.
- xxiv. Media was also mentioned by a vast majority of athletes. Doping education programs can be offered through the media as it is likely to get to majority of athletes.
- xxv. Age is a significant factor in determining knowledge of doping. Doping programs should target younger athletes especially recent entrance to elitism
- xxvi. Need for mobile applications which athletes can use to type in active ingredients of medicine bought to check if they are in the banned list

- xxvii. Need for regional conferences to discuss the recent developments on anti-doping
- xxviii. Need to inculcate the testing culture from an early age
- xxix. Need for a centralized regional lab in any of the East Africa Community member states