

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Thursday, 18<sup>th</sup> February 2021

The House met at 2:30 p.m.

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

**PRAYERS**

**Hon. Speaker:** Very well. Next Order.

**PAPERS LAID**

**Hon. Amos Kimunya** (Kipipiri, JP): I thank you, Hon. Speaker. It is a fairly long list of Papers.

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

The Reports of the Auditor-General and Financial Statements on the following donor funded projects for the year ended 30<sup>th</sup> June, 2020 and the implementing agencies:

1. Nairobi Ring Transmission Line Project-Kenya Electricity Transmission Company Limited
2. Northern Collector Phase I and Additional Rehabilitation and Development of the Network Project - Athi Water Works Development Agency
3. Green Zones Development Support Project Phase II - Kenya Forest Service;
4. KFS - Capacity Development Project for Sustainable Forest Management in the Republic of Kenya - Kenya Forest Service
5. International Partnership Programme - Forest 2020 Project - Kenya Forest Service
6. Kenya Water Tower Project - Kenya Forest Service
7. Northern Kenya Conservation Project - Kenya Wildlife Service
8. Green Growth and Employment Thematic Program - National Environment Management Authority
9. Integrated Program to Build Resilience to Climate Change and Adaptive Capacity of Vulnerable Communities in Kenya - National Environment Management Authority;
10. GCF Project Preparation Facility: “Devolved Climate Change Governance to Strengthen Resilience of Communities’ in Target Counties” - National Environment Management Authority
11. GCF Readiness and Preparatory Support “NEMA Capacity Strengthening Program Towards Accessing Climate Finance from Green Climate Fund” - National Environment Management Authority;
12. Kenya Youth Employment and Opportunities Project - Micro and Small Enterprises Authority

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13. Kenya Youth Employment and Opportunities Project - National Industrial Training Authority
14. Global Fund HIV/AIDS Project Grant - National Aids Control Council
15. East Africa Public Health Laboratory Networking Project (EAPHLN) - Kenya Medical Supplies Authority (KEMSA)
16. Health Sector Support Project - Kenya Medical Supplies Authority (KEMSA)
17. Water and Sanitation Services Improvement Project - Lake Victoria North Water Works Development Agency
18. Eastern Africa Regional Transport, Trade and Development Facilitation Projects - Kenya Revenue Authority
19. Africa Centre of Excellence in Sustainable Use of Insects as Food and Feeds Project - Jaramogi Oginga Odinga University of Science and Technology
20. Trilateral Development Cooperation in Kenya, Water and Sanitation Sector Project - Lake Victoria South Water Works Development Agency
21. East Africa Skills Transformation and Regional Integration Project-Kisumu National Polytechnic
22. Lake Victoria Water Supply and Sanitation Program (Phase II) Project -Lake Victoria South Water Works Development Agency
23. Water Sector Development Program of Kisii and Nyamira Water Supply and Sanitation Project - Lake Victoria South Water Works Development Agency
24. Water Sector Development Program Lake Victoria South (Kericho, Kisii, Nyamira and Litein) - Lake Victoria South Water Works Development Agency
25. Lake Victoria Water and Sanitation Project-Lake Victoria South Water Works Development Agency
26. East Africa Skills Transformation and Regional Integration Project-Kenya Coast National Polytechnic
27. Multi-National Lake Victoria Maritime Communications and Transport Project - Kenya Maritime Authority
28. Water and Sanitation Services Improvement Project-Coast Water Works Development Agency
29. Centre for Excellence in Sustainable Agricultural and Agribusiness Management - Egerton University
30. Kenya Towns Sustainable Water Supply and Sanitation Program-Tana River Works Development Agency
31. Dualing of Nairobi-Dagoretti Corner Road (Phase II) Project - Kenya Urban Roads Authority
32. Kibwezi-Mutomo-Kitui Road Project - Kenya National Highways Authority
33. Mombasa-Mariakani Highway Project - Kenya National Highways Authority.
34. Support to Road Sector Policy: 10<sup>th</sup> EDF Rural Roads Rehabilitation Project in Kenya - Kenya Rural Roads Authority;
35. Kenol – Sagana - Marua Highway Improvement Project - Kenya National Highways Authority;
36. EPC/Turn Key Construction of Five Footbridges and T-Mall Flyover in Mombasa and Lang'ata Road - Kenya National Highways Authority;
37. Kenya Nairobi Western Bypass Project - Kenya National Highways Authority;
38. Upgrading of “Gilgil Machinery” Road Project - Kenya Rural Roads Authority;

39. Kenya South Sudan Link (Kitale Morphus) Road Project - Kenya National Highways Authority;
40. Regional Mombasa Port Access Road Project - Kenya National Highways Authority;
41. Dualling of Nairobi - Dagoretti Corner Road (Phase I) Project – JICA Grant Agreement - Kenya Urban Roads Authority;
42. North Eastern Transport Improvement Project - Kenya National Highways Authority;
43. Arusha-Namanga-Athi River Road Development Project - Kenya National Highways Authority;
44. Central Kenya Rural Roads Improvement and Maintenance Project - Kenya Rural Roads Authority;
45. East Africa Trade and Transport Facilitation Project - Kenya National Highways Authority;
46. Mombasa-Nairobi-Addis Ababa Road Corridor Development Project - Kenya National Highways Authority;
47. Improvement of Rural Roads and Market Infrastructure in Western Kenya Project - Kenya Rural Roads Authority; and
48. Kenya Transport Sector Support Project - Kenya National Highways Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. (Dr.) Daniel Tuitoek, a Member of the Mediation Committee on the Early Childhood Development Education Bill. No! You are just running around. Do you have a card?

**Hon. Daniel Tuitoek** (Mogotio, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Mediation Committee on the Early Childhood Education Bill (Senate Bill No.26 of 2018.)

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. The Chairperson Departmental Committee on Trade, Industry and Cooperatives, Hon. Haji.

**Hon. Ali Adan** (Mandera South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House today:

Report of the Departmental Committee on Trade, Industry and Cooperatives on Consideration of the Economic Partnership Agreement (EPA), between the Republic of Kenya, a Member of the East African Community of the one part and the United Kingdom of Great Britain and Northern Ireland of the other part.

Thank you.

**Hon. Speaker:** Next Order!

## NOTICES OF MOTION

### APPROVAL OF THE MEDIATED VERSION OF THE EARLY CHILDHOOD EDUCATION BILL

**Hon. Speaker:** Hon. Tuitoek.

**Hon. Daniel Tuitoek** (Mogotio, JP): 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 Early Childhood Education Bill (Senate Bill No.26 of 2018) laid on the Table of the House on Thursday, 18<sup>th</sup> February 2021 and approves the mediated version of the Early Childhood Education Bill (Senate Bill No.26 of 2018).

Thank you.

**Hon. Speaker:** Very well. Hon. Haji Adan.

APPROVAL OF THE ECONOMIC PARTNERSHIP AGREEMENT  
BETWEEN THE REPUBLIC OF KENYA AND THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND

**Hon. Ali Adan** (Mandera South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Economic Partnership Agreement (EPA) between the Republic of Kenya, a member of the East African Community of the one part and the United Kingdom of Great Britain and Northern Ireland of the other part, laid on the Table of the House on Thursday, February 18, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Economic Partnership Agreement (EPA) between the Republic of Kenya, a member of the East African Community of the one part and the United Kingdom of Great Britain and Northern Ireland of the other part.

Many thanks indeed, Hon. Speaker.

**Hon. Speaker:** Very well. Next Order!

### ORDINARY QUESTIONS

*Question No.027/2021*

STATUS OF ELECTRICITY CONNECTIVITY IN ALL  
PUBLIC SCHOOLS IN THARAKA CONSTITUENCY

**Hon. Speaker:** The first Question is by the Member for Tharaka, Hon. Gitonga Murugara. Hon. Murugara, you forgot your card. Proceed.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. Sorry, I had forgotten my card in my pocket. Allow me kindly to ask Question No.027/2021 to the Cabinet Secretary for Energy.

- (i) Could the Cabinet Secretary provide the electrification plan for all Public Primary and Secondary Schools in Tharaka Constituency, and the status of electricity connectivity to the said institutions?
- (ii) Could the Cabinet Secretary explain why the Solar PV Systems installed to provide power 125 schools in Tharaka Constituency, that is, 38, 35, 24, 19 and 9 schools in Marimanti, Gatunga, Mukothima, Chiakariga and Nkondi Wards

respectively, are either dysfunctional or obsolete thus compromising among other programmes, the digital learning programme?

- (iii) What measures has the Ministry put in place to ensure that the dysfunctional or obsolete Solar PV Systems installed in these schools are phased out or repaired or that the schools are connected to electricity through the National Grid?

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. To be replied before the Departmental Committee on Energy. Next Question is by the Member for Yatta, Hon. Charles Kilonzo.

*Question No.028/2021*

REOPENING OF THE NGONG LAND REGISTRY

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. I wish to ask Question No.028/2021 to the Cabinet Secretary for Lands and Physical Planning.

- (i) When will the Ngong Land Registry be opened following its closure in November 20<sup>th</sup> 2020, and what measures has the Ministry put in place to ensure that this and all Land Registries across the country are opened noting the inconvenience caused to various stakeholders?
- (ii) What measures has the Ministry put in place to ensure that services offered in the Land Registries are not interrupted during times of renovations, refurbishments and upgrading?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Lands to be replied to. The next Question is by the Member for Kaiti, Hon. Joshua Kimilu. Member for Kaiti, Hon. Joshua Kimilu!

Next is the Question by the Member for Nakuru Town East, Hon. Gikaria.

*Question No. 032/2021*

PAYMENT OF SALARIES TO EGERTON UNIVERSITY STAFF

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

- (i) Why is Egerton University Management continuing to pay the teaching and non-teaching staff half salaries since April, 2020 despite a Court Order directing for full payments and even after receiving full capitation from the Government?
- (ii) What arrangements are in place to ensure that the staff are paid their full salaries without any further delays?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is to be replied before the Departmental Committee on Education and Research. The last Question is by the Member for Kirinyaga Central, Hon. John Munene Wambugu.

*Question No. 034/2021*

## DENIAL OF ADMISSION TO THE KENYA UTALII COLLEGE

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary explain why Mr. Victor Nyaga Gathithi of ID No.38143491 and Admission No. FP-20-012- was denied admission to the Kenya Utalii College on 18<sup>th</sup> January 2021?
- (ii) Could the Cabinet Secretary further explain why his slot was allocated to another student despite being able to raise the necessary school fees and making full payment to facilitate admission on 26th January 2021?
- (iii) Could the Cabinet Secretary state when the above-named student is expected to report for admission to the said college?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is to be replied to before the Departmental Committee on Education and Research. I am just wondering. Hon. Wambugu, does this Utalii College fall within the Ministry of Tourism or Education. Have you checked? I am asking so that we do not get some half-baked answer.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): I think it should be tourism.

**Hon. Speaker:** There is a possibility that if it goes to the Ministry of Education, they will have to send it to the Ministry of Tourism. Do you mind if we send the Question to the Ministry of Tourism?

**Hon. Munene Wambugu** (Kirinyaga Central, JP): I stand guided. Let it go to the Ministry of Tourism.

**Hon. Speaker:** This is because it is tertiary training, but I believe this institution falls under the Ministry of Tourism. Maybe Hon. Omboko Milemba could help us.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): When I sent the Question, I was guided at the Table Office.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, it is not under education. Let it go to the tourism.

**Hon. Speaker:** The Clerk is directed to make the necessary correction so that the Question is referred to Tourism so that you can get an appropriate answer. I can see you are saying the child has even paid the school fees and yet not admitted. To avoid further delays, I think it should go to Tourism so that the Committee will deal with it. So, the Clerk's Office is accordingly directed.

For the second time, let us have the Member for Kaiti, Hon. Joshua Kimilu. Hon. Members, you do not have to come and stand here. If you are not there we always give you a second chance. The only thing you are required to do is just to apologise for your lateness. Hon. Joshua Kimilu, go to the seat behind you.

*Question No.029/2021*CIRCUMSTANCES SURROUNDING THE DEATH AND  
BURIAL OF MAJOR RAPHAEL KYALO

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Speaker, and my apologies for being late. I rise to ask the Cabinet Secretary for Defence the following Question:

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- (i) Could the Cabinet Secretary explain the circumstances surrounding the death and hurried burial of Major Raphael Kyalo Mbithuka, Personal Service No. 130838, who was based at 81 Tank Battalion, Gilgil Barracks and a resident of Kaiti Constituency on 26th January 2021?
- (ii) Could the Cabinet Secretary provide a comprehensive report on the cause of his death, and further explain why the family was not allowed to participate during the post-mortem of the body?

**Hon. Speaker:** You have not indicated to which Cabinet Secretary the Question is directed but I will assume it is directed to the Cabinet Secretary for Defence. Therefore, the Question is referred to the Departmental Committee on Defence and Foreign Relations for a reply.

### REQUEST STATEMENTS

**Hon. Speaker:** Let us move on to statements. The first statement is sought by the Member for Funyula, Dr. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, allow me to get a hard copy. I do not have it now. Just a few minutes, if you do not mind.

**Hon. Speaker:** You can do it even next week.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): No, it is very important. If you allow me just a minute, I think I can get a copy.

**Hon. Speaker:** The reason I am sure of is that I have approved all the requests, including yours.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you.

**Hon. Speaker:** The next request is by the Member for Emuhaya, Hon. Omboko Milemba.

### THE KDF RECRUITMENT PROCESS IN EMUHAYA SUB-COUNTY

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, I request for a statement on the Kenya Defence Forces recruitment process in Emuhaya Sub-County.

Hon. Speaker, the recently advertised and now ongoing recruitment of youth into the KDF raised a lot of expectations among the youths due to the high unemployment rate and the benefits that accrue to an individual, family and community in general when one joins this esteemed Force.

Hon. Speaker, during the recruitment process, more than 3,000 youths turned up for the exercise. However, only 2 of the more than three thousand were taken. This left the question on the number of slots allocated to each Sub County.

Hon. Speaker, it is of great concern that the number of slots per sub-county is too low especially when compared with the ratio of population of youth. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations on the following:

- (i) What were the number of slots allocated to Emuhaya Sub-County considering the high population in the sub-county?
- (ii) Could the Chairperson, provide a list of distribution of Recruitment slots into KDF for all sub-counties and counties that depicts equity and fairness?
- (iii) What was the other criterion used by the KDF to determine one has the requisite qualifications for the intake into KDF apart from ability to run?

- (iv) Could the Chairperson explain what measures were taken to ensure that gender parity and that all wards in the sub-counties were considered during the KDF recruitment exercise carried out in Emuhaya Sub-county and Kenya as a whole?

Thank you, Hon. Speaker.

**Hon. Speaker:** Chair, Departmental Committee on Defense and Foreign Relations. I thought I saw Hon. Katoo a while ago hovering around here. We have said time and again, if the Chair is not present, at least, the Vice Chair should be present. Who is the Vice-Chair of that Committee? Let the request be forwarded through the Office of the Leader of the Majority Party. It is important that the question is responded to urgently. So, the Leader of the Majority Party, take up the matter.

For convenience, let us go back to the Member for Funyula.

#### STATUS OF NANG'INA AIRSTRIP IN FUNYULA CONSTITUENCY, BUSIA COUNTY

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I have retrieved the two requests for Statements.

Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of Nang'ina Airstrip in Funyula Constituency, Busia County.

The Nang'ina Airstrip was established in the 1950s and was majorly used for medical evacuations during the colonial days and early years of independence. The Airstrip was last used in 1974. On 28<sup>th</sup> June 2020, the Government made a pronouncement through the Cabinet Secretary for Devolution and ASALs, that Kshs 50 million was set aside for the rehabilitation of the Airstrip and that works would commence immediately.

It is against this background that I seek a statement from the Chairperson, the Departmental Committee on Transport, Public works and Housing on the following:

- (i) In view of the pronouncements stated above, could the Chairperson clarify when the proposed works on the airstrips are expected to commence and what is the nature of the works that have been proposed to be undertaken.
- (ii) Could the Chairperson provide information whether the relevant ministry has undertaken the requisite environmental and social impact assessment?

I thank you, Hon. Speaker.

**Hon. Speaker:** The second one.

#### STATUS OF MULWANDA BORDER POINT IN FUNYULA CONSTITUENCY BUSIA COUNTY

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Defense and Foreign Relations regarding the status of Mulwanda Border Point in Funyula Constituency Busia County. In March 2009, a Government delegation led by the then Head of State, that included other leaders, listed Mulwanda, a small shopping centre along the Kenya – Uganda border in Funyula Constituency, Busia County. The Head of State instructed relevant authorities to open up Mulwanda as a border point to decongest the Busia and Malaba border points.



He further directed the five kilometer Nang'ina Junction, Mulwanda Road to be tarmacked and building of a bridge to ease transportation between the two countries. On the other hand, the Government of the Republic of Uganda sent a delegation that comprised the District Commissioner and a Principal Judge. It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Defense and Foreign Relations on the following.

- (i) Could the Chairperson explain the challenges that have led to the delay in actualising the Head of State directive to establish a boarder point at Mulwanda.
- (ii) Could the Chairperson undertake to request the State Department of Transport and Infrastructure if there are any plans to tarmac the five kilometer Nang'ina Junction, Mulwanda Road and build a bridge over River Osuo to ease transportation between Kenya and Uganda?

Thank you, Hon. Speaker.

**Hon. Speaker:** The first question is to the Chair of the Departmental Committee on Transport, Hon. Pkosing. He is absent not desiring to be present or having completed his county's consideration of the BBI Constitutional Amendment Bill. The Vice-Chair is the Member for Kiambu, Hon. Wamuchomba. Also, pursuing the same agenda.

The Leader of the Majority Party, take up the two. The second one is to the Chair of the Departmental Committee on Defense and Foreign Relations on the opening of the border post at the points stated by the Member. It is Mulwanda. The Leader of the Majority Party, take up the two requests and communicate.

Next request is by nominated Member, Hon. Wilson Sossion.

#### GAZETTEMET OF AGENCY FEES IN RESPECT OF NEGOTIATED COLLECTIVE BARGAINING AGREEMENTS

**Hon. Wilson Sossion (Nominated, ODM):** Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding gazetting the agency fee with respect to Collective Bargaining Agreements (CBAs) negotiated and concluded by 40 trade unions in the country in the period 2017 – 2021 collective bargaining period.

Section 49 of the Labour Relations Act, 2007 provides for the right to agency fees to be paid to a trade union by an employer after effecting deductions from an employee's salary. A trade union that has concluded a collective agreement registered by the Industrial Court and certificate issued with an employer, group of employers or an employers' organisation, setting terms and conditions of service for all unionisable employees covered by the agreement may request the Cabinet Secretary responsible for labour to issue an order requiring any employer bound by the collective agreement to deduct an agency fee from the wages of each unionisable employee covered by the collective agreement who is not a member of the trade union.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare on the following:

- (i) Explain why the Cabinet Secretary for Labour and Social Protection has violated Section 49 of the Labour Relations Act, 2007 by not gazetting Agency Fees that was negotiated and concluded in the Collective Bargaining Agreements (CBA) by KNUT, UASU, KNUN, Dock Workers Union among other 40 trade unions in the country?

- (ii) Give reasons as to why the Cabinet Secretary for Labour and Social Protection has ignored applications by unions for the Agency Fee despite the said unions fulfilling the requirements as set out in sub-section (2) (a); (b); (c); and (d) of Section 49 of the Labour Relations Act?
- (iii) Why has the Cabinet Secretary for Labour and Social Protection failed to implement Section 49 of the Labour Relations Act, 2007 while at the same time the employers continue to offload membership from union registers or withdrawing check-off, making it extremely difficult for unions to organise and conduct their programmes as provided for in Article 41 of the Constitution despite some unions obtaining court orders compelling the Cabinet Secretary to award Agency Fee which he has ignored?
- (iv) Explain why the Cabinet Secretary for Labour and Social Protection is undermining the role of trade unions in negotiations of labour matters for their members, violating labour laws, the Constitution and ILO Convention 98 on freedom and rights of trade unions?
- (v) When the Agency Fee will be gazetted dully for all the unions that have negotiated and concluded Collective Bargaining Agreements to ensure industrial peace in the sector?

I thank you Hon. Speaker.

**Hon. Speaker:** Chairperson Departmental Committee on Labour and Social Welfare, Hon. Peter Mwathi. He has finished his parliamentary business for the week. Members need to know that the House sits on Tuesdays and Thursdays. So, on Thursdays we want to see Members here.

I have seen several of you sometimes binding some papers and then some of you come to me telling me, “I was forced to sign some paper thinking that I was applying for a loan”. How do you imagine that you are applying for a loan by signing a document that is presented to you by somebody else? People do not apply for loans that way. You are the one who applies for the loan.

I am just wondering, Hon. Wilson Sossion, you said that the Cabinet Secretary is violating Section 49 of The Labour Relations Act and also the Constitution. As a House, Hon. Members, you need to show your teeth. Not by opening your mouths, but you need to show your teeth. I am sure you understand what I am saying. If you are clear in your mind that somebody who is supposed to obey certain laws is violating them, show your teeth and bring appropriate remedial proposals here in the House, not hiding the reason why you want people to sign, and explaining that this person has violated this and this so that the matter can be discussed here. That particular person will be called before the House to come and explain, of course, they will be given a chance to make a defence, so that people begin to understand that the laws are not there to soothe their egos.

We will take the request through the Office of the Leader of the Majority Party so that we then hear what response is given, Hon. Wilson Sossion. Leader of the Majority Party, take up the matter.

The next request is by the Member for Muhoroni, Hon. Onyango Oyoo.

#### THE STATUS OF SUGAR IMPORTATION FROM COMESA

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Speaker.

Pursuant to Standing Order No.44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the status of sugar importation from Common Market for East and Southern Africa (COMESA) region.

Hon. Speaker, the sugar industry supports 400,000 farmers and employs over eight million Kenyans directly and indirectly, most of them from my constituency. Presently, the industry in Kenya is experiencing a deficit making it difficult to satisfy the domestic market and thus the need to import more sugar to address the local demand. The COMESA Council of Ministers, during its 41<sup>st</sup> meeting held on 26<sup>th</sup> November 2020, granted a two-year extension of the sugar safeguard beginning March 2021 to February 2023. The existing safeguard lapses in February 2021.

As per the above safeguard, the deficit is to be met by importing sugar from COMESA countries, which attract zero duty. Meanwhile, sugar from the rest of the world is levied at 100 per cent duty. The COMESA safeguard is to protect the local market from cheap imports. In addition, the extension is to enable the country privatise the sugar industry in order to give it a competitive edge. This move was preceded by a ban on the importation of brown sugar into the country in July 2020 by the Cabinet Secretary for Agriculture, Livestock and Fisheries.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson, Departmental Committee on Agriculture and Livestock, on the following:

- (i) What are the modalities used in calculating the projected sugar deficit in the country and what are the procedures used in verification of certificates of origin of imported sugar? This factor is being abused so much by the licensing entity.
- (ii) What are the requirements for issuing sugar import licenses and permits by the Ministry?
- (iii) Why has the Kenya Revenue Authority (KRA) given duty exemption to ten companies namely: Big Two Commodities Limited; Comodix Limited; Fixate Commodities; Niate Commodities; Ifox Commodities; Pacematt Commodities; Option Two Limited; Pillarmat Limited; Niang Commodities; and, Pricematt Limited, despite the quarter for the year 2020 having been exhausted?
- (iv) When did the CS for Agriculture, Livestock and Fisheries lift the ban on importation of brown sugar and what may have informed the reversal of the decision?

This is because he personally levelled the ban in July 2020 and so far, we do not have official communication that it has been lifted. The action of allowing the ten companies and others to import sugar as if it is coming from COMESA shows that he has already reversed his ban which he placed in July 2020.

I thank you.

**Hon. Speaker:** Chairperson, Departmental Committee on Agriculture and Livestock. Who is the Chairperson, the Chairman or the Chairwoman of the Committee on Agriculture and Livestock? Hon. Silas Tiren! That one must have finished his work for the week, is it not? We have had difficulties with other... Is there a Vice Chairperson? Who is his Vice Chairperson? Some other unknown person, is it? Who?

*(An. Hon. Member spoke off record)*

The Member for Laikipia County, who has also finished her weekly chores.

Leader of the Majority Party, if those people are not there, this request must be channeled through your office. He is one person, I am sure, who is always here in the House. Again, Leader of the Majority, take up that one. You can see how your Members are performing.

Hon. Emmanuel Wangwe, I hope you are not trying to give the statement. Proceed.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker.

It is just a request, through you, that as you send the Leader of the Majority Party to communicate to Hon. Silas Tiren, kindly let him inform him that during that day when the CS will be coming, we expect a lot of supplementary questions to that effect. Whereas Hon. Onyango Oyoo is speaking, he is speaking on behalf of many of us. It is important that the Chairperson makes it informed to all of us when the CS is coming, so that we can discuss during the Committee.

I thank you.

**Hon. Speaker:** I am just wondering, is it not possible that this information can be displayed. Previously, we used to display this information. This thing of saying, “let the Chair inform Members”, the Chair may not meet all the Members. The Clerk can make this be displayed so that any and every Member who is desirous of going to hear what it is the CS is saying, is able to. Remember this is a request for a statement and it is not a question. So, the CS may not appear before the Committee unless otherwise directed. Hon. Onyango Oyoo has sought for a statement; he has not asked a question. So, the response from the CS will be read by the Chairperson.

Hon. Ali Adan, I hope you are not going back to your former position as the Chairperson of that Committee.

**Hon. Ali Adan** (Mandera South, JP): Thank you, Hon. Speaker. No. It should not appear like I am standing in for Hon. Silas Tiren.

I just have an observation that the line between agriculture and trade is very thin. The only difference here is that we are talking about issues to do with farmers that crosses over to agriculture. Hon. Onyango Oyoo’s request for statement is heavy on matters trade. I wish to seek your guidance whether the Committee on Trade should not be involved in prosecuting this matter...

**Hon. Speaker:** Hon. Ali Adan, so that you do not spend too much time flogging a dead horse, Hon. Onyango Oyoo has listed many issues, some of which could touch on trade; some could actually touch on finance. He has made a choice that he wants the statement to come from the Ministry of Agriculture, Livestock and Fisheries. So, your involvement is ruled out by him.

Let us hear Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Speaker, I do not know why the Committee on Agriculture and Livestock has too much work. I asked my question on cashew nuts sometime in March. It is now a year; it is coming to March. I always talk to the Chairperson about this but there has not been any response.

**Hon. Speaker:** Hon. Baya, again, so that we do not speak to ourselves, why do we not wait for the Leader of the Majority Party to bring that Chairman into this Chamber so that he can respond to your request? Even if you raise it and he is not here...

**Hon. Owen Baya** (Kilifi North, ODM): I stand guided, Hon. Speaker.

**Hon. Speaker:** I need to inform Hon. Tiren that that Committee is usually busy. It is not one where we expect the Chairman to flip-flop.

Hon. Kisang, I can see your hand up.

**Hon. William Kisang** (Marakwet West, JP): Thank you Hon. Speaker. I just wanted to tell you that it appears that on most Thursdays, people go on retreats. For instance, tomorrow, we have a brief Budget Conference in Mombasa and most Chairs have already gone maybe because of the tickets. It is important that you communicate that if there are retreats, the Chairs should stay in the House and leave late at night or on the following day.

**Hon. Speaker:** It has become the practice, Hon. Kisang. You are the Chair of the Departmental Committee on Communication, Information and Innovation but you are here. Hon. Haji is here. There are those Chairs who deliberately avoid being in the House so they request to

be booked on morning flights on Thursday yet the retreat is the next day. They could take the evening flights. That is their responsibility. But now you find that a Chair hears that there is a retreat where he will be briefed about the budget on Friday and Saturday but the Chair wants to take the Thursday morning 10 o'clock flight to the Coast. Surely. There is no justification for such, especially if the Chair knows that there will be issues raised that touch on their docket. It is just a matter of people taking responsibility and taking their work seriously. As a Chair, if you cannot be here, ensure your Vice-Chair is in the House.

There is a final request by the Member for Mvita. There is a Chair of a Committee that is still in the House.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Thank you very much, Hon. Speaker. I will not comment on what you have just talked about because these are my colleagues, but I think we should raise these matters in the Liaison Committee. Back to the Statement.

UJENZI WA NYUMBA YA GHOROFA KATIKA ENEO LA OLD TOWN NA MIPANGO YA KUJENGA  
NYUMBA ZA MAKAZI ZA GHOROFA BUXTON MOMBASA

Kupitia kwa Kanuni za Kudumu Nambari 44(2)(c), naomba Jawabu kupitia kwa Mwenyekiti wa Kamati ya Mazingira kuhusiana na mjengo unaondelea sehemu ya Forodhani, Old Town na majengo ya maghorofa yanayokusudiwa katika eneo la Buxton, yote yakiwa katika eneo la Mvita.

Kipengele cha Tano cha Kanuni ya 12 katika Ratiba ya Tatu ya Sheria za shirika la *National Environment Management Authority* (NEMA) kinakubali ripoti ya athari ya mazingira kwa jambo lolote linaloathiri mazingira na binadamu. Kwa sasa, mipangilio hii inaathiri wakaazi wa maeneo hayo, ikiwemo ugurushaji na majumba jirani kuathirika. Kupitia hayo, ningeomba masuala matatu:

- (1) Je, ripoti hii ya NEMA ilifanywa kweli katika sehemu hizi?
- (2) Je, wakazi walijulishwa wakati NEMA ilipokuwa inafanya ripoti hii na ni lini maana wakaazi wenyewe hawakuhusishwa katika eneo la Old Town wala Buxton?
- (3) Je, Wizara itachukua hatua gani kwa wale maafisa husika ambao hawakufuata sheria kutoka shirika la NEMA?

**Hon. Speaker:** Let us have the Chair of the Departmental Committee on Environment and Natural Resources, Hon. Kareke Mbiuki. What about the Vice-Chair? Is that Sophia Abdi? Leader of the Majority Party, you will have to call all these Chairpersons and deal with them. Some of the requests could take some time but I know there is a request which was made by Hon. Omboko Milemba which I thought would require an urgent reply.

Leader of the Majority Party, you are the next one on the list of Thursday Statements.

## STATEMENT

### BUSINESS FOR THE WEEK COMMENCING 23<sup>RD</sup> TO 25<sup>TH</sup> FEBRUARY 2021

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. Before I read my Statement, I also want to inform the House that the Chair of the Departmental Committee on Administration and National Security had given undertaking to give a date on when the Cabinet Secretary would be available to prosecute the issue raised by Hon. Kamket. He has not got a date yet. The whole Government has been in State House all of today. He has already discussed that with Hon. Kamket and wishes to state for the record that at the earliest opportunity, once he has

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got a date, he will then inform the House. He is holed up with his Committee on matters of the Budget. Otherwise, he would have been here. He is always here.

Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 16<sup>th</sup> February 2021, to prioritise business for consideration.

On Tuesday next week during the Afternoon Sitting, we shall consider the following Bills in the Committee of the Whole House. Just in case Members have forgotten, that is where we will be considering the Third Reading. We have not done it in a while.

- (1) The Refugees Bill, 2019;
- (2) The Health Amendment Bill, 2019, which is a Private Members Bill; and
- (3) The Care and Protection of Older Members of Society Bill (Senate Bill No.17 of 2018).

We will also continue with the Second Reading of the following Bills, both in the Afternoon and Evening Sittings, if we do not conclude them today:

- (1) The Kenya National Library Service Bill of 2020, which we will start today;
- (2) The Kenya National Blood Transfusion Service Bill of 2020;
- (3) The County Governments (Amendment) Bill (Senate Bill No.13 of 2018);
- (4) The National Cohesion and Peace Building Bill (Senate Bill No.35 of 2018);
- (5) The Constitution of Kenya (Amendment) (No.3) Bill of 2019;
- (6) The County Statutory Instruments (Senate Bill No.21 of 2018);
- (7) The Impeachment Procedure Bill (Senate Bill No.15 of 2018); and
- (8) The County Law Compliance and Endorsement Bill (Senate Bill No.25 of 2018).

The House Business Committee also prioritised consideration of several statutory instruments from the Committee on Delegated Legislation. The House is also expected to consider the 2021 Budget Policy Statement next week. I, therefore, urge the departmental committees and the Budget and Appropriations Committee to urgently conclude their work in this regard to enable the House to finalise the matter within the stipulated timelines.

The House Business Committee will reconvene on Tuesday, 23<sup>rd</sup> February 2021, at 11.00 a.m. to schedule business for the coming week. I now wish to lay this Statement on the Table of the House.

*(Hon. Amos Kimunya laid the Statement on the Table)*

**Hon. Speaker:** Hon. Tuwei, what is your intervention?

## REQUEST FOR STATEMENT

### APPOINTMENT OF MWENDE MWINZI AS AMBASSADOR TO SOUTH KOREA

**Hon. Vincent Tuwei** (Mosop, JP): I thank the Leader of the Majority Party for the business of the House next week. I request him to take note of a matter of interest to the House and seek to request for a Statement from him regarding the appointment of Mwende Mwinzi to Seoul, South Korea.

The House will recall that it resolved on 6<sup>th</sup> June 2019 that the appointment of Ms. Mwende as an ambassador to Seoul, South Korea be subject to her renouncing her United States of America

(USA) citizenship, in line with Article 80 (c) of the Constitution, and Section 31 as read together with Section 52 of the Leadership and Integrity Act No.19 of 2012.

The Committee on Implementation, in a Report Tabled on 27<sup>th</sup> November 2019, highlighted its finding on this matter and established the following, among other facts, that:

(a) Miss Mwendu Mwinzi filed a Petition before the Constitutional and Human Rights Court, Petition No. 367 of 2019, on 17<sup>th</sup> September 2019 contesting the National Assembly's recommendation that she renounces her American citizenship before taking up office in South Korea;

(b) The Court ruled the Petition No. 367 of 2019 as being premature as the approval process was not complete and further held that the conditional approval was in accordance with the law; and

(c) The Court further held that the position of an ambassador was not a State office but a public office and that the provision of Sections 31 and 52 of the Leadership and Integrity Act, 2012, which requires State officers to renounce their citizenship prior to taking office in light of requirement of Article 78 (2) of the Constitution also applied to public officers.

Consequently, the Committee on Implementation recommended the following in its finding:

(a) That the House rejects the nomination of Miss Mwendu Mwinzi for appointment as an Ambassador to Seoul, South Korea, for the reason that the nominee failed to fulfil the condition set for approval by the House in its resolution of 6<sup>th</sup> June 2019;

(b) That the appointing authority considers initiating the process of nomination of an ambassador to Seoul, South Korea, pursuant to Article 132(2) of the Constitution.

Hon. Speaker, it is reported that the distinguished Ambassador was appointed. She reported to the station in Seoul, South Korea, as a Kenyan Ambassador on 17<sup>th</sup> February 2021. I, therefore, wish to request the Leader of the Majority Party to among other things:

(i) Confirm whether the appointment and reporting of the Ambassador to Seoul is true;

(ii) Confirm if the distinguished lady denounced her American citizenship; and

(iii) Confirm whether the Report of the Committee on Implementation will be slotted in the Order paper by the House Business Committee (HBC) for debate in the House.

May I also seek guidance on whether in the event that the resolution of this House is not implemented, can this House take a stand including, but not limiting to, declining to allocate funds to Kenyan Embassy in Seoul, South Korea, in the Financial Year 2021/2022?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Statement is directed to the Leader of the Majority Party. There are three issues that you are supposed to confirm.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I do not know where the Member got the information. So, we will sit together and then confirm it. I cannot commit to do something on behalf of the HBC. The Chair is Hon. Speaker. I said that we would meet on Tuesday to prioritise business. We take note of some of those issues which were raised. I do not know why the Member does not want this matter to be prosecuted through the Departmental Committee on Defence and Foreign Relations which will be more relevant. Be that as it may, I will look at how to best assist. Depending on the circumstances, I cannot give a timeline right now because there are too many issues. There is a matter which is supposed to come before the House from the Committee on Implementation. There is an investigation in South Korea, in terms of whether the person is there. I want to be given adequate time to come with a comprehensive answer.

**Hon. Speaker:** That should include, but not limited to, referring this request to the relevant committee.

**Hon. Amos Kimunya** (Kipipiri, JP): Exactly.

*(Hon. (Dr.) Otiende Amollo raised up his hand)*

**Hon. Speaker:** The Chair is absent. The HBC will look at the Report of the Committee. Hon. Otiende Amollo, I can see that your hand is up.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. The Statement sought and the clarification and indication by the Leader of the Majority Party are in order. However, given the nature of the issue that was raised, it requires a direction from you. It is an issue that borders on contempt of Parliament which ought to take priority over other issues.

If we were in court, we would have said that we take judicial notice of what has been raised. Even though we are not in court, we are legislators who are alive to what goes on. The reports out there suggest exactly what the Hon. Member asked. Given that this is a matter that you had given direction, there is a misconception by the public. They have been led to believe that the court overturned the decision of this House which is not true. What is true is that the court made certain observations but did not make a finding. Those observations were tabled in this House. Members debated them and, on their merits, decided not to approve the person.

Where the law says that a particular approval can only take effect with approval of the House, there can be no other way around it. If the House rejects, there is no other legal process by which one can end up being appointed. This is a very fundamental issue because it will affect all other approvals that come to this House. If one can be appointed despite rejection by the House, then it means that there is no point in considering that rejection. Therefore, I beseech that it is important to prioritise this issue and we determine it conclusively. Otherwise, all our time which is spent on approvals will be wasted.

Thank you, Hon. Speaker.

**Hon. Speaker:** This is a matter for the House. For instance, if it is the desire of the House to express itself on this issue, we can list the matter for debate on Tuesday in the afternoon. I am aware of the findings of the Departmental Committee on Defence and Foreign Relations and the resolution of the House. I have also gone through the Report of the Committee on Implementation which has not been debated.

We need to bring that Report on the Floor of the House which will make a decision in one way or the other. Let us not debate now before the Motion is brought to the House. The Member sought a Statement from the Leader of the Majority Party. I always tell you that this House has to follow its rules. We cannot begin a debate on a matter that is not before the House. It is a Statement. There is no Motion. I agree with Hon. Otiende Amollo that this is a matter that the House should debate and make a decision in one way or the other. There is a Report that is pending. It did not die with the last Session. The Report is still active.

Now, I do not want to allow Members to comment on this one because many of you are not able to distinguish between procedural matters and substance. The Hon. (Dr.) Otiende Amollo has addressed the issue of procedure. For those of you who are trying to raise their hands, when I was young, there was a small animal whose front legs were always very short. It is called ground squirrel. So, when it is on the ground and it wants to rise, you cannot quite tell whether it is standing or not. I can see many of you doing something like that. Your hands are not quite up. So, you appear like that small animal.



With respect, if you are going to address the issue of procedure, let us not go to the substance. Let us deal with the substance when we are debating the Report. Unless you really feel that as a matter of procedure, there is something else you would want to add to what Hon. (Dr.) Otiende Amollo has said, I would not want us to go to the substance. Let us have an open mind when discussing the Report. I do not want anyone to be prejudiced by anything that might be said prematurely.

Member for Nambale, do you still have a procedural issue?

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker Sir. As the Speaker of the House, you never speak in vain. In fact, you do not have opinions in vain. You always seem to be fully considerate all the time. The fact that you allowed the matter to be raised before the House indicates that, in your opinion, this is a matter that is worthy of mention.

This House has a major responsibility of safeguarding the privileges and rights of Parliament under the law, the Constitution and under the precedents that have been set before. I hope the matter will get due consideration next week as you have ruled so that we can substantively deal with it. It is not a matter that should be left by any form and shape to slide under the carpet.

**Hon. Speaker:** Hon. Members, on 9<sup>th</sup> February when we resumed, I did communicate to the entire House so that Members who had Questions they wished to revive, especially in respect of Chairs of Committees whose reports had not been dealt with, could revive them by giving fresh notices. Several Members have done so. At exactly 3.42 p.m. the Chair of the Committee on Implementation, Hon. Ole Kenta walked into the Chamber. You have not given fresh Notice of Motion for adoption of that Report. Would you be kind enough to give a fresh notice of that Motion because it is a matter of urgency that I think the House should express itself on and do away with it?

Indeed, I want to agree with Hon. (Dr.) Otiende Amollo that it is a grave matter that the House should express itself on, in one way or the other.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Speaker, it has come to my attention, and to the attention of many Kenyans, that the lady by the name Mwinzi...

**Hon. Speaker:** I do not want us to discuss the substance. You need to give a fresh Notice of Motion for adoption of your Reports. I am going to allow you to retreat and do a proper Notice. I will allow you at whatever time to give notice today, so that that matter can be discussed by the House on Tuesday afternoon.

*(Applause)*

That is all we wanted you to do. I am aware that you tried very hard to get the Report prioritised but for some reason it could not be prioritised.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Speaker, I will do that immediately. In fact, I am leaving to go and do it.

**Hon. Speaker:** Hon. Ole Kenta, will you be available to give Notice for the 7. 00 p.m. Sitting?

**Hon. Richard ole Kenta** (Narok North, ODM): Yes, I will be available.

**Hon. Speaker:** Go and draft a Notice of Motion so that the House can move procedurally.

**Hon. Richard ole Kenta** (Narok North, ODM): I am much obliged, Hon. Speaker.

**Hon. Speaker:** Hon. Osotsi, I can see your hand is up. Is it to do with procedure?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, I wanted to raise a procedural issue but my Chairman came in to say that indeed, the Motion was slotted for debate. However,

you remember that the Chair requested for its withdrawal because the Motion was fundamentally different from the Notice of Motion that was given. This was a procedural issue which, through your direction, should not recur.

**Hon. Speaker:** Yes. Hon. Ole Kenta will ensure that the Notice will be in accordance with the intended Motion. The Motion should reflect the desires and the resolution of the Committee. Very well.

### PROCEDURAL MOTION

#### EXTENSION OF PERIOD FOR CONSIDERATION OF THE PETROLEUM DEVELOPMENT LEVY ORDER, 2020

The Member for Tiaty, or the Vice-Chairperson, Hon. Njagagua, this is a matter that belongs to the Committee on Delegated Legislation. You do not appear to have a card too. You can place it on intervention.

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Speaker. I believe the Motion has since been overtaken by events. The Committee, at its sitting of yesterday, was able to deal with that matter substantively. So, I pray that we step down the Notice of Motion.

**Hon. Speaker:** This will step down. The indication I had was that your desire would be to withdraw it under Standing Order No.51.

**Hon. Charles Njagagua** (Mbeere North, JP): I am much obliged, Hon. Speaker. I now wish to withdraw it.

**Hon. Speaker:** Yes, under Standing Order No.51. This is because the notice of it had been given.

THAT, in furtherance to the provisions of Standing Order 210 (3) relating to the mandate of the Committee on Delegated Legislation, and notwithstanding the provisions of section 15 (2) of the Statutory Instruments Act, 2013 relating to the period of consideration of statutory instruments by the Committee, this House resolves to extend the period for consideration of the Petroleum Development Levy Order, 2020 (Legal Notice No.124 of 2020) submitted to the House on 5th August, 2020, by a further period of twenty-one (21) days from 16th February, 2021, pursuant to the provisions of section 15 (3) of the Statutory Instruments Act, 2013.

*(Procedural Motion withdrawn)*

Next Order!

### MOTION

#### APPROVAL OF SESSIONAL PAPER NO.1 OF 2020

**Hon. Speaker:** Hon. Members, the debate on this Motion was concluded and what remained was the Question to be put, which I hereby put.

*(Question put and agreed to)*

**BILL***Second Reading*

## THE KENYA NATIONAL LIBRARY SERVICE BILL

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the Kenya National Library Service Bill (Bill No.5 of 2020) be now read a second time.

By way of introduction, this is a Government sponsored Bill which was published on 20<sup>th</sup> March, 2020. It came under my predecessors' signature and it was read for the first time on 14<sup>th</sup> April, 2020 in this House and thereafter was committed to the Departmental Committee on Sports, Culture and Tourism for consideration, pursuant to Standing Order No.127.

Hon. Speaker, the main objective of this Bill is to give effect to Article 11 of our Constitution which provides that the State shall promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage. It is a Bill that seeks to update and repeal the Kenya National Library Service Bill Act both, Cap.2 and 25 which was enacted on 1<sup>st</sup> April 1967. Between 1967 and now, we are still operating on an Act that was enacted many years ago. In between, the new Constitution has come into play and defined the role of culture and role of the arts. The Kenya National Library Service Act has not been updated.

The Bill is divided into 40 clauses and three schedules. With the promulgation of the Constitution in 2010, there has obviously been a need to align our library services regime to the Constitution, and in particular Members may remember that under the current Constitution, the library functions have been devolved or split so that some are held at the national Government and others at the county level. Hence, we need to update the new institutional structure to accommodate operations at the county and how they get sorted out as well as at the national level.

Basically, the Bill provides for the establishment of the Kenya National Library Service. The previous Bill only looked at the board, but this one creates a national library service and provides a number of functions which are all listed within the Bill. It is a very comprehensive list of functions under Clause 5, which go a long way in defining what it can do or what it seeks and Parliament empowers it to do through enactment of this Bill. Let me highlight some of them and the fundamental one is to equip, develop, manage and maintain the Kenya National Library Service. Members may notice that the Kenya National Library Service has a new headquarters up the hill next to the Ministry of Transport, the corner just before Kenyatta National Hospital, opposite the Nairobi Area Police Station. That now becomes part of the service and one of its responsibilities is to equip. It is also empowered to acquire, reserve and maintain a collection of library resources including books produced within and outside Kenya and such other material source of knowledge necessary for a comprehensive national bibliography.

One of the other functions, and I am picking the key ones because there are many others, is to liaise with other Government agencies to ensure compliance by publishers with the Books and the Newspapers Act. It is up to the National Library Service to ensure compliance and be the central depository of what has been published in Kenya. It also carries out and encourages research in development of libraries and related services, promotes reading for knowledge, information, enjoyment through stimulation of public interest in books and participation in campaigns for eradication of illiteracy. The founding fathers of the country had identified eradication of poverty, disease and illiteracy as core pillars for the development of this country. We are not going to

eradicate illiteracy unless we adopt a reading culture. It is actually in search for knowledge that people remove the things that hinder them from thinking straight, or things that hinder them from opening their minds to see the bigger picture especially now with what is happening in social media and televisions. You hardly see our young Kenyans reading books but they are glued to televisions, phones or social media and very few would be reading any article of academic interest. So, the Kenya National Library Service would then have as one of its functions promotion of a reading culture.

Another thing that it is hoped to do is to establish and maintain a national agency for administering international standard serial numbers for books, music and others. Every book we read will have International Standard Serial Number (ISSN) which authenticates the book and ensures it is original material by the author hence has a global reference that people can quote works of art and works of literature. This will be part of the responsibility of the Kenya National Library Service.

It will also publish the Kenya National Bibliography and Kenya Periodicals Directory among other things. Further, we also know that technology has changed the manner in which libraries operate, and this Bill seeks to establish a National Virtual Library Service and a National Webcast to publish catalogues for all branches so that people can access this information from the comfort of their homes, offices and see the material that is available in the library, where it is and tap into it as they enrich their academic journeys and research.

The Departmental Committee on Sports, Culture and Tourism looked at this Bill. I wish to commend them for the work they put into it. They tabled their Report on their consideration. The Committee, in the Report, has indicated it carried out public participation, it received submissions from the State Department for Culture and Heritage as well as the Kenya Library and Information Professionals Association. Indeed, the Committee considered them and made observations and I am aware they will be moving some amendments to the Bill at an appropriate time.

Different people view libraries differently. One of the acknowledged Norwegian writers John Bing, who is also a law professor, once said: "To ask why we need libraries at all, when there is so much information available elsewhere, is about as sensible as asking if road maps are necessary now that there are so many roads." That summarises why we need this library. There is so much information out there, but for us to get information from different places, libraries help organise the different works by different people within a certain section or information to do with the history of a certain area. They organise it such that you can access that area and much as we now browse electronically and see different people who have said different things on that area.

It is very clear that by investing in libraries, we will be on our way to conquering the world because questions about life, life's problems would have been answered in books and these books will be in our libraries. People who have interest in academia and those who love scholarly works in research, realise that the more you read the more you get in love or fall in love with libraries. When you pass some library somewhere, you want to stop and get in to see whether there are some latest works in an area that has come up. There is that constant search for knowledge. I believe this will be an integral part of this Kenya National Library Service, to ensure that the body of knowledge is made available to Kenyans at all ages. Having libraries is, however, one thing. I believe that we now need to have the legal regime that supports that architecture. That is basically what this Bill is hoping to do.

I am excited when I look at the different facilities the KNLS has put across the country. I believe there is a library in about every county. There is a huge one for Nairobi in Buruburu. During the school holidays, if you see the queue of, especially, school-going children at the library

on Saturdays, you get encouraged that at least they are searching for knowledge instead of just sitting at home watching television and being moved into some harmful tendencies that can only be harmful to the mind. I have seen other libraries in Murang'a, Nyeri and elsewhere.

I also want to commend Members of this House who have also put some money, through their National Government Constituencies Development Fund (NG-CDF), before the function was taken over to the counties to build these libraries and help in equipment, so that people can have a place where they can seek knowledge. Of course, we need to encourage that reading culture, like I said, to divert energy of our young ones from televisions and social media that could be harmful to the mind.

As I conclude, I wish to assure Hon. Members that the proposals in this Bill comply fully with the provisions of the Constitution and the Standing Orders. The Bill will immensely facilitate realisation of Article 11 of our Constitution as regards the preservation and maintenance of library resources.

This obviously is a Bill that, like I did mention, involves counties. So I am hopeful that, by the time we finish with it, Members of the Senate will also see the need to enact this Bill fast enough so that we can provide those facilities across the entire country. I will be appealing to the Senate to give it the seriousness it deserves. It is also a money Bill because, obviously, we are talking of resourcing. I am glad that the Budget and Appropriations Committee has prioritised it and said it is worth investing our children's future in terms of facilities.

So, I really do not want to get into a lot of debate. It is a very self-explanatory Bill. Like I said, there is already some framework. There are libraries. People are reading. Hence, what we really want is to have this Bill passed so that we can have a proper grounding for the KNLS and update the institutional structure that was created in 1967. It is almost five decades ago and so much has changed since then. I also want to ask Members to read through it and proffer any amendments they will bring.

With those remarks, I beg to move and ask the Chair of the Departmental Committee on Sports, Culture and Tourism to second. I believe she is around. Or the Vice-Chair, ole Lemein, who is a distinguished scholar in his own way and I know he loves libraries, to second.

**Hon. Speaker:** Hon. Korei ole Lemein.

**Hon. Korei ole Lemein** (Narok South, JP): Thank you, Hon. Speaker.

I beg to second the Kenya National Library Service Bill, 2020. As the Leader of the Majority Party has clearly indicated, this Bill seeks to repeal the Kenya National Library Service Board Act which has been around for the last 54 years. It is a very old Act. This Bill is long overdue. It also takes into consideration that the Bill needs to be aligned to our Constitution, 2010.

The Bill provides for the establishment of the Kenya National Library Service to repeal or to replace the Kenya National Library Service Board. This Bill takes into consideration the changes that have occurred in the library sector, devolution and other constitutional dictates.

Pursuant to Standing Order 127(3) and Article 118 of the Constitution, the Committee placed an advertisement in the newspapers on 30<sup>th</sup> April 2020. The Committee received memoranda from two entities, namely, the State Department of Culture and Heritage, and the Kenya Library and Information Professionals Association. All their proposals were deliberated on and considered by the Committee. This is contained in the Committee Report which was tabled in this House.

The Committee did have a number of observations during its public participation and engagement. As the Leader of the Majority Party has indicated, the Committee will be making quite a number of proposed amendments to the Bill. It is our wish that this House will take them

into consideration. I am pleased that this Bill is before this House for Second Reading as it is long overdue.

I wish, therefore, to truly thank the Members of the Committee for the job well done. I also want to urge the Members of this House to truly participate and support this Bill.

I thank you. I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, as I had indicated earlier following the request by the Member of Mosop, I will interrupt the proceedings to allow the Chairman of the Committee on Implementation to give Notice of Motion. Hon. ole Kenta.

### NOTICE OF MOTION

#### REJECTION OF APPOINTMENT OF MISS MWENDE MWINZI AS AMBASSADOR

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Select Committee on Implementation on its Report on Examination of the Implementation Status of the Resolution of the House of 6<sup>th</sup> June 2019 Regarding the Conditional Approval of Ms. Mwendu Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on 27<sup>th</sup> November 2019 which takes cognizance of the determination of the High Court of Kenya of 14<sup>th</sup> November 2019, *Nairobi Constitutional Petition No.367 of 2019*, particularly paragraphs 104 and 105 that, while Ms. Mwendu Mwinzi cannot be coerced to renounce her citizenship of the United States of America (USA), a person holding dual citizenship ought not to be an ambassador unless the person renounces the citizenship of the foreign state as dual citizenship may jeopardise the national interests of the Republic of Kenya against the interests of the foreign State, this House rejects the appointment of Ms. Mwendu Mwinzi as an ambassador.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. That is a notice of Motion.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I am happy. First of all, I missed the earlier session and I am not privy to what the House discussed. From where you seat, a resolution of this House has not been complied with by the Executive. Will I be in order to request that, as we wait to debate the Report of the Implementation Committee, you order the Departmental Committee on Defence and Foreign Relations to summon the Cabinet Secretary for Foreign Affairs to confirm if it is true that what we are seeing in the media about Ms. Mwendu Mwinzi being an ambassador is true or they are stories. Can the CS appear before the Committee through your direction?

**Hon. Speaker:** That may not happen at this stage, but the House is at liberty on Tuesday when debating to even add a further recommendation to the Report of the Implementation Committee. We will be looking at what the Committee has recommended. The other issues that were raised by the Member for Mossop will obviously require the Departmental Committee on Defence and Foreign Relations to deal with.

We will have the Member for Makueni. Go back to the Motion.

*(Resumption of Debate on Motion)*

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Speaker, for giving me an opportunity to contribute to this important matter. It is clear that this Bill is fulfilling the dream of the Constitution of Kenya, 2010. Previously, there were library services, but there were questions on why they are not distributed all over the country, especially now that we have a new Constitution. This Bill is important. We will have a fair distribution of this important resource all over the country. It is good to note that due to modern developments in communication, a lot of libraries are online. We also have virtual libraries. A lot of library material can be accessed online. However, that does not mean that publishers will no longer publish books or as soon as they publish, they put them online. Hardcopies of books will forever be there. It will be a permanent thing.

One of the things that was said by the Leader of the Majority Party while moving this important Bill is that if libraries are well set up across the country, they will keep the youth busy if they will be fairly and evenly distributed. I believe this should be the duty of the board, which will be appointed under this important law. Although a lot of library material has gone online, it will still take time for everyone in the country to access books and read them online. This is an expense that may not be met by common Kenyans. Therefore, in the interest of common Kenyans and a well-read nation, the libraries should be all over the country. If they will be all over the county, it means even school children who cannot afford school books or where books are insufficient can access them in the public libraries in different parts of the country. As you have heard, quite a number of Members have either fundraised to start a library or they have established libraries in different places through the NG-CDF for those who love reading, who are many. Children in the rural areas can access these libraries to do their homework.

At times, there are people who destroy library materials, for example, tearing pages from a rare book they are unable to get. The proposed Section 36 of this Bill provides for penalties and heavy fines for somebody who willfully destroys library material or obstructs library workers. When libraries are properly done, they will be a source of employment to many Kenyans. We have a department at the Moi University which teaches Information Science that largely uses publications and information that is dispensed through libraries. There are graduate librarians. Libraries are all over the world and they are among the treasured stations in many parts of the world. Sometimes they are viewed as historical places that store historical information. For those who will seek knowledge, especially at Master's and Doctor of Philosophy (PhD) levels, libraries will be useful, especially now that universities are distributed across the country. Universities and schools invest heavily on libraries. That is an expensive affair. This is why it is important to have a law and a board that regulates how library data will be handled. Libraries must be premised in a Ministry that will have a budget that will be brought to this House. We should make sure that the budget is distributed evenly across the country, so that students of day-schools that we are building using NG-CDF access libraries.

Libraries are a good thing for old people who can still read. The late Senator Yusuf Haji used to read well without spectacles at the age of 86. We have many Kenyans who can keep themselves busy after retirement by reading and researching. Research is an important instrument of development in a country and most universities are bent to research. So, even individual Kenyans can conduct research on a matter of agriculture or industrialisation. They can have sufficient knowledge on how to handle Small and Medium Enterprises (SMEs) through a library

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without going to a school for training. It will be useful if as a country we promote a reading culture. It will keep a lot of people away from mischief. Therefore, this is an important step the country has taken to make sure there is a library in every part of the country and a law that will direct and guide how we will establish the Kenya National Library Service which has been existing in an old law. That law will be repealed in complying with the new Constitution.

We will synchronise other laws that are incidental to this law. We will come up with amendments in the Third Reading of this Bill that will make this legislation better and clear and make sure that it benefits Kenya. This will be one of the big gains of the Constitution of Kenya, 2010 that we are seeking to amend. This is a big step in giving Kenyans one of the things that will change their lives. I remember when we were in school, sometimes we could go to the library in town. At the University of Nairobi Library, sometimes you could miss a book, but you find it at libraries in the city. We could see traffic to these libraries, the order and the service offered.

Even here in Parliament we have a library which once in a while we access when researching materials. And we are specific in the material found in our library, like some of the contributions in the colonial Parliament, the Independence Parliament and the great speeches by some of the great legislators like Martin Shikuku. So, a library will always be useful. But one of the things which I think is not well covered here and which we should look at is the virtual library and the expense involved in setting it up. By installing that, a lot of young people who have studied information technology will be employed by the Kenya National Library Service and will be kept busy. We have many people who are very good in matters ICT, even in this House we have ICT gurus. I believe many young people in this field will get an opportunity to work. The library will employ many Kenyans.

So, I beg to support.

I thank you, Hon. Speaker.

**Hon. Speaker:** Prof. Oduol.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Speaker. On the outset, as a Member of the Committee, I would like to say that this is, indeed, a timely Bill and one that is going to make a big contribution. As we look at the Kenyan populace, starting with the older generation to the younger generation, we realise that not only do we have a challenge of reading culture, but we would like to reclaim some of the lost values and in particular to see ways in which we can have intergenerational conversation and mentorship.

One of the significant achievements of the Bill is that we will not only equip, acquire and maintain resources that will be available all over the country from the Library Service, but indeed, through reading, we will have a very wide range of information for mentorship. It is said that someone who reads is never alone. Indeed, a number of times when we seek to see how we can engage our children, mentor them and shape them, we find that for a variety of reasons even parents do not necessarily communicate as effectively with their children. In the same way, teenagers and young adults who need the greatest kind of direction do not have that same opportunity. Therefore, as we look at this Bill, not only are we ensuring that we update and ensure that we move from what we had as far back as 1967, but that we now have a way of ensuring that the Library Service will be one that is technologically savvy. It will be in keeping in tandem with the world today. We will be in a position to ensure that we have a wide variety of resources. There will be resources available to those who might not necessarily have the kind of digital coverage that we have in urban centres. In addition to the information that is available in software, we will have information in hard copy.

This Bill is an important advancement and recognition and a key tool that this House is giving to the country. I, therefore, would like to support this Bill. The Committee in its public



participation with the Ministry responsible and other key stakeholders confirmed that this Bill is timely and appropriate and is, therefore, a key achievement and a necessary addition to the kind of services that we have.

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

**Hon. Speaker:** Member for Navakholo.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. I rise to support this Bill. As it is written in the Bill, it seeks to amend an old Act of 1967. When you look at what used to happen in 1967, you cannot really put one plus one to it. Instead, issues and the way of life have improved and changed. Therefore, I look at the way the Committee has done its work, and I say thanks to them. They have done a good job. We are now going to use this Bill to take the country to a higher level.

A few of the issues covered in this Bill that make me appreciate it include the fact that it takes cognisance of not only library as a place for reading materials, but one that also encompasses issues of reference. Clause 3 proposes that there will be a preservation of national documentary heritage and distinguishes the function of the KNLS from other libraries. As a distinction and in preservation of national documentary heritage, the Bill takes a wide scope of the heritage of Kenya. Many times we see a library as a place of storage of documents and books. In this case, the Bill goes beyond books and looks at our heritage in totality.

The Bill is also going to develop, manage and maintain the KNLS. In as much as we have the newly refurbished Library in Upper Hill, Nairobi, it is also going to look at the bigger view of libraries. As you can notice, it is not just the issue of book work. We also have issues of electronic books. Through this Bill, we are going to take care of electronic and hard copy books. Equipping libraries is going to change the lives of our youth. Our youth need to have a culture of reading. Many times you pass by a stage or on the road and find our youth just standing by or idling around. In equipping libraries through this Bill, the KNLS will have a board of directors and everything put in place and this is going to be a good place.

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

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Soipan Tuya) took the Chair]*

This Bill shall also enable KNLS to acquire, preserve and maintain a collection of library resources including books and other materials produced within and outside Kenya. This Bill shall also link our library to external libraries. It will enable us to have a linkage with external users and publishers. The Bill will enable KNLS to establish and maintain a national agency for administering international standard numbers for books, serials, music and others items. As I said earlier, it is not just the issue of reading materials, but it will be extended. Many times you might have an art, like music, that you might not have a way of preserving. This Bill now fully recognises storage of art in terms of music, books and ideas.

Clause 6 of the Bill establishes the KNLS Board. It is going to be a structured organisation with a board of directors having a chair and various Principal Secretaries as members. However, I have a problem with the inclusion of many PSs of State Departments to take majority slots on the Board.

Hon. Temporary Deputy Speaker, at the Committee of the whole House, I will want to be allowed to look at why we should have all these PSs from State Departments, who could otherwise

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be represented by two of them. Instead of that, we can bring on board other actors who might add value in terms of supporting the organisation to move forward rather than having our own civil servants filling up the board. They cannot bring new ideas.

As I appreciate the creation of the board under Clause 6, we will also have to look at the way it is going to be run. Who are the persons going to sit on the board? Has it really been recognised? I thank the Committee for providing for qualifications of the board members in Clause 7, so that we do not just pick anybody. Instead, there are some criteria of who should be in the board.

Down to Clause 26, the Bill also provides operations of the Kenya Library Service, which shall be in accordance with the standards that shall be set out in the Third Schedule. In the Annex to it, there is a Third Schedule which will display how the Bill is being done. The way the Bill has been itemised, scheduled and put, it really allows operationalisation and improves the manner in which our library services shall be run in this country.

Finally, going further down to Clause 29, it gives us what is going to be kept in libraries. As the Bill revises, the Kenya Library Services shall maintain records of the following: All documents whether in soft copy, hard copy or in any other format. We do not want to go to the national library and find what is not supposed to be there. The KNL Service cannot store sugar the way a godown somewhere which was meant to store timber was found to be storing sugar. We found out this during field service. This definition makes me to be sure that when you go to KNL, you will either get hardcopy or soft copy of reading materials. It also says that all persons and institutions shall be registered as members of the library. This calls for registration. We need to know the people who access the library.

The library can assist in many ways. If you are doing a particular course, you can have a pool of professionals whom you can associate with. If you want an architect, you can easily say this is a pool of architects and so this is going to be available and you can easily access one.

Finally, it is also telling us that the board should consider what is necessary or desirable to be recorded. We are not tying the board to what has been listed, but in their own wisdom, they have latitude to work on their own and improve how they want the library to run. With that flexibility, this is a national body that will address any growing concerns. So, whatever decisions shall be made for the people and this country shall be appreciated.

The way the Bill has been lined up, I know it is being considered. Being a money Bill, it is going to incur costs, but it is a good Bill. This will affect the counties. Therefore, as it goes to the Senate, we hope it approves it so that our country gets a new law of the 21<sup>st</sup> Century which can live today and see our young generation move forward in days to come.

With those many remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Kevin Wanyonyi, Member for Kwanza. Kindly have the Floor.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Bill.

This Bill is very timely. We have a lot of problems around. As a Member of Parliament, I must admit that whenever I go to secondary schools or colleges, the communities within those institutions ask for money for something else, but not for building libraries. We should try and change this culture. First, we have to equip our libraries with the old books. Some of them are very good as you may know. This particular Bill will help us acquire some of the very old books. Money will be spent on the same in order to equip our youth. As you know, what our youth are spending money on are games and other things. It is not good for them. Neither is it something that is going

to develop their intellectual capabilities. I have not gone through the whole Bill, but there would be an interest in acquiring books that are available for the future of our children, and for eradication of illiteracy. I am a parent. When you talk to today's children about the importance of acquiring knowledge, they think it is bullshit. There is nothing you can take home. You cannot say "that boy or girl is intelligent" because of the kind of activities they are involved in. This review of the Act will increase reading interest amongst Kenyans - an interest which is currently not there.

When I was in Standard Three, Four and Five, we had libraries around the vicinity. You could go there and borrow a book, sit down and do some homework. There were no televisions in those days. Nowadays a child comes home from school and closes oneself to watch television. One cannot even have time to read a newspaper. They cannot even say what is in the headlines. They just look at the pictures. I think libraries will encourage people to read. It will help to eradicate illiteracy and inculcate cultural change amongst the youth. What I hope would be in the Act are mobile libraries. I used to see vehicles moving from one centre to the other on Fridays or Saturday afternoons or mornings, which would pack in some place and erect some tents. You could go there and borrow books or whatever reading materials. So, we want to encourage this. Once this Bill goes through the Third Reading, we will have some money put aside to have mobile libraries, which can move around in the constituencies or counties to ensure that people develop reading interest. People will be curious and they will be able to cultivate that interest and read.

I am going to be the first person to do it. I want to spend some little money to buy a mobile library and get some books that are relevant. I can consult teachers and other people who are of value to give us ideas on the kind of books to buy. Mobile libraries will be going round the constituencies as they used to do in the past.

I saw mobile libraries going round when I was young. You could go there, sit, borrow a book and read. That kind of initiative will arouse some reading interest amongst the youth other than sitting and playing some funny games, watching television and surfing the net on mobile phones. It does not help our children. The NG-CDF can also come in so that at some point, we can buy some mobile libraries to assist. Let us invest in that, so that it can change the reading culture. Today, I am sure your child and my child are not interested in reading. Therefore, that will change that kind of culture for prosperity.

Lastly and not least, on the borrowing of books - which I think was properly presented by the Leader of the Majority Party - let us have this country get as many books as possible maybe from Europe at a fee so long as they are English books for our children to have some interest in them. There are past books that I know which are very interesting. I read some of them and I am afraid children tear some of them. However, they are good. I repair them and if you come to my house, apart from getting whatever *soda*, you will see some of those old books. In addition, they are very valuable.

Therefore, I want to support this Bill and hope and look forward to us doing something else to change the culture of our people for the future prosperity of this country.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Hon. Aden Duale.

**Hon. Aden Duale** (Garissa Township, JP): Thank you Hon. Temporary Deputy Speaker. This Bill has my signature. Unfortunately, when I was signing, I was the Leader of the Majority Party. Now I am the Member for Garissa Township. Therefore, I am a bit conflicted.

*(An Hon. Member spoke off record)*

Hon. K.J. is saying I am a backbencher. I love being at the back bench, Hon. K.J. This Bill ideally is supposed to make sure that Article 11 of the Constitution is actualised. That is the whole purpose of this Bill and to repeal the old Kenya Library Service Board Act, I think Cap. 225 and actualise Article 11 of the Constitution, which provides - and this is the most important statement in Article 11 -

“The State shall -

- (a) promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries, and other cultural heritage.”

Therefore, this Bill is basically doing that.

Number two and more fundamentally, with the promulgation of the Constitution of Kenya, 2010, there has been a need to align this sector called library services to the Constitution, particularly on the role of national and county governments. In addition, if you read the Fourth Schedule of the Constitution, in fact, libraries are functions of county governments. Having said that, the Committee must introduce an amendment. I do not know whether the Chairperson or the Vice-Chairperson are here. During my days, Chairpersons and Vice-Chairpersons used to be here. If they are not here, then they should be whipped. We should whip them. They should bring an amendment to Section 6 of this Bill. In addition, in the formation of that board, the Kenya National Library Service Board of Directors, the county governments must be represented. If they will not be represented, then this piece of legislation will be unconstitutional. Library is a function of the county governments.

The other two issues I want to raise are that days are gone. You know days are gone. Libraries these days really serve maybe in the rural areas and in the poor constituencies. However, during our days, people used to go to libraries. You know the University of Nairobi Gandhi Library. Even if you were not a student of the University of Nairobi, you could go and read there. Therefore, libraries are key in universities, schools and communities. However, these days with technology, you can read a book or get information from your smart phone. However, what is more important today is that there should be a culture of reading. Why do I say so? You know when I left the Office of the Leader of Majority Party, I had free time. Therefore, apart from reading as obligated by my religion, the Holy Quran occasionally on a daily basis after prayers, I have free time if I am not going to my constituency. Therefore, I have started reading books and it is very interesting. The moment you adopt the culture of reading, you will find reading one after the other. Let me even say that since I left - of the many books I read - there are two books which are very interesting. One, is by Hillary Clinton - the presidential candidate in 2016. You know when she lost she wrote a book called *What Happened*. In addition, I want to urge other presidential candidates when they lose elections to write books called *What Happened*. Were they rigged? Therefore, it is good to read Hillary Clinton's book called *What Happened* after she lost and she will explain to you and you will get convinced about why she lost. The other book which I just finished reading last evening is the book by the former national security advisor to our friend former President Trump, John Bolton. The book is called *The Room where it Happened*. I am on that route. I am also writing my memoir. I will not call it *The Room Where It Happened*. However, I am going to say more about the rooms where it happened that brought Jubilee where it is today. Therefore, please next year, *Inshallah*, around June, July, please, if you will be around, attend the launch of my book. Therefore, it will be similar. It will be called *The Room Where It Will Happen*. It might not be that title. Therefore, what I am saying is that the culture of reading is important. People do not read.

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(Hon. John Kiarie spoke off-record)

Who is shouting and thinking this is not the august House? Hon. Temporary Deputy Speaker, you need to protect me. The other day, there was a Member with a gun here and now that I am not the Leader of Majority Party, I am very vulnerable.

Therefore, the most important thing in this Bill is that we must bring the element of county governments. Two and finally, there are religious libraries. Kenya is a religious country. There are Islamic and Christian libraries. Therefore, as we make laws for the establishment of modern libraries, we must find sections that deal with Islamic literature and history. We must find a section that deals with Christian literature and the history of Christianity and other religions. Therefore, as we read the worldly books, we inculcate a culture of religiosity in our children. We must bring up our children in a culture where they believe in the existence of the Almighty God. They must believe that they must be good Christians and good Muslims. Therefore, as much as we put a section for business, management, schools, primary schools and university, we must create sections that deal with religious artifacts, information, and books.

Finally, when I was in the Tenth Parliament, our Chamber used to be where the Senate is. Hon. Kioni will agree with me. Next to it, was the library. Therefore, we could walk out, do a small research, come, and contribute. Now we have the tablets here where just by a touch of a button, you get information.

Hon. Temporary Deputy Speaker, historically, the library of Parliament should not be at Continental House. It should be next to the Chamber, so that you can get out and read newspapers in case you want to refer to a newspaper or to get information. Parliament must be configured in such a way that the library must not be very far. It should be near Room 7 and not in Continental House. I have seen it in the House of Commons and all other Parliaments that libraries are not so far from the Chamber.

So, this is a small Bill, but very important. It is actualising Article 11 of the Constitution and I want to urge Members to read it. Finally, there is a very important book written by an Italian writer called... I cannot remember it, if you allow me...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Have you remembered it?

**Hon. Aden Duale** (Garissa Township, JP): Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Okay, you have one minute.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, but let me say it another day. Hon. Kioni is teasing me and I do not want to spoil my day.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Duale, we have had a lot of prescriptions of books from you. I will be looking forward to read about the many rooms.

**Hon. Aden Duale** (Garissa Township, JP): The book is called: *The Basic Laws of Human Stupidity*. Among many things, it says that in the environment where you live, for example, in the office, there are too many stupid people including your secretary and driver. In your family, it can be your wife, children who will bring you down if you are not careful.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): We will take note of your prescriptions, Hon. Duale.

Let us have the Member for Funyula, Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I also join my colleagues in supporting the introduction of this Bill in the House. Before I came to the august House, I was a lecturer for many years at the University of Nairobi. One of

the things that amused me is that you would find students going all the way to the fourth year, but sadly enough, they could hardly read. They could hardly comprehend and communicate in English. In my current role as a Member of Parliament, I have gone to many primary and secondary schools, but sadly, many of the students are unable to clearly and coherently communicate.

This shows that the reading culture in this country has completely been extinguished or vanished from our midst. This is a serious and dangerous trend. I interact with very many Members in this House and from the Clerk's office. However, some of the reports that we produce clearly show lack of depth and reading ability. We believe and trust that this Bill should have sincerely addressed itself on the diminishing reading culture.

One of those things that we used to do in the early days was to spare time to read. When I was in school, I think I read all the novels that were available then. At the moment, it amuses that 99 per cent of young people's time is spent on social media, namely, *Twitter*, *Facebook* and *WhatsApp*. Many of them are unable to even spell a word without having to use a dictionary or the spellchecker on the computer or phone. We sincerely believe it is time for us to change the trend. Otherwise, we will have leaders in this country who are unable to read and write. I have had a chance to look at the National Library Service Bill of 2020 and want to make a few comments.

First is the actualisation of Article 11(2) on the issue of culture in the Constitution of Kenya. Therefore, it ought to be a repository of all cultural artefacts, our culture and everything that is about Kenya. We must also try to draw a line between the library services and the national archives system that we have such that we are very clear what we relate to.

Looking at the Bill, there a number of issues we must address. We have so many libraries in this country, both public, private and semi-public. One of the areas where radicalisation happens and places where you can get wrong materials either detrimental to our children, State security or related facts could be in libraries. I would, therefore, move an amendment at the Committee stage to make it as one of the functions of the library services to license all libraries in this country so that we have a clear list of database of all the libraries and the kind of materials that are stored there. This will help remove the element of plagiarism that seems to be gaining trend in this country. That will also ensure that we keep track on the kind of material that we are looking at.

The Fourth Schedule, Part II, Line IV devolves library services to the counties. I join my colleagues to say that Clause 6 which states the membership of the service needs to be changed to ensure that county governments are represented in one way or another. Anything else short of that will make the Bill unconstitutional and, therefore, not meet the requirements of the Constitution.

Clauses 24 and 25 give a list of the process of acquiring materials. It is not very clear. How does the service acquire that material, is it by force? Is it by coercion or by voluntary submission? If we submit our materials, how sure are we they are safe and will be referenced accordingly? So, that clause must be redone to ensure that that process is very clear and everybody knows what is to be followed.

I like Clause 35. Many times you go to the library, pick a book and find that several pages have been plucked out by lazy students and readers who want to copy word for word. The penalty that has been put here is good and we could consider enhancement of those penalties.

As I conclude, it is important that the kind of material available for reading to various age levels should be clearly demarcated and noted. In many places, you go to the library and find that children can access some novels that are beyond their age. It is important to license libraries. We must demarcate the side for adults and young people. As I conclude, it is just a rallying call: Leaders lead by example. Let us be the leaders who lead by example. When you go home as Hon.

Duale has said, spare time to read. Be seen reading and your children and the people you walk with, will also take up the good habit of reading to ensure we get it right.

As we stand here in the House, I also request Members to be factual. Speak or state what you have researched and read. It is very embarrassing at times when a Member stands here talking out of context. When you go outside there, people start wondering whether you belong to the same Parliament. Do you guys research to know exactly what the position is?

With those few remarks, I support, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Kipyegon.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute towards this Bill on the library systems in our country. Remember our Constitution.... Please protect me from senior Members here.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Kiarie.

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker. The framers of the Constitution devolved library services to the counties. At some point, we normally look at this as a very unfortunate situation. The functions that are devolved are those that are needed majorly by the people in the counties.

The functions of libraries almost work hand in hand with the functions of the national Government, especially the education sector. Libraries were meant to fall under the Ministry of Education. This would have helped us to ensure libraries work properly. Despite this, I wish to join my colleagues in stating that we must align this with the Constitution, so that this function can be shared between the counties and the national Government.

I support this Bill because it seeks to distinguish the management of the existing libraries. It is giving the existing libraries and those that will be formed a management team to look into their needs. Remember we have national libraries in the counties and cities. The problem in the counties is that most libraries are not properly equipped, funded and managed. I hope the Kenya National Library Service Board will ensure that existing libraries are properly managed and funded, so that our learners visit those places and find materials they want.

I also support the fact that in most counties, we have one or two libraries. We need to create a situation where at least in every sub-county, we have one or two libraries. The reason being we have many learners in our primary and secondary schools and universities. When students go on vacation, they want to have places to study, research and discuss.

At the moment, this is hard because most learners cannot borrow books from their universities. They can borrow one or two based on the limits of the library cards. But when they come for long holidays especially during the long holiday that was occasioned by emergence of Coronavirus epidemic, most learners could not find a place to borrow books. We should have at least two libraries in our sub-counties, so that learners will not be idling in villages. They will be borrowing books, reading them and returning them. It will be easier for our libraries to track borrowers since they will not run away because the libraries will be close to the villages.

I support the board because I believe it will expand and modernise the existing libraries and those that will be formed. Nowadays, we have all moved from paper to digital platform. Learners will wish to visit libraries and find online books which they can read using computers and laptops. Therefore, the board must ensure that it modernises existing libraries and even those that will be built, so that they can meet the needs of the learners in the villages.

The board will also help relook into the preservation of historical heritages and those materials which deal with our cultures. There are a few places to go to if you want to know historical cultures and happening. You need to go to the archives which are mostly in the cities.

We need to devolve archives to libraries so that it is easy to access information about our great forefathers.

I believe almost all of us have a background. If you want to access who did what or founded what, you can only find this in archives which are hard to come by. If we have libraries in our local areas and sub-counties, even those who want to write their biographies and background information about their local areas will have access to materials and write books that can be kept in the libraries.

Lastly, I support this Bill. I believe the board will promote research. There are those who want to acquire PhD. If we allow them to access materials in libraries, we need to equip and modernise them. Libraries will assist people in the rural areas who have no opportunity of accessing libraries in the cities.

I support. This House must also support by not only passing the Bill, but by also providing the funds needed for equipping and modernising libraries. We can also promote them by being learners ourselves. People look upon us as leaders and believe that anybody who comes to this House is literate and informed on what is happening in the world. It is important for us also to go to the libraries, study and interact with the people, so that they can know that we are also seeking information.

There are those of us who rise up in this House and talk on a matter without understanding it. Like my colleagues have said, we also need to have a library in this premise, so that we can research on many issues.

With that, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Mulyungi.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to talk on this Bill. I rise to support the Kenya National Library Service Bill. It intends to amend the original Bill of 1967 which, indeed, has become archaic and outdated.

These amendments are belated and should have come yesterday because 1967 is a long time ago. It was shortly after we gained Independence. I support this Bill because it attempts to introduce technology and move with the times from the early times of 1967, when we were on print media to electronic. We then went to computers and now we are on mobile phones online. The spirit of adopting new technology in this Bill is, indeed, very good and I commend the authors of this Bill for the work they have done to bring these amendments on board. The Bill attempts to transit us from the ancient times of walking physically to the library to the modern day technology of virtual learning, which is, indeed, a good idea. That is because you can access books from the comfort of where you are.

Hon. Temporary Deputy Speaker, I agree with Hon. (Dr.) Oundo and Hon. Duale that the culture of reading by our young generation and even ourselves has diminished. Therefore, this Bill should actually attempt to encourage the culture of reading and make it very easy to read. I believe the changes that have been introduced in this Bill will improve learning by our young generation and I propose that the relevant departments in Government should ensure that they, as much as possible, promote and fund the libraries to the sub-county levels and going forward even to village level, and also improve libraries in our schools and even make them virtual so that even when you have retired to your dormitories, you can actually access a book from the comfort of your bed and revise. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Waweru Kiarie you have the Floor.



**Hon. John Kiarie** (Dagoretti South, JP): Hon. Temporary Deputy Speaker, I really appreciate this opportunity to contribute to the passing of this Act of Parliament that seeks to establish the Kenya National Library Service and I actually support it.

Hon. Temporary Deputy Speaker, from the interest in the House, you are able to know what this country thinks about libraries. I know there are people who would ask why we would be concerned with libraries in such a time like this. There is an intelligent man who once said that if you are to ask why there is a need for libraries at a time like this when information is available everywhere, it is like asking if there is still a need for a roadmap when the roads have become as many as they have become. I personally believe that there is a place for libraries in this time and age. I am standing to support because I understand that by establishing a new library service, we are bringing the library services up to date. The old Act on libraries is probably 54 years old. There is a lot of progress that has happened since then and I believe that there are a lot of changes that have occurred not only in the library sector, but also occasioned by devolution and many other constitutional changes. It is for this reason that I do believe that we are in order to replace the existing board with a service so that we are able to bring this sector to modern times.

This new Bill seeks to introduce persons who shall be serving in the library service. I believe that when we get to the Third Reading, we shall make some necessary changes beyond what the Committee has recommended up to and including streamlining the number of people who shall be appointed to the service so that they are in line with the Mwongozo Guidelines, which guide how we do the governance issues in *quasi*-government institutions and SAGAs

It saddens me to see the state of libraries around this country. The plight of our libraries did not just become as bad as it is in our time. It is well known to me that, at the dying minutes of colonisation, as people realised that we were just about to get Independence, some beautiful libraries up to and including the McMillan Library were vandalised by individuals who believed that we should not benefit from the knowledge that has been deposited in libraries like McMillan. I know some people who were fleeing – because at that time there was what you would call white flight as they realised that colonisation was actually on its sunset days – who went into those libraries and picked some of the finest books, vandalised them or even stole them so that we, the future generations, would not benefit from them. So, even as the service is being set up, the people who will come to serve in that new service should also oversee the new thuggery that is happening in our libraries, which includes the plucking of pages out of very important books so that when you go to read a book, you find that there is important material that is missing in some of those libraries.

Another issue that I think should be taken care of is innovation. With innovation and the advancement in technology, we will have to rethink the library. It is Sydney Sheldon, a writer, who reminds us that the library stores the energy that fuels the imagination. They open up windows to the world and inspire us to explore, achieve and contribute to improve our quality of life. To be able to improve the quality of life in this day and age, the library of today will have to be modern. In Dagoretti South Constituency, we have attempted to put up a public library within the Dagoretti South Empowerment Centre. As we are doing this, I would imagine that in the Third Reading of this Bill, we shall be able to amend this place where this Bill is talking about other libraries to read “public libraries”, so that a library like the one we have in Dagoretti South Constituency can be encompassed as one of those that shall be served by that service. In introducing innovation in such libraries, we will need to create spaces that are of interaction and knowledge exchange. We will need a space that is quiet enough for contemplation. This is because when you are in a library, you want to absorb the knowledge. But you also want to contemplate on what you are reading.

Hon. Temporary Deputy Speaker, those spaces should also be spaces for innovation. I do believe that we should have a space that is neutral and trusted for public use and for all the people, including younger people of either gender so that, when you are there, you feel comfortable enough to do the kind of contemplation, study and pursuit of knowledge that you need to do when you go into such a space. In our case, we have attempted to also bring in technology into those public spaces by equipping the library at Dagoretti South Empowerment Centre with computers. That is because we realise that the library of today is not just about books. We need to think about a library as a repository of our culture.

I remember when I was a member of a troop called Redykyulass trio, I was informed that there were agents of the Library of Congress who actually showed up in this country looking for every single episode of the Redykyulass comedy show so that they could store it in the library of Congress as an audio visual reference of a time capsule in the Kenyan history. In the same breath, I do believe that this library service that we are forming will not only be a place where we store books, but also as a repository of our culture. As a person who came into politics from a platform of the youth movement, I was able to learn that generation after generation in this country keeps making the same mistakes that were made by the previous generations. There is talk in this country about a hustler nation and a hustler movement today. Those are young people. I realise, because we are not able to store our culture, our stories and our folktales, the same mistakes that were made by the Mau Mau generation are the same mistakes that were made by the young people who were fighting for the second liberation in this country. The same mistakes that were made by the people fighting for the second liberation are the same mistakes that we were committing when we came into the youth movement and were trying to seek answers for this country. We want to pray that the later day hustler nation does not make the same mistakes that were made by the people fighting for the second liberation and were made by the Mau Mau nation back in the day, just because we were not able to store the stories of our country in a meaningful way.

I rise to support this new introduction of the Kenya National Library Service noting very well that as we make this library, we will need to make libraries that are meaningful for today. I want to conclude by quoting an individual by the name David Lankes. He is a librarian. He was once quoted as saying: “Bad libraries build collections. Good libraries will build services. However, great libraries build communities”. Let us build libraries that will build amazing communities for the future of this country.

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): You know, Hon. Kiarie, when you mention Redykyulass, I still wonder whether the comedian in you still exists. It was a good show then. Let us have Hon. Luyai Amisi.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill whose objective is to give effect to the Constitution in order to promote all forms of national and cultural expressions through literature, arts, traditions, celebrations, science, communication, information, mass media, publications, libraries and cultural heritage. Just like my colleagues have ably argued on this Bill, I will give an example of this global pandemic. Many of us who had nothing much to do indulged in reading. Among the many books that I came across was: “Why nations fail”. If you look at the expressions in some of those written materials, specifically from that book, you will find the exact reason why Kenya is where it is. The example that was given was that of the South American countries. Those countries are so close to each other and are separated by only a fence. They are so close in terms of cultural environment and even language. They are so similar and yet, so far apart in terms of

development. It is exactly the problem that the modern leaders are grappling with. Why is it that nations that are so close to each other historically and are at par in terms of development, economy and GDP are so wide apart in modern days? If we had a culture of reading in this country, I probably think that our leaders could have a different perspective on why they are elected into leadership.

If you look at leaders in other nations like in America and Europe, you will find that they leave behind biographies and memoirs and very important pieces of literature that guides the new generations. I do not know! Is it because we have not cultivated the culture of reading from generation to generation that our leaders have also learnt to leave the same culture to new generations? Even the fore leaders that we have had from Kenyatta, Kibaki and Moi, they have never left a single piece of literature. I mean leading a nation for 24 years and there is nothing to write about. Is it that you were doing nothing for those 24 years? So, we must cultivate this culture of reading so that our future generation will not suffer the curse that we have suffered as a generation. This Bill is going to ensure that this country is not left behind. Probably, you never know because most people talked about countries like Singapore, South Korea that were at par with Kenya. If you look at the reading culture among the nations on earth, you will find...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Wangwe, is there something out of order?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. It is not a point out of order but a request for information. My colleague alluded that you cannot rule for 24 years...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Request for information?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Yes, I would like to inform him, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Amisi, do you want to be informed?

**Hon. Caleb Luyai** (Saboti, ODM): I do not wish to be informed by a person who has never ruled this country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Whip, I am sorry! If he does not want your information, then you cannot force him.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Then it can be a point of order. I wanted to be soft on him but we cannot allow him to misinform the House by giving us false information that...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): You can be seated, Hon. Amisi.

**Hon. Emmanuel Wangwe** (Navakholo, JP): We cannot allow him to give us wrong information on the Floor that a leader ruled for 24 year – and that is a representation of Hon. Moi - who left without writing a book. We are very much aware of the number of books that Moi wrote. Thank you, Hon. Temporary Deputy Speaker

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Amisi, kindly, be clear. Clarify what you were talking about and be factual.

**Hon. Caleb Luyai** (Saboti, ODM): I think he must have been looking for something to say today because what I was saying was just an example of so many leaders in this country who have ruled without mentioning any name. There are Members of Parliament who have served for even 30 years. So, I did not mean the President or the Deputy President. I just said a leader who has

served for 24 years. I do not know why he is quick to jump into the defense of a person I have not mentioned.

The example I was giving is because we must, as leaders, leave a culture of reading to the new generation. This should start with us the leaders. Let us not focus so much on our forefathers; the political dinosaurs that have been there before. Let us focus on us the new generation; the current leadership. I urge even our good President, Hon. Uhuru Kenyatta, when he leaves power, to lead by example by leaving us with a good book that will give his experiences as a leader of this country, what has not worked and what needs to be done to improve our nation.

This is just an example that gives credence to this Bill; that it is important to have a management of library services not just the national services, but across constituencies. In fact, most of us, as leaders, move across our constituencies opening libraries that have been built through the National Government Constituencies Development Fund (NG-CDF), counties and the Government. However, how are they equipped? This Bill will ensure that even libraries that exist in our schools are well-equipped, so that we do not open buildings that are empty and without any literature material inside for students to read. When we will have a proper management of all the library services - including ensuring that, at least, every constituency across this nation has a library - that will be development. That must be mandatory. That is another way of inculcating the culture of reading in our students and citizens out there.

Hon. Temporary Deputy Speaker, if you look at the economic prosperity of nations and you look at the reading culture index, you will find a co-relation between the economic development of the countries that have used the culture of reading like India, China, Philippines, Thailand, South Korea, Singapore and Russia, versus the countries that have a lower rating of the reading culture, African countries are at the bottom. So, Kenya could be one of those few countries in Africa that will join South Africa and Egypt in that ranking. Probably, that is where our focus should be to put our young people into books so that they can read what has happened. Those who are interested in arts, let them read the art books. Those who are interested in politics, there are too many varieties of books, so that it does not take a global contagion like the Corona virus to encourage some of us into reading. Let it be a culture. Our friends here who are giving wheelbarrows should instead give a book to those youths so that they can read what can work, what can lead them to success, what it takes to be successful and improve their imaginations, power and talents. It is a deep source of knowledge to read books from time to time.

I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Munene Wambugu.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to say something as I support this Bill.

At the outset, this is a very important Bill. It is timely because it is coming to repeal an archaic piece of legislation and, more so, to comply with the 2010 Constitution. The main thing that makes me to support this Bill is contained in Section 5(e). The main function of the National Library Service is to encourage or promote the reading culture for knowledge information, so that public interests can be stimulated. It is also a campaign towards the eradication of illiteracy. We all know that knowledge is power and knowledge mostly comes through reading. With all our problems in our country, why we attract foreign investors is mostly because, compared to other countries in Africa, we are well educated. We have a population which is literate. You can imagine if all Kenyans are literate and illiteracy is eradicated. It will be the best resource for growth because the human resource is the best and most expensive resource to power the country forward.

Hon. Temporary Deputy Speaker, I have a bit of misgiving when I see the composition of the Board in Section 6. You will realise that from paragraphs A to H, apart from the chairperson and the director-general, all the others are principal secretaries. It is basically the Executive. I doubt whether this composition will have the intended effect if it is dominated by the Executive without putting people in academia and the corporate world, who are well versed with matters of libraries. We may need to change a bit about the composition of the board in the Third Reading, so that it does not look like an executive arm of the Government controlling the Kenya Library Service.

However, I am quite happy with the qualifications, which are contained from Section 7 all the way to Section 15. The law is very clear that all those members of the board must, at least, have a university degree. They must attain, at least, apart from other qualifications, a degree from a recognised university. More so, the Director-General, who will be the Chief Executive Officer of the Board, the bar has been raised a bit. He or she should, at least, have a master's degree from a recognised university. This is good because, after all, this is a Bill about libraries. Library is about reading and learning. So, ordinarily, the people heading that board should be people of high academic qualifications.

Hon. Temporary Deputy Speaker, the other interesting and important section is Section 32 of the proposed Bill. This Section has made the board to be independent in the performance of its functions. Having been given independence, if they fail, they will not be saying that there is interference because the Bill itself has specifically stated that they will be independent and they should not be subject to any person's direction.

I have an issue with Section 38. It is a good Section because it gives the Cabinet Secretary (CS) the power to make regulations. However, I have noted that there is no time frame which has been provided. We have seen, sometimes, that we pass very good Acts of Parliament and when they are signed, they do not come into operation or even if they come into operation, they are not effective. The full benefits are not realised because the CS has slept on his duties and has failed to make regulations in a timely manner. Sometimes, you find some Acts of Parliament whose regulations have not been made for 10 or 20 years. It could have been a better way, if we were to provide that any regulations to be made under that Section be made within five or ten years so that, at least, there is a limit and the full benefits of this Bill are realised.

As I conclude, Hon. Temporary Deputy Speaker, the reading culture in Kenya, and especially currently, has really gone down. Once this Bill becomes law - and I believe that we will pass it as Members of this House and the Senate will concur - it may be important that we have a library in each sub-county. Why do I say so? I say so because it is true that you can read from the comfort of your phone or house, but when you are assembled together in a place where you can exchange knowledge, in a place where you can find other people reading and enjoying books, you will also get motivated.

You also know where you can always get the materials you require. Much as we have some small libraries upcountry, and mostly in our primary and secondary schools, you will find that what is stocked there is only text books that are meant for either primary or secondary schools. We do not have a library which stocks all kinds of materials for the community to research, read and advance their knowledge.

I believe that once the Bill is passed, this august House will move with speed. When it comes to the issue of the budget, we will rise to the occasion and provide the necessary money for the board because without money, the Service will not go far. Most importantly, the Bill has recognised that the main source of funding would be the money appropriated by the National Assembly.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

At the outset, I support the Bill. Even as I support it, I noted that you are challenging my good friend, Hon. K.J, on whether he is still a comedian now that he referred to Redykyulass. He is still a comedian if he thinks that the hustler nation can take the country anywhere. He is true to form.

Having said that, with regard to the Bill, I agree with the Members that, as a country, we still need libraries and we must promote a reading culture. In my constituency, I have started something called “Drop Everything and Read” or D.E.A.R Suba North to encourage a reading culture especially amongst girls, given that Homa Bay County is leading in early marriages. Earlier today, as the Kenya Chapter of Parliamentarians for Global Action, we met together with “Girls Not Brides”. We want to ensure that we push this agenda to enforce a reading culture.

At one point, even before I came to Parliament, I visited my constituency with my mother. The young girls were shocked that at her age, my mother was able to address them in very good English and Kiswahili. As we progress, you see the reverse happening. You would expect the younger generation to be doing much better. Instead, we are doing much worse. One of the hallmarks of the Luo nation was that if you gave them a microphone, they would address you in very good English. They still do, but if you connect the dots, the English is sometimes impressive but you are left with queries. There are many people, especially among the younger generation, who will not address you. Not that English is a measure of intelligence, but it is a medium of instruction. It shows that most of us have fallen by the wayside.

I had brought it as a Motion in the previous Parliament, but I will bring it as an amendment to the Education Act that our medium of instruction must be the same in the whole country. You cannot expect to have one medium of instruction for a child in Turkana and another one in English for a child in Nairobi and they sit for the national exams in the same language. You also do not expect our children to have a reading culture when you teach them different languages at lower levels, but the books that you will introduce them to, including the ones the Members have so elaborately stated, are not written in mother tongue. They are written in English and at the worst, in Swahili. We must also equalise education in order for us to further this culture.

I will be proposing several amendments to the Bill. If you look at the definitions, for instance, the way we define the word “book”, even though we are alluding to the fact that we are trying to digitise, the definition of the word “book” has no inference to the word “digitisation”. So, we need to add that. The definition of the word “member” is confusing because “member” refers to the member of the board. But in the body of the Bill, the word “member” refers to a member of the library. That is confusing and so; we need to look into that.

The other issue is that we are talking about the national library within the Bill, but also defining the national library service as something different from the national library. We are also confusing terms there. We need to look at the definitions and include the definition of the term “national library” in addition to the term “national library services”. Also, the definition of the term “national library service” itself is a bit confusing. I will be proposing a better definition.

Again, when referring to the term “newspaper”, I know in the normal parlance we were brought up with, we referred to them as newspapers. That is because they were papers. However,

in this day and time, should we still refer to the digitised paper as a newspaper? Maybe, there should be a terminology for it. If the other countries have not, maybe, we need to go ahead of them.

Also, if you look at the objective of this Bill, it is very limiting. It does not include what all the Members are talking about, which is to encourage a reading culture. It is very limiting in terms of the things that we need to provide this Bill for. I will be proposing further amendments in relation to that.

In Clause 5 (c), I will be seeking the inclusion of the Industrial Property Act so that we can also protect intellectual property rights.

In Clause 5 (f), part of the functions of the Kenya National Library Services would be to establish and maintain a national agency. Why do we allow them to go out and establish an agency? Why can it not be established by this law? I will be proposing an amendment so that we also establish an agency through this law.

I had proposed the inclusion of the Office of the Attorney-General earlier on in Clause 6, but I have seen that they are proposing a lawyer. I could live with that because of the legal issues that would come up.

Because of lack of time, I may not say everything. I am very happy about the provisions that I have seen in the annexure, especially on the code of conduct for members of the board and employees of the Kenya National Library Services, specifically on the issue of sexual harassment. Many institutions are not bold enough to talk about issues of sexual harassment. Sometimes, a student goes to sit in a library and is very busy. Somebody comes there and starts rubbing themselves against a student whose only business is to study. That is not a very good thing.

The issue of integrity in private affairs is a good thing, but in tandem with the Constitution. Perhaps, we should add to Clause 8 (f) stating that one should not be violent in public or private, so that it is not just about evading taxes or neglecting financial obligations. But that one cannot qualify if they are violent both in public and in private. Even though in the Second Schedule we are making reference to the Public Officers Ethics Act, because we are also referring to sexual harassment, maybe, we also need to make a reference to the Sexual Offences Act.

Otherwise, the Bill is timely. We need to progress with a changing and moving world.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to voice my support for this Bill. I want to thank those in Government who helped in coming up with this Bill. It will do away with the Act that has been in operation since 1967. This reminds us, as Members of Parliament, that there is a lot that still needs to be done for us to implement the Constitution 2010 in any manner or shape. This is just one of the examples that, 20 years later, there is still an Act of Parliament that is not in tandem with the Constitution 2010.

As a Committee, we are aware of very many such pieces of legislation that still exist, and which have provisions that do not help because of what we passed or gave ourselves as a country - the Constitution of Kenya 2010. I will never stop asking the leadership of this Parliament to think hard on the role of ensuring that the Constitution of Kenya 2010 is implemented. When we passed the laws or Acts that were provided for under the Schedule, we took a back seat. Those are the laws that we needed to pass within three, four, five or 10 years. There is a role that we need to continue playing. This will only be possible if we pay attention to the function of Kenya Law Reform Commission which is starved of staff today. The Attorney-General's Office is also in need

of people who can help in drafting laws and other responsibilities that will help us implement the Constitution of Kenya 2010.

Future Parliaments need to pay better attention and support the Constitutional Implementation Oversight Committee (CIOC). This has not happened this time round. It was better than last Parliament. However, there is still room to improve it. I say that because we have one year down the line. I do not think that there is much that we, as a Committee, can do. But we will continue airing its importance. I have gone through the Bill, which is good. There are many things that have been mentioned by my colleagues, including what Hon. Millie Odhiambo has just said. This is in response to Article 11 (2) of the Constitution. It will be important for the established Library Service Board to make an approach to the National Government-Constituencies Development Fund (NG-CDF), so that it can be within their programme to help in putting up those libraries in the constituencies. NG-CDF is one of the agencies that can help to move such noble objectives quickly.

I know that we have mentioned a couple of things, including the fact that it is important to have a library in our current day where we have a lot of untruths. There are people who blatantly tell things that are not true. They allude to issues that do not exist. Since it is written down on the social media, it is read by some people as if there is some truth in it. A library will help to set the record straight because it will be a place where you will have the history. More importantly, it will even have the truth about what happened when we were not there. I can mention to my good friend, the Member for Dagoretti South, that if he goes through the history of our library in Parliament, he will certainly find something that we did during the 10<sup>th</sup> Parliament that relates to the hustler talk. It explains the dangers and difficulties that can befall a country, if you do not address what was documented by the 10<sup>th</sup> Parliament. These are things that we have to be careful about. They are there for us to read in our parliamentary library.

I have mentioned that libraries will help connect communities. It is within the libraries that you will find documented evidence or records of what communities stand for. As we speak today, we have a lot of mistrust and misconceptions of one community towards another in this country. I believe, if we pay some attention to some history, we will be able to know why a given community may be behaving in a manner that might be annoying you.

Something about the Kikuyu culture that I find very interesting is where people who lived before many of us were born decided that they did not need to document the cultural practices and what needed to be done. That was not done. This was to be passed on by way of seeing, hearing and being present. Along the way, for some reason, a lot of those practices have been forgotten or lost. That is one of the reasons that we may find some inconsistencies in the manner of behaviour where I come from. But with a library, that will be documented for everybody to read and see.

Hon. Temporary Deputy Speaker, even as I go through the Bill, I want to echo the sentiments of many who have mentioned that we need our Parliamentary library near us so that we do not struggle to find it. Honestly, I cannot tell you where it is located. I have learned today that it is somewhere at the Continental Building. Before, it was just outside here. You could see it as you walked in and walked out. It is important that, that is done.

It is good that we are saying that the National Library Service shall establish and maintain virtual library services and village libraries. I see we are talking of regional and county levels. I would rather talk about regional, county and constituency levels. It is at the constituency level that you are getting nearer to the people. The counties are still far from where people can freely and without a cost access the library service. I would ask that, perhaps, we introduce an amendment to ensure that this is taken to the constituency level.



The composition of the board again as provided for under Section 6, I want to agree with others that the secretaries are useful because they help in implementing the decisions that have been passed by the boards. However, there is need for Kenyans with a passion of this kind of work to be incorporated in the libraries so that they can become the engine and drivers. Principal Secretaries (PSs) are certainly very busy with the responsibilities that they have in the Ministries. Giving them this kind of responsibility may have the National Library services being put at the back seat because it might not rank that high given our culture and where we are.

Section 8 talks of those who are qualified for appointments. It says-

‘A person shall not be qualified for appointment as the chairperson or a member if the person is a member of a governing body of a political party.’

I wonder what crime you would have committed being a leader of a political party or being in the governing body of a political party. This criminalising what people do every day is not useful. It also says that if you are a member of parliament or a member of a county assembly you cannot be a member of the board. Why? We need to do an amendment on that too.

As I conclude, one, we need to pay attention to the architectural designs of the libraries. They are repulsive. The architects need to work harder on those structures. They look like if you walk in, you are likely to walk out cold or something of that nature.

There are universities in this country that are purely using photocopied material to learn. You wonder, when you allow that to happen to your students, what does it portend for this country?

*(Hon. Jeremiah Kioni's microphone went off)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): One minute, Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): That is the most dangerous thing to do. When you have a private university and all it does is photocopy text books and not want to spend money to buy books that needs to be discouraged. I believe that once this board is in place, it will address itself to such things.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. David Ouma Ochieng’.

**Hon. David Ochieng’** (Ugenya, MDG): Thank you very much, Hon. Temporary Deputy Speaker. I also want to lend my voice to support this very important Bill, especially coming at a time when we are more than 10 years after the Constitution came into being.

When I was growing up, we used to look forward to 18<sup>th</sup> of every month because the Kenya Film Service would bring films to the district headquarters of the country. Many people did not have television sets that time and we did not have one. This used to be a one-time experience if you could make it. You would find dirty and bare feet children sitting down waiting for those people. If it would start at 6.00 O’clock, we would go there by 4.00 O’clock from school without going home for supper. That was the only source of information about television and anything related to film. It was so good. That is not there anymore. We assume that people in the villages have television sets and because of phones, people have access to information. That is not true. That is why today, if you look at the kind of research that is being produced at universities, the level of plagiarism has gone high up because people do not want to read and when they want to, they cannot find books. The libraries that we have, if you visited one... There is one in Ukwala in my constituency that is a sub-branch of the National Library Services. The books there are of 1948.

The last time they updated the library in terms of structures was in 1987. So, this Bill, in so far as it will invigorate and rejuvenate the working of the library service in this country, is welcome.

This is one area that is under-funded and under-resourced. We hope that by passing this Bill - because after passing it we will be having a new budget being done in the coming month - this Parliament can vote enough resources for that service. We talk about many things like roads, airports and railways but the one most important social infrastructure in any country is a library. Older people in their 60s and 70s know how to read and write. So, instead of looking for homes for old people, we could have libraries where they can go and come up with ideas and share experiences. They will feel welcome in a community. It is Bradbury who said, if you do not have libraries, what do we have? No future! No past! We hope when this vote is finally rejuvenated, they will lend themselves to what now appears in Clause 5. It is a long list. I heard Hon. Millie Odhiambo adding a couple of things there. I will also add some including, for example, working with county governments on community libraries. That is because, at the end of the day, we do not want to have a service with only one running library. We want to encourage community libraries that are run by individuals in communities, help them develop, teach them how to run them and let individuals like us in this House, who are privileged and who are able to contribute books, systems and infrastructure, run those libraries. The best suited institution to run or help establish those county libraries is the county governments. I hope that the board that is going to be set up in this infrastructure will help do that.

Most libraries in Kenya today that were built from Independence are in ruins and disuse. So, they will need a lot of resources to renovate, retool and be able to make them a place that can be used. We hope using Clause 5, this new library system, with monies that this Parliament must vote to them without us being told it is not essential, must ensure that they have resources that would enable them implement this particular provision.

I have an issue. I have heard Members say that Clause 6 looks good, but it is so top-heavy with Government officials. If you look at it, it is talking about the Principal Secretaries in charge of libraries, finance, education, devolution, information and telecommunication. I advise such boards that the biggest mistake we have made in running boards in this country is making them top-heavy with Government bureaucrats. If we are going to have 11 members and six or five of them are from the Government – and most of the PSs are not appointed because of superior experience in the area most of the time – we will turn the National Library Service Board into a bureaucracy and not a functioning board. I hope this House will agree that we reduce the number of PSs to only two in that board and the rest of the membership can come from amongst the people who understand how libraries are run and who also fit within the framework of what we are proposing as the role of the National Library Service in Clause 5.

Hon. Temporary Deputy Speaker, I have heard people talk about culture, folklore and heritage. It is a mistake if you make the appointment to this board limited. You limit it in Clause 7 (2) that even members, leave alone the chair must hold degrees. There is a gentleman from Rusinga who used to run Osianala. Hon. Millie, I do not know whether he is alive today. That guy has so much information about the Luo culture and the way Luo systems run and were run. He probably did not have a degree, but he would be more useful to that board than a PS or a PSs' nominee. So, let us not limit the qualification for appointment to a university degree. I would not mind the chairperson having a degree but, for the other members, as long as one has experience in a certain area, lack of a university degree should not deny one a chance to sit in the board. I can tell you for free that training in library services is not something that Kenya has been doing so much. So, you are going to find so many people with a lot of experience in library services and

would help this system, but have no degrees. You are now locking them out because you are saying that the board members must have university degrees. Therefore, I will move an amendment to remove the university degree requirement for board members so that we get board members from elsewhere, and not necessarily those who have degrees.

A healthy nation is a nation that reads. It is a nation that writes. It is a nation that does research. I do not know whether you have checked but, for the last years I have been in this House, I have observed that the budgetary allocations that we have approved for libraries and universities are laughable. In fact, there are years when we do not give universities any money for research. We do not give them any money for running libraries. So, they have to scamper for resources. They have to decide whether they are going to pay salaries for non-teaching staff or teaching staff or run a library. The university I went to, Moi University is lucky because a donor built a library for them. It is called the Margaret Thatcher Library. It is a big facility but if you go there, it is almost empty because the university cannot afford to resource it due to lack of funds. If we are going to make this work, we must put our money where our mouths are.

Great libraries build great communities. I heard Hon. Millie Odhiambo say it and I want to just add my voice to it. That, among the Luo community, there was something called *Siwindhe*. *Siwindhe* was the kind of thing that probably you run in your counties where young girls are taken through the processes of initiation as they move into adulthood. The same happens for boys. Those cultural practices have died. Young parents like us are left to our own devices. You do not know how to talk to your children about puberty and adulthood. No wonder the level of drug intake among young people in this country is terribly high. I can tell you that drug abuse in this country is not just a poor man's problem. The biggest challenge for many rich people that I know, most people who are able that I know, is how to keep their children out of drugs. It is because they did not get a chance to talk to them early. There was no way of nurturing those young people into the next stage. So, I would imagine that having library services working well could also help us bring back some of those ways that were used by the primordial cultures to make those kinds of things work. Now it does not happen because everyone goes to *Google*. You want to teach your children about puberty and you run to *Google*. *Google* does not talk; you can only read. So, even as we laud these processes, I really want to propose that, as Members, we ensure that the services set up are accessible in all locations. Like someone said, let us, at least, have them in every sub-county.

Finally, as leaders, let us also have a culture of reading. I am happy for these sittings nowadays because, sometimes, you could prepare by doing research to come and talk in this House, and you are given only three minutes. Members must be encouraged to research and go to the library. I am surprised Hon. Kioni has been in this Parliament for a while and he says he does not know where the library is. That tells you that we are not encouraging the culture of reading as a House. The House Business Committee should also encourage Members to read, so that we are able to always historically apprise ourselves with what is happening in the country.

With those many comments, I want to applaud the Leader of the Majority Party and hope that this Bill can be fast-tracked and passed.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Hon. Wanjiku Waruguru.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I applaud the Leader of the Majority Party for being candid to bring this Bill, the Kenya National Library Service Bill (National Assembly Bill No. 5 of 2020), to the Floor of the House. This Bill is long overdue. We need to have a conversation on how we treat the Kenya National Library and the services that they are offering to the majority of us. Let

me acknowledge that in Laikipia, I have a number of adults who would wish to go back to school and do adult learning. Most of the times, we experience challenges because it does not look tidy when somebody does not know how to hold a pen, to read and write. The only area they can get an opportunity to train and access those kinds of services is in a library. If you look at our sub-counties, they cannot afford to have fully stocked libraries. In arid and semi-arid areas, there are no libraries at all. Those areas that have library centers are not fully stocked with books. They do not have enough support services and they do not have enough funding. Most of the times, you will realise that they are always the least funded when discussing disbursement of resources in the Ministry of Education's budget. Therefore, for this reason, this exposes our ugly culture as a country where most of us do not like reading. The only things that you will find in majority of our library shelves are old newspapers and magazines.

In this age, we are talking about e-books, e-learning, long-distance learning and *Google*. In the fast-world we are living in, you will realise that there are materials and books that you cannot find on *Google* or buy them as e-books. For that reason – because of our culture and where we are coming from as a country – there is a need to dig deep into this. As a legislator, I may borrow from it. Most of us do not understand where we have come from as an Assembly and as a country for us to enjoy the freedoms we are enjoying today. There was a time when any young person below the age of 35 could not be allowed to be a legislator in the National Assembly. Today, we are enjoying that because there was a history that was laboured for and people shed their blood. This is history that we need as part of our growth as we move from one generation to another.

When you check tourists when they visit this county, is there anything that holds and binds them? When you come into counties like Laikipia and Nairobi and you want to understand what you can experience and find in them, you will realise that, as a country, we are heavily reliant on *Google*. *Google* is not one of our patented products. We rely on western culture first and businesspeople like *Google*, *Facebook* and *Twitter* who have a way of manipulating the content that we access. I agree with the Government, the Leader of the Majority Party and majority of the stakeholders in the education sector that it is time we passed this Bill and bring it to a level that it will relate with majority of our generations that are trying to comprehend where they came from.

Finally, allow me to comment off-the-cuff.

If you look at our media houses today, I personally love watching '*Mirathi ya Siasa*'. Hon. K.J. is reminding me that today we should speak in Kiswahili but now that you have set precedent that we can speak English, I want to continue in English. I personally love watching the '*Mirathi ya Siasa*' documentary on KTN, which is the only exciting thing if you are not in the mood of reading. It consists of political documentaries prepared by one Paul Nabiswa. That shows there is a big gap. Even in respect to this Parliament, if you want to dig into the archives and find out what Hon. Raila Odinga, Hon. William Ruto and Hon. Uhuru Kenyatta said in this House concerning a particular matter when they were legislators, you go to *YouTube* and the archives are not there. If they are not in books or stored in soft copies, where are the archives? If we cannot nurture and be in a position to embrace yesterday, it only means we are not ready for tomorrow.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Well said. Let us have the Member for Kitui West, Hon. Nyenze.

**Hon. (Ms.) Edith Nyenze** (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to thank the Leader of the Majority Party for bringing this Bill. It is long overdue. If KNLS was established in 1967 and we are in 2021, the Bill is actually long overdue. Today, we live in a world of instant communication through access to the internet.

In a way, this can dilute information. That is why we need library services to give guidance, especially to scholars, on the kind of available information.

A research was done sometimes back and it showed that most of those who leave Form Four do not get employed. They become housewives and *shamba* boys. The research showed that with time, they become illiterate although they went through education. Therefore, a reading culture is very important. This Bill is very important as it will provide room for innovation. Initially, people would just go to the physical libraries, sit there and read and conduct research. Now you can access information online. That online information should be guided by the same libraries. They should guide access to information through e-books, e-journals and databases. This can assist in studies by giving the right information. The Library Service should take modern approaches to provide access to information in a manner that leverages both physical and digital information. In doing so, they will ensure that our reading culture is guided in the right way.

I support what some of my colleagues have said. Community libraries are very important. I would suggest that we have libraries, if possible, in each constituency. We can even use NG-CDF resources because the Library Service gets little allocation of our budget. If that budget can be channeled through the NG-CDF and then we ensure that we have a library in each constituency, then this would be taking libraries closer to the communities. This would really ensure that the reading culture is improved.

There is also need to equalise education. In the libraries, you will find books which are not adequate for the physically challenged, especially the blind. The information available is not adequate for the deaf. The Kenya National Examinations Council gives the same exams it gives to others to the physically challenged. This should be taken up to ensure that education is equal for all Kenyans.

I went to a certain school and found that the blind and the deaf are exposed to the same exams as others and yet, the tools are not adequate for them. So, in coming up with the National Library Services, it will cater for those who are physically challenged by ensuring that they have the right kind of material in the libraries. With that, I support the Bill which is actually timely.

Thank you.

**The Temporary Deputy Speaker** (Hon (Ms.) Soipan Tuya): Hon. Chachu, kindly have the Floor.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Kenya National Library Service (National Bill No. 5 of 2020).

This Bill will enable us do many things. Among others, it will enable us to develop our literature, promote financing of cultural celebrations, promote our culture and traditions, finance research at many levels and also enable us to create a community of readers spending their time productively.

I was privileged to live in the western world for many years. They have book clubs. That is where people form clubs, come together once or twice a week to read books and through that, they enrich each other with knowledge. They enlighten each other and even grow in knowledge and wisdom.

A reading culture is critical for enrichment, enlightenment and for growth of knowledge as earlier said. This Bill will provide opportunities for scholars, students, researchers and senior members of our society. Senior members actually volunteer their time in those libraries and, sometimes, they even spend time in those libraries to actually do their memoirs or even write articles. In doing so, they contribute to the growth of literature in their communities.

It is critical for our Parliament to allocate resources so that we can realise those objectives in our Constitution, which has enabled us to come up with this Bill. There is no point for us to pass a Bill here and we do not resource it well together with the institutions that we are creating so that we can fully realise the objectives of those institutions.

It is very important that once we establish those libraries, especially at national level, to really invest in translation software. It is critical that we are able to benefit from the wisdom of the writers who are from francophone countries or Lusophone countries. Francophone are those who write in French. It really enabled us to have insight from across the world.

The Library Service is a shared function between the two arms of Government –National and county level. I really hope that both levels of Government will finance this service so that Kenyans, whether in the national capital cities or in the counties, are going to benefit from the library services in their country.

I just want to share an experience as to why a reading culture can be useful. In the 10<sup>th</sup> Parliament, I travelled as part of a Kenyan delegation to the United Nations General Assembly. Among the delegation was the late John Michuki. I was a young parliamentarian in the 10<sup>th</sup> Parliament and this was a senior member of Government and Parliament with whom I did not have much to share with. However, in the course of our trip - two trips to New York - I came to realise that we were reading the same book by a scholar called Dan Brown. He wrote many books. *The Da Vinci Code* is the one that is well known. Lately, he wrote a book on hell. *The Da Vinci Code* is one. *The Lost Symbol* is the other one and *Inferno* is the latest, which is about hell and heaven or the concept of that.

Since we had read from the same author and we were avid readers of his books - and they are many especially *The Da Vinci Code* - which was critical about Catholicism, and in addition we are both Catholics and it really made fun of Jesus that he was married to Mary Magdalene and that he actually left the church in her hand, it was an icebreaker for both of us. I got to know him very well. This Bill will create an opportunity for our scholars. Many other people would like to invest in this field.

I really want to appreciate people like the former Prime Minister, Hon. Raila Odinga. Through his Memoirs, *An Enigma in Kenyan Politics*, which is an autobiography about him written by a Nigerian writer - and even *Flame of Freedom* - I was able to get so much insight about Kenyan politics especially at Independence and even during Mzee Jomo Kenyatta's era. This is important and it enables us to get insights about this country. Once we know our history for sure, we will also be well guided to where we are going.

It is important that when we set up those libraries, we make them real libraries of our times. This is because we have to invest in digital libraries or what we call e-library. We must invest in modern library infrastructure and technologies so that we can get information from across the world on a 24-hour basis. This is because when people are sleeping in this part of the world, others are awake because of the time difference and our students and researchers are able to benefit. Therefore, I really hope that once those stations are enhanced or set up, they will conform to how libraries are run, managed and resourced across the world.

With those few remarks, I support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Abdisalan, two minutes.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. I also support this Bill. At the outset, I want to say that, as a county, we have poor reading habits. As parents, we have a poor reading culture. I am saying this because we act as role models

for our children and if we go home and we rarely read any of the information material, then definitely the child will not also read. If the child does not read, then definitely you expect poor performance in school, indiscipline cases and all that. That said, we also have a very wrong perception where we read to pass exams, which is not really the case. Kenyans have the tendency of depending on word of mouth instead of reading to access accurate information. They have the tendency of depending on word of mouth to get information. That way, there is a lot of misconception and, of course, dissemination of inaccurate information.

That is what is happening in the Building Bridges Initiative (BBI) today. If everybody would read the document, read well and make an informed decision, then this aspect of misconception, campaigning and moving up and down would have drastically reduced. I want to say that, as a country, we must take drastic steps to improve the reading culture because a reading nation is a healthy nation. A reading nation is an informed nation. A reading nation is an empowered nation. That way, we will improve the livelihood of our population. If we have a reading nation, then we will definitely have drastic reduction of crimes in this country. We should not only depend on the static library, but we must make drastic efforts of taking information to the doorsteps of the community.

I am aware that, as we speak, the Kenya National Library Service is doing its best to take something like traveling libraries, for example, using buses. They have also come up with innovative measures in northern Kenya where they are even trying to take information using camels - the camel library - to those who cannot access the static library. Moreover, they have what they call the book service where information materials are lent to the readers for a specific period but, we must come up with other innovative measures of delivering information to Kenyans without even moving...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Abdisalan. Order! I am just trying to help you. Your two minutes are over for this particular time. You still have a balance of eight minutes. Therefore, kindly look out in the Order Paper when the Bill comes back for second reading, and then you can claim your eight minutes. You can organise your thoughts and then come up again. That applies to the other Members who were eager to contribute because this is a debate that has elicited a lot of interest. Therefore, we will have more time to continue.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, the time now being 6.31 p.m., this House stands adjourned until today Thursday, 18<sup>th</sup> February 2021 at 7.00 p.m.

The House rose at 6.31 p.m.