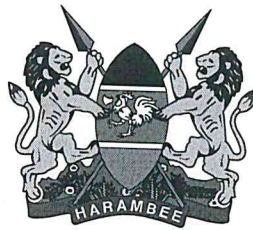


REPUBLIC OF KENYA




Approved
SNA
25/7/24

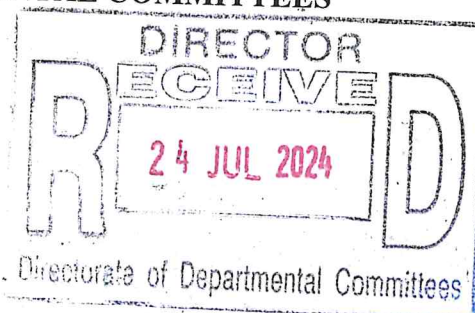
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – THIRD SESSION

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

REPORT ON:-
THE CONSIDERATION OF THE KENYA NATIONAL LIBRARY SERVICE BILL
(NATIONAL ASSEMBLY BILL NO. 20 OF 2023).

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 25 JUL 2024	DAY: Thursday
TABLED BY:	Hon. Carol Omondi, MP Member
CLERK AT THE TABLE:	Anne Shubuko

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI



JUNE, 2024

TABLE OF CONTENTS	3
LIST OF ABBREVIATIONS AND ACRONYMS	4
ANNEXURES	5
CHAIRPERSON'S FOREWORD	6
CHAPTER ONE	6
1.0 PREFACE	6
1.1 Establishment of the Committee	6
1.2 Mandate of the Committee	7
1.3 Committee Membership	8
1.4 Committee Secretariat	9
CHAPTER TWO	9
2.0 OVERVIEW OF KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)	9
2.1 Background	9
2.1 Global viewpoint	11
2.4 General provisions	11
2.5 Summary of Legal Provisions	133
CHAPTER THREE	133
3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL	133
3.1 Legal Framework on Participation	133
3.2 Memoranda Received on Bill	133
3.2.1 Kenya National Library Service	199
3.2.2 Council of Governors (CoG)	20
3.2.3 Kenya Library Association	266
CHAPTER FOUR	266
4.0 COMMITTEE OBSERVATIONS	277
CHAPTER FIVE	277
5.0 COMMITTEE RECOMMENDATION	277

LIST OF ABBREVIATIONS AND ACRONYMS

CAF	– County Assemblies Forum
CEO	– Chief Executive Officer
KNLS	– Kenya National Library Service
CoG	– Council of Governors
CoK	– Constitution of Kenya
IGRTC	– Inter-Governmental Relations Technical Committee
IFLA	– International Federation of Library Associations

ANNEXURES

Annexure 1: Adoption Schedule

Annexure 2: Minutes

Annexure 3: Advertisement inviting the public to submit memoranda on the Bill

Annexure 4: Letter inviting stakeholders for meetings with the Committee

Annexure 5: Memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

The proposed amendments to the Kenya National Library Service Bill (National Assembly Bill No. 20 of 2023) sponsored by Hon. Daniel Wanyama Sitati, MP, seeks to give effect to Article 11(2)(a) of the Constitution which mandates the State to 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.

The Bill was published on Wednesday 24th May, 2023. The Bill went through the First Reading on 8th November 2023 and was thereafter committed to the Departmental Committee on Sports and Culture for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The Committee placed advertisements in the print media on 16th August 2023 seeking public views on the Bill as required by Article 118 of the Constitution of Kenya and National Assembly Standing Order 127(3). The Committee received written memoranda from three (3) stakeholders.

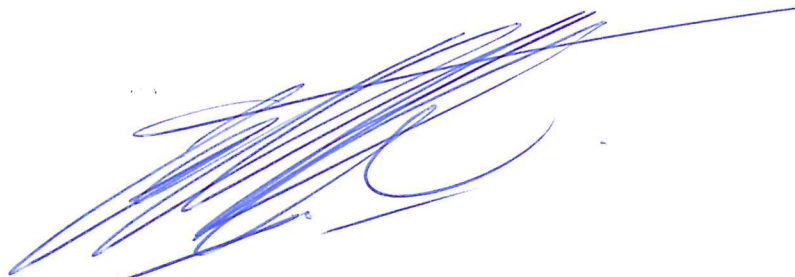
While considering the Bill, the Committee observed that there is a need to provide a legal framework for the Kenya National Library Service. It seeks to provide for the management of the Kenya National Library Service, and to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to 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.

Further, the Committee observed that the proposed amendment seeks to delineate the functions of National and County Governments to ensure each level of government performs their distinct functions.

The Committee recommends that the Bill be proceeded with, taking into account the proposed amendments.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express appreciation to the Honourable Members of the Committee and the Committee Secretariat for their resilience and commitment to duty, which made the consideration of the Bill successful. May I also on behalf of the Committee thank and appreciate the stakeholders who submitted memoranda on the Bill. Indeed, their views informed the consideration of the Bill.

On behalf of the Committee and pursuant to provisions of Standing Order 137 (1) and 199 (6), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Kenya National Library Service Bill (National Assembly Bill No. 20 of 2023)



Hon. Daniel Wanyama Sitati, M.P.
Chairperson, Departmental Committee on Sports and Culture

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Sports and Culture is one of the twenty (20) Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates pursuant to the *Standing Order 216 (5)* are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. ***To study and review all the legislation referred to it;***
 - v. *To study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider:-
 - a) Sports;
 - b) Culture;
 - c) Language;
 - d) Creative Economy including promotion of music, arts, film promotion and development;
 - e) National Heritage;
 - f) Betting and Lotteries.
3. In executing its mandate, the Committee oversees the following Ministries/Departments:
 - a) Ministry of Youth Affairs, Creative Economy and Sports; and
 - b) Ministry of Gender, Culture, the Arts & Heritage.

1.3 Committee Membership

4. The Departmental Committee on Sports and Culture was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson

Hon. Daniel Wanyama Sitati, MP
Webuye West Constituency

UDA Party

Vice-Chairperson

Hon. James Githua Wamacukuru, MP
Kabete Constituency

UDA Party

Members

Hon. Naomi Jillo Waqo, MP
Marsabit County

UDA Party

Hon. Mary Emaase Otucho, MP
Teso South Constituency

UDA Party

Hon. Stephen Mutinda Mule, MP
Matungulu Constituency

WDM-K Party

Hon. Chege Njuguna, MP
Kandara Constituency

UDA Party

Hon. Catherine Nakhabo Omanyoo, MP
Busia County

ODM Party

Hon. Paul Ekwom Nabuin, MP
Turkana North Constituency

ODM Party

Hon. BSP. (EM) Dr. Jackson Kipkemai
Kosgei, MP
Nominated

UDA Party

Hon. Samuel Gonzi Rai, MP
Kinango Constituency

PAA Party

Hon. Charles Ngusya Nguna, MP
Mwingi West Constituency

WDM –K Party

Hon. Janet Jepkemboi Sitienei, MP
Turbo Constituency

UDA Party

Hon. Richard Kipkemai Yegon, MP
Bomet East Constituency

UDA Party

Hon. Caroli Omondi, MP
Suba South Constituency

ODM Party

Hon. Robert Ngui Basil, MP
Yatta Constituency

WDM-K Party

1.4 Committee Secretariat

5. The Committee's secretariat comprises of the following officers:

Mr. Adan Gindicha
Principal Clerk Assistant II/Head of Secretariat

Ms Mary Kinyunye
Clerk Assistant III

Ms. Christine Odhiambo
Senior Legal Counsel

Mr. Moses Omoit
Audio Officer III

Mr. Said Babo Wako
Serjeant-At-Arms

Mr. V.P Okech Owino
Research Officer II

Mr. Wilson Mwangi
Fiscal Analyst III

Mr. Peter Atsiaya
Media Relations Officer III

CHAPTER TWO

2.0 OVERVIEW OF KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)

2.1 Background

6. The Kenya National Library Service Bill, sponsored by the Chairperson of the Departmental Committee on Sports and Culture, the Hon. Daniel Wanyama Sitati, MP, was published on Wednesday 24th May, 2023. The Bill was read a First Time on Wednesday 9th August 2023. Thereafter, the Bill was committed to the Departmental Committee on Sports and Culture for public participation.

2.1 Global viewpoint

7. As a global standard, the majority of countries have national libraries. The general assumption is that each country should have one. Unfortunately, many national libraries face challenges in performing the national functions which are their reason for existence. This is due to a variety of factors, chief among them; lack of funds and effective powers.
8. a) **Relationship with The State:** The first concern is to clarify the aims and functions of the national library vis-a-vis the state. A national library is too important an organ for its aims, functions and survival to be dependent on mere administrative decisions. It should be established by the legislature. If this is done, the legislature can hold the management of the national library accountable for the manner in which it pursues its enacted aim and carries out its statutory functions, while the management of the national library has a firm basis on which it can approach the legislature for the funding it needs to carry out its functions.
9. b) **Authority:** The second concern is to provide a basis for the national library's relationships with other libraries and institutions. To carry out key national functions which entail, for example, cooperation with other institutions, initiating and coordinating national library and information programmes, encouraging standardization, and carrying out national and international liaison tasks, the national library needs statutory recognition which gives it the necessary authority.
10. c) **Autonomy:** The third concern is to gain a greater degree of autonomy for the national library, with particular emphasis on the competence of its management to determine priorities and to allocate resources in a flexible way in response to changes taking place in the library's environment (Lor 1987).

11. **Countries that have National Libraries established by law include the following:**

- i. **Iceland**, National and University Library of Iceland (Landsbókasafn Íslands Háskólabókasafn)
- ii. **India**, National Library of India
- iii. **Indonesia**, National Library of Indonesia (Perpustakaan Nasional Republik Indonesia)
- iv. **Iran**, National Library of Iran (Ketabkhane-ye Melli-ye Iran)
- v. **USA**, The National Library of Congress (Est. 24TH APRIL, 1800)
- vi. **Belgium**, Royal Library of Belgium (Koninklijke Bibliotheek van België = Bibliothèque royale de Belgique)
- vii. **Other countries include:** Algeria, Angola, Burkina Faso, The Gambia, Lesotho, Colombia, Denmark, Germany, United Kingdom, Sao Tome and Principe, Malaysia and Philippines.

12. **NB:** USA's Library of Congress (LOC) is a research library that serves as the library and research service of the U.S. Congress and the *de facto* national library of the United States. It is the United States' oldest federal cultural institution. It is the largest library in the world. Its collection was growing at a rate of about two million items per year; it reached more than 170 million items in 2020.

13. Many national librarians believe that this situation can be remedied, at least in part, by appropriate legislation. Three underlying concerns are reflected in the various arguments that have been advanced for national library legislation.

14. Not all National Libraries are established by law. They are however, by their operations and functions, taken to be National libraries. They include the following: **Sri Lanka, Bulgaria, Mexico, Argentina, Ghana and Italy.**

15. The principal object of this Bill is to give effect to **Article 11(2)(a)** of the Constitution which mandates the State to 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.¹

16. No amount of legislation can make up for a lack of the political will to adequately support and empower a country's national library. However, a sound legislative framework for a country's national library, which gives expression to the legislators' commitment to the institution, would

appear to be a prerequisite for the allocation of the resources and powers such an institution needs to carry out national functions in efficient and effective ways.

17. KNLS should conduct periodic information needs assessments in order to tailor their services for their clients. There is a lot of competition from the virtual / online platforms.

18. KNLS to afford the Committee their latest STRATEGIC PLAN that was set to start in 2022. The previous one covered 2017 – 2022.

2.4 General provisions

19. **Independence of the Kenya National Library Service-** the Service shall not be subject to the direction and control of any person or institution.

20. **Agreements for the management of public libraries-** the Service may enter into a written agreement with a county government on the management of a public library within that county.

21. The Bill provides that the following actions shall be deemed as offences:

- i. False declaration of certificate of registration;
- ii. False procurement of registration;
- iii. Stealing or destruction of library material;
- iv. Obstruction of a member of staff of the Service from the performance of their duties;
- v. Submission of false or misleading information;
- vi. Making of false representation.

22. The penalty for the offences is a fine not exceeding one hundred thousand shillings, or imprisonment for a term not exceeding twelve months, or both.

23. The Bill repeals The Kenya National Library Service Board Act, Cap. 225.

24. Transitional provisions-

- i. All rights, duties, obligations, assets and liabilities of the former Board shall be transferred to the new Board;
- ii. The Chairperson and members of the former Board shall continue in office for the unexpired period of their terms;
- iii. Employees of the former Board shall be deemed to be employees of the new Service.

2.5 Summary of Legal Provisions

The Constitution of Kenya, 2010

Article 11(2)(a) mandates the State to 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.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Participation

25. Article 118 (1)(b) of the Constitution provides that:

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

26. The National Assembly Standing Orders, 127 (3) and (3A) stipulate that:

*“(3) The Departmental Committee to which a Bill is committed shall **facilitate public participation on the Bill** through an appropriate mechanism including-*

*(a) **inviting submission of memoranda;***

*(b) **holding public hearings;***

*(c) **consulting relevant stakeholders in a sector; and***

*(d) **consulting experts on technical subjects.***

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 Memoranda Received on Bill

27. To this end, the Departmental Committee on Sports and Culture received memoranda from the Kenya National Library Service (KNLS), Council of Governors and Kenya Library Association. The memoranda are annexed to this report as *Annexure 5*.

28. The stakeholders submitted as follows:

3.2.1 Kenya National Library Service

The KNLS officials met with the Committee on **14th October, 2023** and briefed the Committee on the policy that informed the development of the Bill.

29. The CEO, Dr. Charles Nzivo submitted that:

1. The Kenya National Library Service (KNLS) is a corporate body governed by the **KNLS Board Act 225 of 1965**. It had established **64 branch libraries in 33 counties**. These libraries

safeguard a country's cultural heritage, collect, preserve, and make history available to citizens. They develop standards, guidelines, and best practices for service provision.

2. The Kenya National Library Service (KNLS) is responsible for managing both the National Library of Kenya and the Public Library System.
3. However, the Constitution of Kenya 2010 positions public libraries as a devolved function. The Public Library function was a devolved function as outlined under Part 2 of Schedule 4 (f) and further outlined in **Articles 185 (2), 186 (1), 187 (2)** of the Constitution of Kenya. This was further elaborated in the Legal Notice No.142 of 19th August 2019 on the delineation of Library Functions to the County Governments.
4. The Kenya National Library Service Bill 2023 aims to redefine the National Library of Kenya and position it as a key driver of preserving national documentary heritage.
5. The KNLS Bill 2023 aims to **repeal the 1965 KNLS Board Act**, addressing technological advancements and the need for KNLS changes in the new constitution.
6. Under Section 225 KNLS has a dual mandate to promote, construct, equip, manage, maintain, and develop libraries in Kenya as a National Library Service. It serves as both a public and a national library.
7. The KNLS prepared a Bill to amend Cap 225 of the Laws of Kenya to clearly distinguish and separate the National Library function from the Public Library function.
8. The libraries were to be left under the National Government and were then referred to as the National Library of Kenya at the Maktaba Kuu Complex in Nairobi Upper Hill with branches in Buruburu and Nakuru.
9. The International Federation of Library Associations (**IFLA**), guides the library function and has given the distinction between the National Libraries and Public Libraries.
10. **National Libraries** work to preserve a nation's cultural heritage by collecting, preserving, and making its history accessible to people all over the world. They were created by the government to act as **the foremost information repository** for that nation, with the library's collections primarily serving reference and research needs.
11. **Public Libraries** act as **neighbourhood information hubs** with a focus on literacy, education, inclusivity, **civic engagement**, and culture. Providing unrestricted access to a wide range of information and ideas, promoting formal and informal education, encouraging reading habits, fostering empathy, inspiring creativity, ensuring access to community information, providing scientific knowledge, and supporting local communities with adequate information services are just a few of the specific tasks that can be performed.

12. The Constitution of Kenya, **Article 11(2)(a)** mandates the state to promote all forms of national expression through literature, the arts, traditional celebrations, science, communication, information, mass media publications, libraries and other cultural heritage.
13. The Constitution endeavours to devolve the functions of the public libraries to county level; The Public Library Function; The Constitution designates its function to the County government in order to extensively reach the end users.
14. Consequently, the 4th schedule, Part 2, of 4(0) appropriately situates Public Library Services under County Governments-article 185 4(b)The National Library Function; whereas the Public library Functions are adequately devolved to County Government the National Library Function which is a division within CAP 225 is undesignated.
15. In as much as the Constitution is silent on its functions in the new dispensation, **Article 186(3)** provides that, where an existing function is undesignated, it shall fall under the National Government in the Legal Notice no.142 of August 2019.
16. The chronological event of the **transfer of the public library function** to the 33 County Government were as follows:
 - i. **In 2013**, following recommendations by the Task Force on Parastatal Reforms that the National and County Governments hold consultations to determine the future of KNLS by June 2014, a committee was established to facilitate, oversee, and monitor the implementation of this recommendation as covered under **Article 189 (2)**.
 - ii. The Transitional Authority tasked KNLS to unbundle her functions. While unbundling the functions as stipulated in CAP 225, KNLS justification for retaining Buru Buru and Nakuru Libraries was because; Nakuru was the off-site conservation and preservation site for the National Library while Buruburu served as the host for KNLS back-up servers for various systems for automated services.
 - iii. KNLS also proposed to establish additional satellite centres of the National Library so as to bring the National Library Services closer to the people.
 - iv. **On 28th October 2015**, KNLS vide a letter Ref. TA/2/2/VOL.7 (39) dated 16th October 2015, submitted a report of the unbundled functions and financial information of KNLS in response to a request by the then Ministry of Sports, Culture and the Arts concerning all the unbundled functions and financial information of all the State Corporations under the Ministry.
 - v. **On 10th November 2015**, KNLS was invited by the then Transition Authority vide a letter Ref. TA/2/2/VOL.VII (54) to participate in a three-day retreat from 17th to 20th November 2015, to review and compile a draft report of the unbundled functions and financial

information of the State Corporations under the then Ministry of Sports, Culture and the Arts.

- vi. **In June 2018**, during the 6th Ordinary Summit, a sub-committee on the implementation of the capacity assessment and rationalization of public service (CARPS) was formed to review reports presented before the summit. The sub-committee reviewed the status of the transfer of functions as provided for in the context of the 4th Schedule and articles 185 (2), 186 (1), and 187 (2) of the Constitution of Kenya 2010. The Sub- committee recommended the transfer of the unbundled library functions.
- vii. **On 26th July 2018**, KNLS vide letter Ref. C/KNU/HQ/AD/706/9, wrote to IGRTC providing information on Payroll, Operations and Maintenance Budgets for the 59 public libraries. IGRTC then drafted a gazette notice for the transfer of the public library function to counties as proposed by the sub-committee of the summit. (the legal instrument to be used to transfer the libraries).
- viii. A team, met on **26th March 2019**, to work on the delineation of functions and include it in the legal notice. The team comprised representatives from:
 - a. IGRTC (Convener)
 - b. Council of Governors
 - c. Kenya National Library Service
 - d. Kenya Law Reform Commission
 - e. Commission on Revenue Allocation
 - f. The National Treasury
- ix. IGRTC invited KNLS together with all CECs of Education from the County Governments for a meeting scheduled for **29th April 2019** to discuss the transfer of the library function and legal notice.
- x. **On 3 June 2019**, IGRTC vide a letter Ref. IGR/ADM/1/110/VOL 1/(29), wrote to the Attorney General and copied to the Cabinet Secretary for the then Ministry of Sports, Culture and Heritage submitting the final draft of the Legal Notice and schedule of libraries for both Counties and National Government. The final draft was also marked to the CEO, KNLS by the Cabinet Secretary seeking concurrence. The Legal Notice 142 was gazetted on 9th August 2019
- xi. **On 31 May 2022**, the Council of Governors wrote to KNLS on the implementation of the transfer of library function where they requested, that staff files be prepared for transfer to the County Public Service Boards of the Libraries being absorbed by the 33 County

Governments. In response, KNLS affirmed that it had segregated and submitted to IGRTC and the National Treasury all the resources (PE & O&M) for 61 branch libraries and that the files should be transferred immediately once the transfer dates were clear from IGRTC and the National Treasury, upon legislation of the County Allocation Revenue Bill, which was discussion in Parliament at the time.

17. The current status of Libraries is that the library function has been transferred to county governments following National Treasury funding. Staff files and assets were received by 33 counties in **October 2023**. The Kenya National Library Service Bill, initiated in 2014, is undergoing stakeholder participation and validation for National Assembly scheduling.

18. The KNLS proposed amendments to the Bill as follows:

- a. The Long title to amended to provide clarity in the purpose of the Bill by including the key mandates of KNLS such as collecting, preserving, making available and promoting the national documentary heritage.
- b. Amend by deleting Clause 5 (a) and replacing therefor with “establish, equip, develop, manage and maintain the Kenya National Library Service and its repository centres” this was for modification to include other repository centres.
- c. Amend by deleting Clause 5 (b) and replacing therefore with “acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography” to cover all forms of information resources.
- d. Amend by deleting Clause 5 (e) and replacing therefore with “To promote information awareness and information literacy” to make it clearer and shorter
- e. Amend by deleting Clause 5 (g) and replacing therefore with “Render a national bibliographic service and act as the national replacement bibliographic agency” proposed replacement
- f. Amend by delete the word Library in Clause 5(i) to read “Provide a national library reference and referral service” 6
- g. Amend by deleting Clause 5 (k) and replacing therefore with “support establishing of referral repository centres at regional and County levels” to distinguish the role of county libraries and national library.
- h. A proposed addition to the function of the National Library as Clause 5 (p) therefore to read “to promote awareness and appreciation of the national published documentary heritage”

- i. A proposed addition to the function of the National Library to enhance the Library Profession as Clause 5(q) to read “To provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects”
- j. Amend and delete Clause 6(d) as this is a National Library function and the Ministry of Education will be better suited to work with the public libraries as they directly work with Schools and supplement curriculum education and in giving technical advice in the establishment of school libraries.
- k. Amend and deleting Clause 6(g) and replace therefore with “The Chairperson of County of Governors (COG) or a representative designated in writing”
- l. Amend Clause 6(h) To be in line with Mwongozo guidelines on the number of independent Board member representation and read “Three persons appointed by the Cabinet Secretary in accordance with section 7 (2)”
- m. Amend by deleting Clause 15(2) (b) and replacing therefore with “Holds a master's degree in library and Information Science, knowledge management, Information technology from a recognized institutions” in the new dispensation of devolved units, the national library requires a professional to ensure that the international standards are met.
- n. Amend by deleting Clause 15(2) (c) and replacing therefore with “Has at least fifteen cumulative years in relevant field of which at least twelve years at a senior management” as the best practice as per Public Service Commission (PSC)
- o. Amend by deleting First Schedule Clause 15 and replacing therefore with “The minutes of each meeting of the Board or of a Committee of the Board shall be kept by the Corporate Secretary and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General” to replace Director General with Corporate Secretary in line with Mwongozo.
- p. Amend by deleting First Schedule Clause 15 (c) and replacing therefore with “Submit declaration of income assets and liabilities to the body responsible for such declarations from public officers in accordance with the law” in line with existing governing laws.
- q. A proposed addition Clause 5(q) and therefore read “to provide facilities for the study of, and for training, and award of certificates and diploma in the principles, procedures and techniques of librarianship and such other related subjects” to the functions of the National Library to enhance the Library Profession

3.2.2 Council of Governors (CoG)

30. H.E. Governor Mutahi Kahiga, Nyeri County and H.E. Governor Dr. Erick Mutai, Kericho County appeared before the Committee and jointly submitted that:

19. The CoG suggests that the Kenya National Library Services Bill, 2023 should be interpreted based on constitutional provisions, particularly regarding the assignment of functions between the National Government and County Governments under the Fourth Schedule of the Constitution.

20. The Council acknowledges the principles of cooperative devolved government and respects the functional and institutional integrity of each level of government.

21. The CoG had the following specific comments on provisions of the Bill:

i. That the long title of the Bill is ambiguous and does not provide clarity on the purpose of the establishment of the Kenya National as the Bill has provided for the definition of "National Library Service" and "public library". The definition provided for National Library Service in essence is a definition of what pertains a library, which is a county function. Moreover, the definition provided for a public library has included entities that do not constitute public service such as non-governmental organizations, communities and/or private persons.

ii. On the Cause that establishment of the Kenya National Library Service, the Bill seeks to establish a National Library Service to be known as the Kenyan National Library service 3 and has provided the functions of the KNLS, the composition of the Board among other administrative provisions for KNLS. The above provision of the Bill is unconstitutional because County Governments have been assigned the library function exclusively and thus, the Bill cannot purport to establish a state corporation to manage National Libraries and/or library services offered by the National Library. These provisions contained in this section is a reproduction of the Kenya National Library Services Board Act, Cap. 225 (2012) with a few changes here and there that do not properly align the law to the Constitution and the devolved system of government. In essence, this section seeks to justify the existence of a state corporation that was established, through legislation, prior to devolution and is contrary to the clear intentions of the constitution to devolve the libraries and their related functions.

iii. On the Financial Provisions, The CoG submitted that the spirit of the Bill is unconstitutional and seeks to claw back on devolution and the full discharge of the library function by County Governments. Importantly, there was a clear constitutional provision that resources

must match and follow functions that are devolved including both financial resources, human resources and infrastructural resources including facilities. Thus, through this section, the Bill cannot seem to provide provisions for the acquiring of financial resources for a National Government State Corporation whose existence is unconstitutional and claws back on the tenets of devolution. Fundamentally, all the resources that are in possession of current Kenya National Library Service should be devolved to the relevant counties.

- iv. Under the Administrative Provisions, the Bill had set out the provisions for application for membership to the Kenya National Library Service and the determination of the registration and subscription fees chargeable to individuals and institutions. The Council reiterates that the section, just like other sections contained in the Bill, is unconstitutional and an attempt at gross infringement of the functions of the County Governments regarding the management and service delivery in Libraries. The Bill cannot give the Kenya National Library Service the powers to determine registration and subscription fees and issuance of library cards. This was squarely the mandate of each individual County Government as per the constitution and it should remain the same, and the Bill should not enable the clawing back of devolution.
- v. Under the Provisions on Delegated Powers, a critical provision contained in the Bill was unconstitutional. Thus, the Bill cannot provide for the Cabinet Secretary to make regulations for the better carrying into effect the provisions of an unconstitutional Act. The County Executive Committee Members of the respective Counties can be able to prepare regulations to operationalize the Library Acts of the County Assemblies.
- vi. Under Memorandum of Objects and Reasons, the Statement on how the Bill concern County Government, that the Bill concerns Counties as it contains provisions that affect the functions of County Governments as set out in the Fourth Schedule of the Constitution and may occasion additional expenditure of public funds.

- 22. The CoG suggested that the National Assembly should not proceed with the legislation, as it regresses on devolution.
- 23. They proposed the development of policies, legislation, and standards at the national level to ensure uniform service delivery across counties.

24. They also proposed revocation of Legal Notice 142 of 2019, which retained three libraries in two counties under the National Government's management, and withdraw the bill from the house for a consultative process.

3.2.3 Kenya Library Association

31. The following were the proposed amendments by Kenya Library Association:

25. The name to be changed from Kenya National Library Service to **“National Library of Kenya”**
26. Amend Clause 5 to include “preserve indigenous knowledge and promote indigenous knowledge systems” as a function of the Kenya National Library Service.
27. Amend Clause 6 to include the following as the Composition of the Board and read: “the management of the National Library of Kenya shall vest in the Board which consist of:
- i. A Chairperson appointed by the President
 - ii. The Principal Secretary responsible for matters relating to Libraries or a representative designated in writing
 - iii. The Principal Secretary responsible for matters relating to Finance or a representative designated in writing
 - iv. The Principal Secretary responsible for matters relating to Education or a representative designated in writing
 - v. The Principal Secretary responsible for matters relating to Devolution or a representative designated in writing
 - vi. The Principal Secretary responsible for matters relating to Information and telecommunication technology or a representative designated in writing
 - vii. Two persons nominated by Council of Governors in accordance with section 7 (2)
 - viii. One person appointed by the Cabinet Secretary in accordance with section 7 (2)
 - ix. The Director General who shall be the Chief Executive officer of the Bound”
- The Proposed amendment rationale for amendment of Clause 6 included. The bill proposes 9 members out of which 5 are Public Officers, 2 persons nominated by COG and one person appointed by the Cabinet Secretary. The independence of the Board will be compromised with only one independent member aside from the Chairperson. Secondly, matters devolution will be addressed through the Principal Secretary for Devolution and hence no need for representatives from COG
28. Proposed amendment to Clause 6 to read as “the management of the National Library of Kenya shall vest in the Board which consist of:

- i. A Chairperson appointed by the President
- ii. The Principal Secretary responsible for matters relating to Libraries or a representative designated in writing
- iii. The Principal Secretary responsible for matters relating to Finance or a representative designated in writing
- iv. The Principal Secretary responsible for matters relating to Education or a representative designated in writing
- v. The Principal Secretary responsible for matters relating to Devolution or a representative designated in writing
- vi. The Principal Secretary responsible for matters relating to Information, Communication, Technology and Digital Economy or a representative designated in writing
- vii. Delete this Two persons nominated by Council of Governors in accordance with section 7 (2) and replace with "three persons appointed by the Cabinet Secretary in accordance with section 7 (2)
- viii. A representative of the Library & Information Science Profession, such as The President of Kenya Library Association (KLA)
- ix. The Director-General who shall be the Chief Executive officer of the Board e. Amend Section 17 (1) and add Clause (c) therefore to be “ensure that professional staff are members of a professional body”

3.2.4 The 10th Ordinary Summit Resolutions

- a) In order to facilitate the formation of consensus between the two levels of government regarding the emerging sectoral concerns, the 10th Summit, which took place on December 18, 2023, decided to validate the results of the unbundling of functions exercise, which took place in April 2023, with the relevant stakeholders. Some of the key stakeholders included the Council of Governors, the Kenya National Library Service and the Inter-Governmental Relations Technical Committee.
- b) The joint stakeholders’ engagement meeting discussed the functions contained in the Legal Notice No. 142 of 2019 on transfer of libraries with a view to unbundle County and National Government functions on matters of library.

- c) The Council of Governors and the Kenya National Library Service made submissions before the Committee and submitted that they had agreed on the respective functions of the national government and the county governments in regards to libraries.
- d) The functions of National and County Governments were delineated to ensure each level of government performs their distinct functions namely:
- e) The function of the National Government shall be;
 - i. Develop a national policy, legislation and set Norms and standards for the library sector;
 - ii. Capacity building and technical assistance to the county governments;
 - iii. Carry out and promote research in the development of libraries and related services;
 - iv. Promote literacy in the country;
 - v. Domestic international standards;
 - vi. Publish Kenya National Bibliography and Kenya Periodical Directory; and
 - vii. Establish the National WebCAT to publish catalogues for all libraries.
- f) The function of the County Government shall be:
 - i. Implementation of the library policy, legislation, standards and norms;
 - ii. Develop county specific policy and legislation in line with the national policy and legislation;
 - iii. Equip, develop, manage and maintain the libraries within the county;
 - iv. Acquire and maintain comprehensive periodic bibliography;
 - v. Establish and manage a center for books, to promote a culture of reading, writing, and publishing;
 - vi. Promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy;
 - vii. Provide the communities with a variety of information materials, programs and services through stocking relevant learning resources for formal and informal education;
 - viii. Establish a collection section in each library holding the respective community's resources, history people, customs and traditions to promote the culture of indigenous knowledge and languages;
 - ix. Carry out sensitization in counties to promote learning;
 - x. Provide a conducive learning environment, stimulate and promote public interest in reading books and multimedia for information, knowledge and enjoyment;

- xi. Promote ICT in accessing and disseminating information;
 - xii. Provide lending, inter-library loans, outreach, specialized and homebound services;
 - xiii. Provide advisory and a library reference and referral services; and
 - xiv. Liaise with National Library, County Libraries and other relevant institutions to enhance information sharing.
29. The Council of Governors and the Kenya National Library Service proposed that clause 5 of the Bill be amended to clearly distinguish the functions of the national government and the functions of county governments in regards to libraries. This was to ensure that there would be no possibility of conflict between the two levels of government.
 30. The KNLS Board Act Cap 225 of the Laws of Kenya (1965) mandates the Board to perform the dual role of both the public library service and the national library function.
 31. The KNLS Board has successfully and seamlessly transferred 61 libraries to County Governments.
 32. In order to ensure constitutional compliance and avoid legal conflicts in the operations of National Government functions by performing the National Library function, the KNLS Bill needed to be finalized and enacted into law.
 33. During the 10th Summit, it was noted that the COG requested the Summit to direct the transfer of the three retained libraries to host county governments, that is Buru Buru, Nakuru and Maktaba Kuu. Subsequently, the Summit resolved that:
 34. The KNLS Board Act Cap 225 of the Laws of Kenya (1965) mandates the Board to perform the dual role of both the public library service and the national library function.
 35. The KNLS Board has successfully and seamlessly transferred 61 libraries to County Governments.
 36. In order to ensure constitutional compliance and avoid legal conflicts in the operations of National Government functions by performing the National Library function, the KNLS Bill needed to be finalized and enacted into law.
 37. During the 10th Summit, it was noted that the COG requested the Summit to direct the transfer of the three retained libraries to host county governments, that is Buru Buru, Nakuru and Maktaba Kuu. Subsequently, the Summit resolved that:
 - a. His Excellency the President shall institute a process leading to further consultation on allocations towards the transferred Library function with the relevant stakeholders.

- b. Similarly, IGRTC shall institute a consultative process bringing together the Kenya National Library Services (KNLS), Nairobi City County and Nakuru County on the three libraries currently under the management of KNLS.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

32. Having considered the submissions on Kenya National Library Service Bill, 2023, the Committee observed that: -

1. It is prudent to take into consideration the IFLA directives and definitions of the public libraries and a national library so as to protect the country's cultural heritage by gathering, preserving and disseminating the country's history to its residents all over the world.
2. Legal Notice 142 of 2019 transferred the National Library Services functions to the national government and distinguished it from the public libraries that are under the purview of the county governments. This transfer of functions was done in conformity to the provisions of Article 187 of the Constitution.
3. The Bill seeks to provide a legal framework for the Kenya National Library Service. It seeks to provide for the management of the Kenya National Library Service, and to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to 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.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

33. Having considered the Bill and the submissions from stakeholders, the Committee recommends that the House **APPROVES** the Bill subject to the following amendments:

LONG TITLE

34. THAT, the Long Title to the Bill be amended by inserting the words “to give effect to Article 11(2)(a) of the Constitution;” immediately after the words “An Act of Parliament”

Justification

The amendment seeks to expressly provide that the main object of the Bill is to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to promote all forms of national and cultural expression through, among others, literature and libraries.

CLAUSE 5

35. **THAT**, the Bill be amended by deleting clause 5 and substituting therefor the following new clauses—

Role of the National Government.	<p>5. The National Government shall be responsible for—</p> <ul style="list-style-type: none">(a) development of a national policy, legislation and the setting of standards for the library sector;(b) capacity building and technical assistance to the county governments;(c) carrying out and promoting research in the development of libraries and related services;(d) promotion of literacy in the country;(e) domestication of international standards relating to library services;(f) publishing the Kenya National Bibliography and the Kenya Periodicals Directory;(g) establishment of the national webcat to publish catalogues for all libraries in the country; and(h) establishment and maintenance of a national virtual library service.
----------------------------------	---

<p>Role of county governments.</p>	<p>5A. The county governments shall be responsible for—</p> <ul style="list-style-type: none"> (a) implementation of the national policy, legislation and standards for the library sector; (b) equipping, developing, managing and maintaining county libraries; (c) acquiring and maintaining comprehensive periodic bibliographies for county libraries; (d) establishing and managing county centres for books to promote reading, writing and publishing culture; (e) promotion of reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy; (f) providing communities with information materials, programs and services through stocking relevant learning resources for formal and informal education; (g) carrying out sensitization in counties to promote learning; (h) providing a conducive learning environment and stimulating and promoting public interest in reading books for information, knowledge and enjoyment; (i) promoting information and communication technology in accessing and disseminating information; (j) providing lending, outreach and specialized services in relation to county libraries; (k) providing advisory, library reference and county library referral services; and (l) liaising with relevant institutions to enhance information sharing.
------------------------------------	---

Justification

The amendment seeks to clearly spell out the respective roles of the national government and county governments in relation to library services, so as to avoid duplication and conflict of mandates.

CLAUSE 6

36. THAT, clause 6 of the Bill be amended in sub-clause (1)(i) by inserting the words “and an ex officio member” immediately after the words “Chief Executive Officer”

Justification

The amendment seeks to provide that the Director-General shall be an ex officio member of the Board, to allow for the Director-General to sit in the Board meetings and to implement the decisions of the Board.

CLAUSE 7

37. THAT, clause 7 of the Bill be amended—

(a) in sub-clause (1)-

(i) by deleting the word “degree” appearing in paragraph (b) and substituting therefor the words “minimum of a bachelor’s degree”

(ii) by deleting the word “seven” appearing in paragraph (c) and substituting therefor the word “five”;

(b) in sub-clause (2)—

(i) by deleting the word “degree” appearing in paragraph (b) and substituting therefor the words “minimum of a bachelors’ degree”;

(ii) by deleting the word “five” appearing in paragraph (c) and substituting therefor the word “three”

Justification

The amendment seeks to ensure that for a person to be eligible for appointment as the Chairperson or a member of the Board, the person must possess a minimum of a bachelors’ degree as well as five years and three years in management, respectively for the Chairperson and a member of the Board.

CLAUSE 8

38. THAT, clause 8 of the Bill be amended by deleting paragraph (f).

Justification

The amendment seeks to eliminate the ambiguity that may arise in the interpretation of the provision of a failure to meet tax and other statutory obligations.

CLAUSE 10

39. THAT, clause 10 of the Bill be amended in paragraph (c) by inserting the words “without the option of a fine” immediately after the words “imprisonment exceeding six months”

Justification

The amendment seeks to ensure that the vacation from office of the Chairperson or a member of the Board on account of a criminal offence shall only occur where the person is convicted of a felony that does not allow the option of payment of a fine.

CLAUSE 14

40. THAT, clause 14 of the Bill be amended by inserting the words “Salaries and Remuneration” immediately after the words “in consultation with the”.

Justification

The amendment seeks to specifically provide that the Board members shall be paid such remuneration or allowances as determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

CLAUSE 15

41. THAT, clause 15 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “once” and substituting therefor the words “for one further term of three years”;

(b) in sub-clause (2)—

(i) by deleting the words “masters degree” appearing in paragraph (b) and substituting therefor the words “minimum of a masters’ degree”;

(ii) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) has at least ten years professional experience of which at least five years are at senior management level; and”

Justification

The amendment seeks to provide with clarity that the Director-General shall be eligible for re-appointment for one further term of three years, as well as to provide for a professional qualification of at least ten years’ experience with five years at senior management level.

CLAUSE 29

42. THAT, clause 29 of the Bill be amended by deleting the words “Director-General” and substituting therefor the words “Corporation Secretary”.

Justification

The amendment seeks to ensure that the responsibility of keeping the seal of the Board shall lie with the Corporation Secretary, in line with the recommendations of the Mwongozo Code of Governance for State Corporations.

FIRST SCHEDULE

43. THAT, the First Schedule to the Bill be amended by deleting paragraph (5) and substituting therefor the following new paragraph—

“(5) The minutes of each meeting of the Board or of a committee of the Board shall be kept by the Corporation Secretary and shall be confirmed by the Board or the committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General.”

Justification

The amendment seeks to ensure that the responsibility of keeping Board minutes shall lie with the Corporation Secretary, in line with the recommendations of the Mwongozo Code of Governance for State Corporations.

SIGNED..... DATE..... 25/6/2024

HON. DANIEL WANYAMA SITATI, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE



THE NATIONAL ASSEMBLY

13TH PARLIAMENT - THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

REPORT ADOPTION SCHEDULE

DATE: 29th May 2024 VENUE: SERENA BEACH & SPA HOTEL

No.	NAME	SIGNATURE
1.	The Hon. Daniel Wanyama Sitati, M.P. – Chairperson	
2.	The Hon. James Githua Wamacukuru, M.P. – Vice Chairperson	
3.	The Hon. Naomi Jillo Waqo, M.P. CBS	
4.	The Hon. Samuel Gonzi Rai, M.P.	
5.	The Hon. Stephen Mutinda Mule, M.P.	
6.	The Hon. Mary Emaase Otucho, M.P.	
7.	The Hon. Janet Jepkemboi Sitienei, M.P.	
8.	The Hon. Charles Ngusya Nguna, M.P.	
9.	The Hon. Caroli Omondi, M.P.	
10.	The Hon. Catherine Nakhabi Omanyoo, M.P.	
	The Hon. Chege Njuguna, M.P	
12.	The Hon. Paul Ekwom Nabuin, M.P.	
13.	The Hon. Robert Ngui Basil, M.P.	
14.	The Hon. Richard Kipkemoi Yegon, M.P.	
15.	The Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, M.P.	



MINUTES OF THE 26TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON WEDNESDAY, 29TH MAY 2024 AT 9:30 AM IN SERENA BEACH AND SPA HOTEL

PRESENT

1. The Hon. Daniel Wanyama Sitati, M.P -Chairperson
2. The Hon. Githua Wamacukuru, M.P. - Vice Chairperson
3. The Hon. Samuel Rai Gonzi, M.P.
4. The Hon. Stephen Mule Mutinda, M.P
5. The Hon. Mary Otucho Emaase, M.P.
6. The Hon. Janet Sitienei Jepkemboi, M.P.
7. The Hon. Charles Ngusya Nguna, M.P.
8. The Hon. Caroli Omondi, M.P.
9. The Hon. Catherine Omanyoo Nakhabu, M.P.
10. The Hon. Chege Njuguna, M.P
11. The Hon. Robert Nguni Basil, M.P
12. The Hon. Paul Nabuin Ekwom, M.P.
13. The Hon. Richard Yegon Kipkemai, M.P.
14. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P

APOLOGY

1. The Hon. Naomi Jillo Waqo, M.P. CBS

IN ATTENDANCE

Committee Secretariat

- | | |
|---------------------------|--------------------------------|
| 1. Mr. Adan Gindicha | - Principal Clerk Assistant II |
| 2. Ms. Mary Kinyunye | - Clerk Assistant III |
| 3. Ms. Christine Odhiambo | - Senior Legal Counsel |
| 4. Mr Wilson Mwangi | - Fiscal Analyst III |
| 5. Mr. Peter Atsiaya | - Media Relation Officer |
| 6. Mr. Leonard Nyapere | - Protocal Officer |

Stakeholders

- | | |
|------------------------|---------------------------------------|
| 1. Dr. Charles Nzivo | - CEO, Kenya National Library Service |
| 2. Bishop Theuri Maina | - Chairman KNLS |

AGENDA

1. Prayers;
2. Preliminaries;
- i. Adoption of the Agenda;
- ii. Communication from the Chairperson;
3. **Consideration of the Committee Work Plan for the Third Quarter 2023/2024 - 2nd part 4th June to 4th July 2024**
4. **Consideration and Adoption of a Report on the Kenya National Library Service Bill, 2023.**
5. Any Other Business; and
6. Adjournment.

MIN.NO. DC/SC/2024/141: PRAYER AND PRELIMINARIES

The meeting commenced at 9.20 a.m. with the Prayer followed with welcoming remarks from the Chairperson.

MIN.NO. DC/SC/2024/142: ADOPTION OF THE AGENDA

The Agenda was adopted with amendments, having been proposed and seconded by the Hon. Robert Ngui Basil, M.P and The Hon. Paul Nabuin Ekwom, M.P. respectively.

MIN.NO. DC/SC/2024/143: CONFIRMATION MINUTES OF THE PREVIOUS OF SITTING

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/SC/2024/144: MATTERS ARISING

No Matters Arose

MIN.NO.DC/SC/2024/145: COMMITTEE QUARTERLY WORK-PLAN & BUDGET 2023/24

The Committee was taken through the proposed work plan for the Third Quarter; Second from 4th June to 4th July 2024 containing the following key business:-

1. Engagement with the Cabinet Secretaries on various policy issues, Projects and Funds under their respective dockets.
2. Budget Implementation monitoring for the State Department of Sports, the State Department of Culture, the Arts and Heritage and State Department for Youth Affairs and Creative Economy
3. Inspection visits to Stadia in the following regions:
 - i. Nairobi and Mount Kenya
 - ii. North Rift
 - iii. Western
 - iv. Theatre (Main Auditorium)
 - v. Ukumbi Mdogo (concert hall)
 - vi. Cheche Gallery
 - vii. The Dance Studio
4. Preparation and submission of Quarterly Committee Report.

MIN.NO.DC/SC/2024/146: COMMITTEE OBSERVATIONS

In order to enrich the Work Plan, Members proposed the inclusion of the following:

5. Meeting on the Cabinet Secretary for Youth Affairs, Creative Economy and Sports regarding implementation of the proposal to build Sports Academies in each Constituency and implementation of Corporate Social Responsibility (CSR) in Constituencies.
6. Meeting with the Olympic Committee on preparation of Olympics in Paris
7. The Cabinet Secretary and the Principal Secretary to vanish the Committee with a comprehensive report on the cost and current status of Talanta City Stadium
8. The Cabinet Secretary and Principal Secretary State Department of Sports to give a report on the funding structure for the African Nations Championship (CHAN) fees for hosting CHAN in 2024, since the money had not been appropriated within the financial year.

**MIN.NO. DC/SC/2024/147: CONSIDERATION AND ADOPTION OF A
REPORT ON THE KENYA NATIONAL LIBRARY
SERVICE BILL, 2023.**

The Committee considered and adopted the report on the consideration of the Culture Bill 2024 and made the following recommendations having been proposed by the Hon. BSP.(EM) Dr. Jackson Kipkemoi Kosgei, MP and Seconded by the Hon. Janet Sitienei Jepkemboi, M.P:-

MIN.NO. DC/SC/2024/148: COMMITTEE OBSERVATIONS

1. It is prudent to take into consideration the IFLA directives and definitions of the public libraries and a national library so as to protect the country's cultural heritage by gathering, preserving and disseminating the country's history to its residents all over the world.
2. Legal Notice 142 of 2019 transferred the National Library Services functions to the national government and distinguished it from the public libraries that are under the purview of the county governments. This transfer of functions was done in conformity to the provisions of Article 187 of the Constitution.
3. The Bill seeks to provide a legal framework for the Kenya National Library Service. It seeks to provide for the management of the Kenya National Library Service, and to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to 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.

MIN.NO. DC/SC/2024/149: COMMITTEE RECOMMENDATION

Having considered the Bill and the submissions from stakeholders, the Committee recommends that the House APPROVES the Bill subject to the following amendments:

1. THAT, the Long Title to the Bill be amended by inserting the words “to give effect to Article 11(2)(a) of the Constitution;” immediately after the words “An Act of Parliament”
Justification
The amendment seeks to expressly provide that the main object of the Bill is to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to promote all forms of national and cultural expression through, among others, literature and libraries.
2. THAT, the Bill be amended by deleting clause 5 and substituting therefor the following new clauses—

Role of the National Government.	5. The National Government shall be responsible for— (a) development of a national policy, legislation and the setting of standards for the library sector;
--	--

	<ul style="list-style-type: none"> (b) capacity building and technical assistance to the county governments; (c) carrying out and promoting research in the development of libraries and related services; (d) promotion of literacy in the country; (e) domestication of international standards relating to library services; (f) publishing the Kenya National Bibliography and the Kenya Periodicals Directory; (g) establishment of the national webcat to publish catalogues for all libraries in the country; and (h) establishment and maintenance of a national virtual library service.
Role of county governments.	<p>5A. The county governments shall be responsible for—</p> <ul style="list-style-type: none"> (a) implementation of the national policy, legislation and standards for the library sector; (b) equipping, developing, managing and maintaining county libraries; (c) acquiring and maintaining comprehensive periodic bibliographies for county libraries; (d) establishing and managing county centres for books to promote reading, writing and publishing culture; (e) promotion of reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy; (f) providing communities with information materials, programs and services through stocking

	<p>relevant learning resources for formal and informal education;</p> <p>(g) carrying out sensitization in counties to promote learning;</p> <p>(h) providing a conducive learning environment and stimulating and promoting public interest in reading books for information, knowledge and enjoyment;</p> <p>(i) promoting information and communication technology in accessing and disseminating information;</p> <p>(j) providing lending, outreach and specialized services in relation to county libraries;</p> <p>(k) providing advisory, library reference and county library referral services; and</p> <p>(l) liaising with relevant institutions to enhance information sharing.</p>
--	--

Justification

The amendment seeks to clearly spell out the respective roles of the national government and county governments in relation to library services, so as to avoid duplication and conflict of mandates.

3. THAT, clause 6 of the Bill be amended in sub-clause (1)(i) by inserting the words “and an ex officio member” immediately after the words “Chief Executive Officer”

Justification

The amendment seeks to provide that the Director-General shall be an ex officio member of the Board, to allow for the Director-General to sit in the Board meetings and to implement the decisions of the Board.

4. THAT, clause 7 of the Bill be amended—

(a) in sub-clause (1)–

- (i) by deleting the word “degree” appearing in paragraph (b) and substituting therefor the words “minimum of a bachelor’s degree”
- (ii) by deleting the word “seven” appearing in paragraph (c) and substituting therefor the word “five”;

(b) in sub-clause (2)—

- (i) by deleting the word “degree” appearing in paragraph (b) and substituting therefor the words “minimum of a bachelors’ degree”;

- (ii) by deleting the word “five” appearing in paragraph (c) and substituting therefor the word “three”

Justification

The amendment seeks to ensure that for a person to be eligible for appointment as the Chairperson or a member of the Board, the person must possess a minimum of a bachelors’ degree as well as five years and three years in management, respectively for the Chairperson and a member of the Board.

5. THAT, clause 8 of the Bill be amended by deleting paragraph (f).

Justification

The amendment seeks to eliminate the ambiguity that may arise in the interpretation of the provision of a failure to meet tax and other statutory obligations.

6. THAT, clause 10 of the Bill be amended in paragraph (c) by inserting the words “without the option of a fine” immediately after the words “imprisonment exceeding six months”

Justification

The amendment seeks to ensure that the vacation from office of the Chairperson or a member of the Board on account of a criminal offence shall only occur where the person is convicted of a felony that does not allow the option of payment of a fine.

7. THAT, clause 14 of the Bill be amended by inserting the words “Salaries and Remuneration” immediately after the words “in consultation with the”.

Justification

The amendment seeks to specifically provide that the Board members shall be paid such remuneration or allowances as determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

8. THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “once” and substituting therefor the words “for one further term of three years”;
- (b) in sub-clause (2)—
 - (i) by deleting the words “masters degree” appearing in paragraph (b) and substituting therefor the words “minimum of a masters’ degree”;
 - (ii) by deleting paragraph (c) and substituting therefor the following new paragraph—“(c) has at least ten years professional experience of which at least five years are at senior management level; and”

Justification

The amendment seeks to provide with clarity that the Director-General shall be eligible for re-appointment for one further term of three years, as well as to provide for a professional qualification of at least ten years’ experience with five years at senior management level.

9. THAT, clause 29 of the Bill be amended by deleting the words “Director-General” and substituting therefor the words “Corporation Secretary”.

Justification

The amendment seeks to ensure that the responsibility of keeping the seal of the Board shall lie with the Corporation Secretary, in line with the recommendations of the Mwongozo Code of Governance for State Corporations.

10. THAT, the First Schedule to the Bill be amended by deleting paragraph (5) and substituting therefor the following new paragraph—“(5) The minutes of each meeting of the Board or of a committee of the Board shall be kept by the Corporation Secretary and shall be confirmed by the Board or the committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General.”

Justification

The amendment seeks to ensure that the responsibility of keeping Board minutes shall lie with the Corporation Secretary, in line with the recommendations of the Mwongozo Code of Governance for State Corporations.

MIN.NO. DC/SC/2024/150: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 12.30 pm until 2.00 p.m, same day, same venue.

SIGNED:

THE HON. DANIEL WANYAMA SIATATI, M.P.
(CHAIRPERSON)

DATE: 25th June 2024.

MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON SATURDAY, 20TH APRIL, 2024 AT 09:43 AM IN ACACIA B CONFERENCE ROOM, HILTON GARDEN INN HOTEL, MACHAKOS.

PRESENT

1. **The Hon. Daniel Wanyama Sitati, M.P** -Chairperson
2. The Hon. Samuel Rai Gonzi, M.P.
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Caroli Omondi, M.P.
5. The Hon. Catherine Omanyoma Nakhabi, M.P.
6. The Hon. Chege Njuguna, M.P
7. The Hon. Richard Yegon Kipkemai, M.P.
8. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P

APOLOGY

1. **The Hon. Githua Wamacukuru, M.P.** - Vice Chairperson
2. The Hon. Naomi Jillo Waqo, M.P. CBS
3. The Hon. Mary Oticho Emaase, M.P.
4. The Hon. Janet Sitienei Jepkemboi, M.P.
5. The Hon. Stephen Mule Mutinda, M.P
6. The Hon. Robert Nguni Basil, M.P
7. The Hon. Paul Nabuin Ekwom, M.P.

Committee Secretariat

1. Ms. Mary Kinyunye - Clerk Assistant III
2. Ms. Christine Odhiambo - Senior Legal Counsel
3. Mr. Vitus Okech - Research Officer
4. Mr Wilson Mwangi - Fiscal Analyst III
5. Ms. Josephine Osiba - Hansard Reporter III
6. Mr. Moses Esamai - Audio Officer
7. Mr. Said wako - Serjeant-At-Arm

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising
3. **Submissions by the Sports, Arts and the Social Development Fund**
4. **Clause by clause discussion of the KNLS Bill 2023**
5. Any Other Business; and
6. Adjournment.

MIN.NO. DC/SC/2024/097: PRAYER AND PRELIMINARIES

The meeting commenced at 9.43 a.m. with the Prayer followed by introductions. The Ag. Chairperson welcomed the stakeholders to the Committee meeting.

MIN.NO. DC/SC/2024/098: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Samuel Rai Gonzi, M.P. and the Hon. Richard Yegon Kipkemoi, M.P. respectively.

MIN.NO.DC/SC/2024/099: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/SC/2024/100: SUBMISSIONS BY THE SPORTS, ARTS AND THE SOCIAL DEVELOPMENT FUND

The Committee Members raised concerns regarding the absence of the CEO SASDF and stressed on the need for the aforementioned to attend Committee meetings and in instances where the Ministry officials were held up on other work-related exigencies, a written apology should be conveyed on time to the Committee through the office of the Clerk.

MIN.NO.DC/SC/2024/101: SUBMISSION OF MEMORANDA

To give effect to the functions of the national government and the functions of county governments in relation to library services, the County of Governors, the Kenya National Library Service and the Inter-Governmental Relations Technical Committee presented to the Committee an agreed position as follows:

The stakeholders proposed amendments to the Bill as follows:

- a. The Long title to amended to provide clarity in the purpose of the Bill by including the key mandates of KNLS such as collecting, preserving, making available and promoting the national documentary heritage.
- b. Amend by deleting Clause 5 (a) and replacing therefor with “*establish, equip, develop, manage and maintain the Kenya National Library Service and its repository centres*” this was for modification to include other repository centres.
- c. Amend by deleting Clause 5 (b) and replacing therefore with “*acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography*” to cover all forms of information resources.
- d. Amend by deleting Clause 5 (e) and replacing therefore with “*To promote information awareness and information literacy*” to make it clearer and shorter
- e. Amend by deleting Clause 5 (g) and replacing therefore with “Render a national bibliographic service and act as the national replacement bibliographic agency” proposed replacement
- f. Amend Clause 5 (h) to Capitalize the word cat. webCAT-web catalogue, is a tool to extract metadata and generate RDF description from existing web document.

- g. Amend by delete the word *Library* in Clause 5(i) to read “*Provide a national library reference and referral service*”
- h. Amend by deleting Clause 5 (k) and replacing therefore with “*support establishing of referral repository centers at regional and County levels*” to distinguish the role of county libraries and national library.
- i. A proposed addition to the function of the National Library as Clause 5 (p) therefore to read “*to promote awareness and appreciation of the national published documentary heritage*”
- j. A proposed addition to the function of the National Library to enhance the Library Profession as Clause 5(q) to read “*To provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects*”
- k. Amend and delete Clause 6(d) as This is a National Library function and the Ministry of Education will better suited to work with the public libraries as they directly work with Schools and supplement curriculum education and in giving technical advice in the establishment of school libraries.
- l. Amend and deleting Clause 6(g) and replace therefore with “*The Chairperson of County of Governors (COG) or a representative designated in writing*”
- m. Amend Clause 6(h) To be in line with Mwongozo guidelines on the number of independent Board member representation and read “*Three persons appointed by the Cabinet Secretary in accordance with section 7 (2)*”
- n. Amend by deleting Clause 15(2) (b) and replacing therefore with “*Holds a master's degree in library and Information Science, knowledge management, Information technology from a recognized institutions*” in the new dispensation of devolved units, the national library requires a professional to ensure that the international standards are met.
- o. Amend by deleting Clause 15(2) (c) and replacing therefore with “*Has at least fifteen cumulative years in relevant field of which at least twelve years at a senior management*” as the best practice as per Public Service Commission (PSC)
- p. Amend by deleting First Schedule Clause 15 and replacing therefore with “*The minutes of each meeting of the Board or of a Committee of the Board shall be kept by the Corporate Secretary and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General*” to replace Director General with Corporate Secretary in line with Mwongozo.
- q. Amend by deleting First Schedule Clause 15 (c) and replacing therefore with “*Submit declaration of income assets and liabilities to the body responsible for such declarations from public officers in accordance with the law*” in line with existing governing laws.
- r. A proposed addition Clause 5(q) and therefore read “*to provide facilities for the study of, and for training, and award of certificates and diploma in the principles, procedures and techniques of librarianship and such other related subjects*” to the functions of the National Library to enhance the Library Profession

COMMITTEE OBSERVATIONS

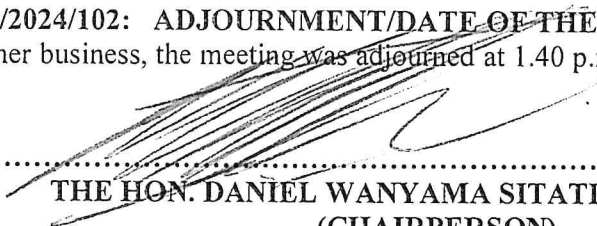
Having considered the submission on Kenya National Library Services, the Committee observed that:-

Having considered the submission on Kenya National Library Services, the Committee observed that there was need to amend clause 5 of the Bill by separating the role of the national government from the role of county governments in relation to library services. A distinction in the Bill was therefore necessary, to include a clause on the role of the national government, which would be the functions of the Kenya National Library Service, and the insertion of a new clause providing for the role of county governments.

MIN.NO. DC/SC/2024/102: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.40 p.m. until 2.43 p.m, same day, same venue.

SIGNED:


THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 17/5/2024

MINUTES OF THE 17TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON FRIDAY, 19TH APRIL, 2024 AT 02:40 PM IN ACACIA B CONFERENCE ROOM, HILTON GARDEN INN HOTEL, MACHAKOS.

PRESENT

1. The Hon. Samuel Rai Gonzi, M.P.
2. The Hon. Mary Otucho Emaase, M.P. - Chairing
3. The Hon. Janet Sitienei Jepkemboi, M.P.
4. The Hon. Charles Ngusya Nguna, M.P.
5. The Hon. Caroli Omondi, M.P.
6. The Hon. Stephen Mule Mutinda, M.P.
7. The Hon. Catherine Omanyi Nakhabi, M.P.
8. The Hon. Paul Nabuin Ekwom, M.P.
9. The Hon. Richard Yegon Kipkemai, M.P.

APOLOGY

1. The Hon. Daniel Wanyama Sitati, M.P. -Chairperson
2. The Hon. Githua Wamacukuru, M.P. - Vice Chairperson
3. The Hon. Naomi Jillo Waqo, M.P. CBS
4. The Hon. Chege Njuguna, M.P.
5. The Hon. Robert Nguni Basil, M.P.
6. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P.

Committee Secretariat

1. Mr. Adan Gindicha - Principal Clerk Assistant II
2. Ms. Mary Kinyunye - Clerk Assistant III
3. Ms. Christine Odhiambo - Senior Legal Counsel
4. Mr. Calvin Karung'o - Media Relations III
5. Mr. Moses Esamai - Audio Officer
6. Mr. Said wako - Serjeant-At-Arm

Stakeholders

1. Dr. Charles Nzivo - CEO, Kenya National Library Service
2. Ms. Irene Muroka - Legal Council COG
3. Ms. Julie Musandu - AG Deputy Director Finance and Administration
4. Ms. Nancy Ngugi - Principal Public Relations Officer
5. Mr. Cyrus Ndogo - Principal Planning Officer
6. Mr. Alex Ombongi - Principal ICT Officer
7. Ms. Juliana Muchai - Principal Resource Mobilization Officer
8. Ms. Mary Kinyanjui - Research Officer
9. Representatives - Inter-Governmental Relation Technical Committee

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;

- iii. Confirmation of Committee Minutes and Matters Arising
- 3. **The 10th ordinary summit resolutions**
- 4. Any Other Business; and
- 5. Adjournment.

MIN.NO. DC/SC/2024/091: PRAYER AND PRELIMINARIES

The meeting commenced at 2.40 p.m. with the Prayer followed by introductions. The Ag. Chairperson welcomed the stakeholders to the Committee meeting.

MIN.NO. DC/SC/2024/092: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Charles Ngusya Nguna, M.P. and the Hon. Stephen Mule Mutinda, M.P. respectively.

MIN.NO.DC/SC/2024/093: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2024/094: THE 10TH ORDINARY SUMMIT RESOLUTIONS

- 1) In order to facilitate the formation of consensus between the two levels of government regarding the emerging sectoral concerns, the 10th Summit, which took place on December 18, 2023, decided to validate the results of the unbundling of functions exercise, which took place in April 2023, with the relevant stakeholders. Some of the key stakeholders included the Council of Governors, the Kenya National Library Service and the
- 2) The joint stakeholders' engagement meeting discussed the functions contained in the legal notice No. 142 of 2019 on transfer of libraries with a view to unbundle County and National Government functions on matters of library.
- 3) The functions of National and County Governments were delineated to ensure each level of government performs their distinct functions namely:
 - a) National Government functions, the joint meeting resolved the following will be the functions of National government;
 - i. Develop a national policy, legislation and set Norms and standards for the library sector.
 - ii. Capacity building and technical assistance to the county governments.
 - iii. Carry out and promote research in the development of libraries and related services
 - iv. Promote literacy in the country
 - v. Domestication of international standards.
 - vi. Publish Kenya National Bibliography and Kenya Periodical Directory
 - vii. Establish the National WebCAT to publish catalogues for all libraries
 - b) County Government Functions
 - i. Implementation of the library policy, legislation, standards and norms.
 - ii. Develop county specific policy and legislation in line with the national policy and legislation
 - iii. Equip, develop, manage and maintain the libraries within the county
 - iv. Acquire and maintain comprehensive periodic bibliography
 - v. Establish and manage a center for books, to promote a culture of reading, writing, and publishing

- vi. Promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy.
- vii. Provide the communities with a variety of information materials, programs and services through stocking relevant learning resources for formal and informal education.
- viii. Establish a collection section in each library holding the respective community's resources, history people, customs and traditions to promote the culture of indigenous knowledge and languages.
- ix. Carry out sensitization in counties to promote learning.
- x. Provide a conducive learning environment, stimulate and promote public interest in reading books and multimedia for information, knowledge and enjoyment.
- xi. Promote ICT in accessing and disseminating information.
- xii. Provide lending, inter-library loans, outreach, specialized and homebound services
- xiii. Provide advisory and a library reference and referral services
- xiv. Liaise with National Library, County Libraries and other relevant institutions to enhance information sharing

MIN.NO.DC/SC/2024/095: THE STATUS ON THE TRANSFER OF THE LIBRARY FUNCTION

- 4) The KNLS Board Act Cap 225 of the Laws of Kenya (1965) mandates the Board to perform the dual role of both the public library service and the national library function.
- 5) The KNLS Board has successfully and seamlessly transferred 61 libraries to County Governments.
- 6) In order to ensure constitutional compliance and avoid legal conflicts in the operations of National Government functions by performing the National Library function, the KNLS Bill needed to be finalized and enacted into law.
- 7) During the 10th Summit, it was noted that the COG requested the Summit to direct the transfer of the three retained libraries to host county governments, that is Buru Buru, Nakuru and Maktaba Kuu. Subsequently, the Summit resolved that:
 - a. His Excellency the President shall institute a process leading to further consultation on allocations towards the transferred Library function with the relevant stakeholders.
 - b. Similarly, IGRTC shall institute a consultative process bringing together the Kenya National Library Services (KNLS), Nairobi City County and Nakuru County on the three libraries currently under the management of KNLS.

COMMITTEE OBSERVATIONS

Having considered the submissions on Kenya National Library Services, the Committee observed that there was need to amend clause 5 of the Bill, which provides for the functions of the Kenya National Library Service, so as to provide distinct roles for the national and county governments. This would ensure that there would be no duplication or conflict of roles between the two levels of government in regards to the library function.

MIN.NO. DC/SC/2024/096: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 4.00 p.m. the next day, same venue.

SIGNED:


THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE:

MINUTES OF THE 16TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON FRIDAY, 19TH APRIL, 2024 AT 09:43 AM IN ACACIA B CONFERENCE ROOM, HILTON GARDEN INN HOTEL, MACHAKOS.

PRESENT

1. The Hon. Samuel Rai Gonzi, M.P.
2. The Hon. Mary Otucho Emaase, M.P. - Chairing
3. The Hon. Janet Sitienei Jepkemboi, M.P.
4. The Hon. Charles Ngusya Nguna, M.P.
5. The Hon. Caroli Omondi, M.P.
6. The Hon. Stephen Mule Mutinda, M.P.
7. The Hon. Catherine Omanyi Nakhabi, M.P.
8. The Hon. Paul Nabuin Ekwom, M.P.
9. The Hon. Richard Yegon Kipkemai, M.P.

APOLOGY

1. **The Hon. Daniel Wanyama Sitati, M.P. -Chairperson**
2. **The Hon. Githua Wamacukuru, M.P. - Vice Chairperson**
3. The Hon. Naomi Jillo Waqo, M.P. CBS
4. The Hon. Chege Njuguna, M.P.
5. The Hon. Robert Ngui Basil, M.P.
6. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P.

Committee Secretariat

1. Mr. Adan Gindicha - Principal Clerk Assistant II
2. Ms. Mary Kinyunye - Clerk Assistant III
3. Ms. Christine Odhiambo - Senior Legal Counsel
4. Mr. Calvin Karung'o - Media Relations III
5. Mr. Moses Esamai - Audio Officer
6. Mr. Said wako - Serjeant-At-Arm

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising
3. **Briefing on the KNLS Bill 2023 by the Legal Counsel**
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2024/086: PRAYER AND PRELIMINARIES

The meeting commenced at 9.43 a.m. with the Prayer followed by introductions. The Ag. Chairperson welcomed the stakeholders to the Committee meeting.

MIN.NO. DC/SC/2024/087: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Catherine Omanyo Nakhabi, M.P. and the Hon. Paul Nabuin Ekwom, M.P. respectively.

MIN.NO.DC/SC/2024/088: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2024/089: THE BRIEFING BY LEGAL COUNSEL

- 1) The principal object of the Kenya National Library Service Bill is to establish the Kenya National Library Service and to provide for the management of the Kenya National Library Service.
- 2) The Bill seeks to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to 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.
- 3) The Bill establishes the Kenya National Library Service as a body corporate with perpetual succession.
- 4) The functions of the Service include acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others. The Bill also provides for the Board and staff of the Kenya National Library Service.
- 5) Pursuant to the provisions of Article 118 of the Constitution, the Committee conducted public participation and received submissions from various stakeholders.

COMMITTEE OBSERVATIONS AND RECOMMENDATION

Having considered the submission on Kenya National Library Services, the Committee observed that:-

1. During the public participation process, it emerged that there were contentions in regards to the proposed functions of the Kenya National Library Service, noting that library services is a function devolved to county governments.
 2. On the other hand, it was noted that there are distinct functions that can only be performed by a national library at the national government level.
 3. The Committee resolved that it was necessary to engage the Kenya National Library Service, the Council of Governors and the Inter-governmental Relations Technical Committee with a view to deliberating on the functions of the Kenya National Library Service, the role of the national government and the role of county governments in relation to library services.
-

MIN.NO. DC/SC/2024/090: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.40 p.m. until 2.43 p.m, same day, same venue.

SIGNED:


THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 17/5/2024

MINUTES OF THE 10TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON SUNDAY, 3RD MARCH, 2024 AT 10:30 AM IN FUSCHIE CONFERENCE ROOM, LAKE NAIVASHA RESORT.

PRESENT

1. The Hon. Daniel Wanyama Sitati, M.P -Chairperson
2. The Hon. Githua Wamacukuru, M.P. - Vice Chairperson
3. The Hon. Samuel Rai Gonzi, M.P.
4. The Hon. Mary Otucho Emaase, M.P.
5. The Hon. Janet Sitienei Jepkemboi, M.P.
6. The Hon. Charles Ngusya Nguna, M.P.
7. The Hon. Caroli Omondi, M.P.
8. The Hon. Chege Njuguna, M.P
9. The Hon. Catherine Omanyoo Nakhabi, M.P.
10. The Hon. Stephen Mule Mutinda, M.P
11. The Hon. Paul Nabuin Ekwom, M.P.
12. The Hon. Richard Yegon Kipkemai, M.P.
13. The Hon. Robert Ngui Basil, M.P
14. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P

APOLOGY

1. The Hon. Naomi Jillo Waqo, M.P. CBS

Committee Secretariat

1. Mr. George Gazemba - Ag Deputy Director
2. Mr. Adan Gindicha - Principal Clerk Assistant II
3. Ms. Mary Kinyunye - Clerk Assistant III
4. Mr. Gerald Kadede - Legal Counsel II
5. Mr. Vitus Okech - Research Officer
6. Mr. Said Wako - Serjeant-At-Arm

Stakeholders

(The List of the Stakeholders from the Ministry of Gender, Culture, the Arts and Heritage who attend the meetings is attached herein)

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising
3. Submissions by the the Kenya National Library Services regarding the pending issues on the KNLS Bill, 2023 arising from the engagement with the Council of Governors and Inter Governmental Relations Technical Committee (IGRTC)
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2024/051: PRAYER AND PRELIMINARIES

The meeting commenced at 2.43 p.m. with the Prayer followed by introductions. The Chairperson welcomed the stakeholders to the Committee meeting.

MIN.NO. DC/SC/2024/052: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Catherine Omanyi Nakhabu, M.P. and the Hon. Samuel Rai Gonzi, M.P. respectively.

MIN.NO.DC/SC/2024/053: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2024/054: SUBMISSIONS BY THE THE KENYA NATIONAL LIBRARY SERVICES REGARDING THE PENDING ISSUES ON THE KNLS BILL, 2023 ARISING FROM THE ENGAGEMENT WITH THE COUNCIL OF GOVERNORS AND INTER GOVERNMENTAL RELATIONS TECHNICAL COMMITTEE (IGRTC)

The CEO, Dr. Charles Nzivo submitted that:

- 1) The Kenya National Library Service Bill 2023 No. 20 Bill has been a National government Bill with the specific aim of prospering and entrenching the very necessary and critical function of a National Library.
- 2) The bill upon becoming an act will assign the KNLS Board with the mandate:
 - a) to preserve national documentary heritage; and
 - b) to distinguish the functions of the Kenya National Library Service from the other public libraries.
 - c) Overallly, perform national government functions among others.
- 3) Since 2019 the KNLS in conjunction with the Parent Ministry of Sports, Culture and Heritage embarked on the development of the KNLS Bill, in compliance with the Constitution of Kenya, 2010. The Bill went through various stages at the National Assembly in 2023.
- 4) The proposed KNLS Bill 2023, and in adherence to the international standards, the National Library functions will include the following:
 - i. Liaise with national library, county libraries and other relevant institutions to enhance information sharing as contained in the amended CAP 225 of 2012
 - ii. National library functions
 - a. to promote, establish, equip, manage, maintain and develop National Library Service;
 - b. to advise the Government and other public bodies on all matters relating to library, documentation and related services;
 - c. to provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;
 - d. to advise the Government on library education and training needs for library, documentation and related services;
 - e. to sponsor, arrange or provide facilities for conferences and seminars for discussion

- of matters in connection with library and related services;
 - f. to carry out and to encourage research in the development of library and related services;
 - g. to acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
 - h. to publish the national bibliography of Kenya and to provide a bibliographical and references service. This is done through the provision of CAP 111 that requires all publishers to deposit 2 books of every publication with the Director of the National Library.
- iii. Develop National Library policy legislation and set norms and standards for the library sector
 - iv. Establish and maintain the National WebCat
 - v. National Agency for international standard numbers for books and other information materials
- 5) That the KNLS Bill 2023 has undergone the First reading at the National Assembly. The committee organized a validation meeting on the bill which was held at Sewala in Naivasha on 14th October 2023 between the Council of Governors, Kenya Library Association and the KNLS Board.
 - 6) The Board has so far provided to the committee three memoranda on Kenya National Library Service Bill 2023 No. 20 (Copies attached)
 - 7) The proposed Amendments to the Kenya National Library Service (KNLS) Bill by KLA are as below:
 1. The name to be changed from Kenya National Library Service to National Library of Kenya
 2. National Library to be headed by a professional who has undertaken training in
 3. Library and Information Science (LIS)
 4. The bill proposes 9 members out of which 5 are Public Officers, 2 persons nominated by COG and one person appointed by the Cabinet Secretary. The independence of the Board will be compromised with only one independent member aside from the Chairperson. Secondly, matters devolution will be addressed through the Principal Secretary for Devolution and hence no need for representatives from COG.
 5. To the Composition of the Board: The Bill reads: Clause 6: the management of the National Library of Kenya shall vest in the Board which consist of –
 - a. A Chairperson appointed by the President
 - b. The principal secretary responsible for matters relating to Libraries or a representative designated in writing
 - c. The principal secretary responsible for matters relating to Finance or a representative designated in writing
 - d. The principal secretary responsible for matters relating to Education or a representative designated in writing
 - e. The principal secretary responsible for matters relating to Devolution or a representative designated in writing
 - f. The principal secretary responsible for matters relating to Information and telecommunication technology or a representative designated in writing
 - g. Two persons nominated by council of Governors in accordance with section 7 (2)
 - h. One person appointed by the Cabinet Secretary in accordance with section 7 (2) (i)

- i. The Director-General who shall be the Chief Executive officer of the Board
- Proposed amendment rationale
- 8) After the National Government seamlessly devolved 61 branch libraries and delineated the National and Public libraries among the two levels of Governments, the Council of Governors on 14th October 2023 and vide Council of Governors ref. COG/6/11 VOL.3 (76) dated 3rd November 2023 alleged that; -
 - (a) National Assembly should not proceed with the KNLS Bill 2023.
 - (b) Revoke Legal Notice 142 of 2019 which retained 3 amenities under the management of the national government.
 - (c) Withdraw KNLS Bill 2023 No. 20.
 - (d) The National government should not create a SAGA through the ongoing bill.
- 9) On February 5–6, 2024, at Sawela, the IGRTC invited KNLS, the Council of Governors, and representatives from county governments to discuss the resolutions from the 18th Ordinary Summit on December 18, 2023, regarding the transfer of library functions. This invitation was sent via letter, IGR/ADM/1/40/Vol.II(224), dated February 2, 2024.
- 10) The goal of the joint stakeholders consultative conference was to unbundle/delineate county and national government functions by discussing the functions outlined in legal notice No. 142 of 2019 on library transfers.
- 11) The roles of the national and county governments are defined to guarantee that each level of government carries out its specific duties, which include:
 - i. Develop a national policy, legislation and set Norms and standards for the library sector.
 - ii. Capacity building and technical assistance to the county governments.
 - iii. Carry out and promote research in the development of libraries and related services
 - iv. Promote literacy in the country
 - v. Domestic international standards.
 - vi. Publish Kenya National Bibliography and Kenya Periodical Directory
 - viii. Establish the National WebCAT to publish catalogues for all libraries
- 12) The delineated facilities can only be implemented in a facility and therefore the three amenities will remain to perform National government functions and help to safeguard the National resources: -
 - i. KNLS Maktaba Kuu building continues to act as the Headquarters for KNLS Board and Preservation for National documentary heritage of Kenya
 - ii. KNLS Nakuru facility will continue as facility for the preservation and conservation of Kenya's national documentary heritage
 - iii. KNLS Buruburu facility will continue as the central a capacity building and Research facility on library services and documentary matters
- 13) The knls Bill must be completed and signed into law in order to guarantee constitutional conformity and prevent legal conflicts in the National Library role performed by the National Government.
- 14) That on July 1, 2023, the public libraries were transferred to the counties (starting with this FY 2022/2023).
- 15) A delay in the KNLS Bill's finalisation could cause legal ambiguity in the management of the National Library function after the libraries were turned over to the County Governments. This is due to the fact that the KNLS Board Act, Cap. 225 of the Laws of Kenya (1965), as it currently exists, requires the Board to perform the dual duties of the national library function

and the public library system.

- 16) The knls Bill must be completed and signed into law in order to guarantee constitutional conformity and prevent legal conflicts in the National Library role performed by the National Government.

COMMITTEE OBSERVATION

Having considered the submission on Proposed Kenya National Library Services Bill, the Committee observed that:-

1. That there was need to hold a joint meeting with the KNLS, the Council of Governors, Kenya Library Association and the IGRTC to consider the agreements on the Kenya National Library Services Bill

MIN.NO. DC/SC/2024/055: ANY OTHER BUSINESS

MIN.NO. DC/SC/2024/056: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 12.30 p.m. The date of the next meeting to be communicated by notice.

SIGNED:

**THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)**

DATE: 11/3/2024

MINUTES OF THE 67TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON SATURDAY, 14TH OCTOBER, 2023 AT 09:43 AM IN ACACIA B CONFERENCE ROOM, SAWELA HOTEL, NAIVASHA.

PRESENT

1. The Hon. Mary Otucho Emaase, M.P. - Chairing
2. The Hon. Naomi Jillo Waqo, M.P. CBS
3. The Hon. Samuel Rai Gonzi, M.P.
4. The Hon. Janet Sitienei Jepkemboi, M.P.
5. The Hon. Chege Njuguna, M.P
6. The Hon. Catherine Omanyoo Nakhabu, M.P.
7. The Hon. Robert Ngugi Basil, M.P

APOLOGY

1. The Hon. Daniel Wanyama Sitati, M.P -Chairperson
2. The Hon. Githua Wamacukuru, M.P. - Vice Chairperson
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Caroli Omondi, M.P.
5. The Hon. Stephen Mule Mutinda, M.P
6. The Hon. Paul Nabuin Ekwom, M.P.
7. The Hon. Richard Yegon Kipkemai, M.P.
8. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P

Committee Secretariat

1. Mr. George Gazemba - Ag Deputy Director
2. Mr. Mugoma John - Clerk Assistant I
3. Ms. Mary Kinyunye - Clerk Assistant III
4. Ms. Christine Odhiambo - Senior Legal Counsel
5. Mr. Calvin Karung'o - Media Relations III
6. Mr. Stephen Otieno - Serjeant-At-Arm

Stakeholders

1. H.E. Governor Mutahi Kahiga - Nyeri County
2. H.E. Governor Dr. Erick Mutai - Kericho County
3. Dr. Charles Nzivo - CEO, Kenya National Library Service
4. Bishop Theuri Maina - Chairman KNLS
5. Ms. Irene Muroka - Legal Counsel COG
6. Ms. Julie Musandu - AG Deputy Director Finance and Administration
7. Ms. Nancy Ngugi - Principal Public Relations Officer
8. Mr. Cyrus Ndogo - Principal Planning Officer
9. Mr. Alex Ombongi - Principal ICT Officer
10. Ms. Juliana Muchai - Principal Resource Mobilization Officer
11. Ms. Mary Kinyanjui - Research Officer
12. Representatives Kenya Library Association

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising
3. **Validation of the KNLS Bill 2023**
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2023/349: PRAYER AND PRELIMINARIES

The meeting commenced at 9.43 a.m. with the Prayer followed by introductions. The Session Chairperson welcomed the stakeholders to the Morning Session of the Committee meeting.

MIN.NO. DC/SC/2023/350: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Catherine Omanyi Nakhabi, M.P. and the Hon. Chege Njuguna, M.P. respectively.

MIN.NO.DC/SC/2023/351: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2023/352: SUBMISSION OF MEMORANDA ON THE KNLS BILL

The CEO, Dr. Charles Nzivo submitted that:

- 1) The Kenya National Library Service (KNLS) is a corporate body governed by the KNLS Board Act 225 of 1965. It has established 64 branch libraries in 33 counties. These libraries safeguard a country's cultural heritage, collect, preserve, and make history available to citizens. They develop standards, guidelines, and best practices for service provision.
- 2) The Kenya National Library Service (KNLS) was responsible for managing both the National Library of Kenya and the Public Library System.
- 3) However, the Constitution of Kenya 2010 positions public libraries as a devolved function. The Public Library function was a devolved function as outlined under Part 2 of Schedule 4 (f) and further outlined in articles 185 (2), 186 (1), 187 (2) of the Constitution of Kenya 2010 (CoK 2010) This was further elaborated in the Legal Notice No.142 of 19th August 2019 on the delineation of Library Functions to the County Governments.
- 4) The Kenya National Library Service Bill 2023 aims to redefine the National Library of Kenya and position it as a key driver of preserving national documentary heritage.
- 5) The KNLS Bill 2023 aims to repeal the 1965 KNLS Board Act, addressing technological advancements and the need for KNLS changes in the new constitution.

- 6) Under Section 225 KNLS has a dual mandate to promote, construct, equip, manage, maintain, and develop libraries in Kenya as a National Library Service. It serves as both a public and a national library.
- 7) The KNLS prepared a Bill to amend Cap 225 of the Laws of Kenya to clearly distinguish and separate the National Library function from the Public Library function.
- 8) The Libraries were to be left under the National Government and were then referred to as the National Library of Kenya at the Maktaba Kuu Complex in Nairobi Upper Hill with branches in Buruburu and Nakuru.
- 9)
- 10) The International Federation of Library Associations (IFLA), guides the library function and has given the distribution between the National Libraries and Public Library.
- 11) National Libraries work to preserve a nation's cultural heritage by collecting, preserving, and making its history accessible to people all over the world. They were created by the government to act as the foremost information repository for that nation, with the library's collections primarily serving reference and research needs.
- 12) Public Libraries act as neighborhood information hubs with a focus on literacy, education, inclusivity, civic engagement, and culture. Providing unrestricted access to a wide range of information and ideas, promoting formal and informal education, encouraging reading habits, fostering empathy, inspiring creativity, ensuring access to community information, providing scientific knowledge, and supporting local communities with adequate information services are just a few of the specific tasks that can be performed.
- 13) With the promulgation of the Constitution of Kenya 2010, Article 11(2)(a), mandates the state to promote all forms national expression through literature, the arts, traditional celebrations, science, communication, information, mass media publications, libraries and other cultural heritage.
- 14) The Constitution endeavors to devolve the functions of the public libraries to county level; The Public Library Function; The Constitution designates its function to the County government in order to extensively reach the end users.
- 15) Consequently, the 4th schedule, Part 2, of 4(0) appropriately situates Public Library Services under County Governments-article 185 4(b) The National Library Function; whereas the Public library Functions are adequately devolved to County Government the National Library Function which is a division within CAP 225 is undesignated.
- 16) In as much as the Constitution is silent on its functions in the new dispensation, Article 186 Sub Article (3) provides where an existing function is undesignated, it shall fall under the National Government in the Legal Notice no.142 of August 2019.
- 17) The chronological event of the transfer of the public library function to the 33 County Government were as follows:
 - i. In 2013, following recommendations by the Task Force on Parastatal Reforms that the National and County Governments hold consultations to determine the future of KNLS

by June 2014, a committee was established to facilitate, oversee, and monitor the implementation of this recommendation as covered under Article 189 (2).

- ii. The Transitional Authority tasked knls to unbundle her functions. While unbundling the functions as stipulated in CAP 225, KNLS justification for retaining Buru Buru and Nakuru Libraries was because; Nakuru was the off-site conservation and preservation site for the National Library while Buruburu served as the host for KNLS back-up servers for various systems for automated services.
- iii. KNLS also proposed to establish additional satellite center of the National Library so as to bring the National Library Service closer to the people.
- iv. On 28th October 2015, KNLS vide a letter Ref. TA/2/2/VOL.7 (39) dated 16th October 2015, submitted a report of the unbundled functions and financial information of knis in response to a request by the then Ministry of Sports, Culture and the Arts concerning all the unbundled functions and financial information of all the State Corporations under the Ministry.
- v. On 10th November 2015, KNLS was invited by the then Transition Authority vide a letter Ref. TA/2/2/VOL.VII (54) to participate in a three-day retreat from 17th to 20th November 2015, to review and compile a draft report of the unbundled functions and financial information of the State Corporations under the then Ministry of Sports, Culture and the Arts.
- vi. In June 2018, during the 6th Ordinary Summit, a sub-committee on the implementation of the capacity assessment and rationalization of public service (CARPS) was formed to review reports presented before the summit. The sub-committee reviewed the status of the transfer of functions as provided for in the context of the 4th Schedule and articles 185 (2), 186 (1), and 187 (2) of the Constitution of Kenya 2010. The Sub- committee recommended the transfer of the unbundled library functions.
- vii. On 26th July 2018, knls vide letter Ref. C/KNU/HQ/AD/706/9, wrote to IGRTC providing information on Payroll, Operations and Maintenance Budgets for the 59 public libraries. IGRTC then drafted a gazette notice for the transfer of the public library function to counties as proposed by the sub-committee of the summit. (the legal instrument to be used to transfer the libraries).
- viii. A team, met on 26th March 2019, to work on the delineation of functions and include it in the legal notice. The team comprised representatives from:
 - a) IGRTC (Convener)
 - b) Council of Governors
 - c) Kenya National Library Service
 - d) Kenya Law Reform Commission
 - e) Commission on Revenue Allocation
 - f) The National Treasury

- ix. IGRTC invited KNLS together with all CECs of Education from the County Governments for a meeting scheduled for 29th April 2019 to discuss the transfer of the library function and legal notice.
 - x. On 3 June 2019, IGRTC vide a letter Ref. IGR/ADM/1/110/VOL 1/(29), wrote to the Attorney General and copied to the Cabinet Secretary for the then Ministry of Sports, Culture and Heritage (MOSCAH) submitting the final draft of the Legal Notice and schedule of libraries for both Counties and National Government. The final draft was also marked to CEO knls by CS seeking concurrence. The legal notice 142 was gazetted on 9th August 2019
 - xi. On 31 May 2022, the Council of Governors wrote to KNLS on the implementation of the transfer of library function where they requested, that staff files be prepared for transfer to the County Public Service Boards of the Libraries being absorbed by the 33 County Governments. In response, knis affirmed that it had segregated and submitted to IGRTC and the National Treasury all the resources (PE & O&M) for 61 branch libraries and that the files should be transferred immediately once the transfer dates were clear from IGRTC and the National Treasury, upon legislation of the County Allocation Revenue Bill, which was CA order discussion in Parliament at the time.
- 18) The current status of Libraries is that the library function has been transferred to county governments following National Treasury funding. Staff files and assets were received by 33 counties in October 2023. The Kenya National Library Service Bill, initiated in 2014, is undergoing stakeholder participation and validation for National Assembly scheduling.
- 19) The KNLS proposed amendments to the Bill as follows:
- a. The Long title to be amended to provide clarity in the purpose of the Bill by including the key mandates of KNLS such as collecting, preserving, making available and promoting the national documentary heritage.
 - b. Amend by deleting Clause 5 (a) and replacing therefor with “*establish, equip, develop, manage and maintain the Kenya National Library Service and its repository centres*” this was for modification to include other repository centres.
 - c. Amend by deleting Clause 5 (b) and replacing therefore with “*acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography*” to cover all forms of information resources.
 - d. Amend by deleting Clause 5 (e) and replacing therefore with “*To promote information awareness and information literacy*” to make it clearer and shorter
 - e. Amend by deleting Clause 5 (g) and replacing therefore with “Render a national bibliographic service and act as the national replacement bibliographic agency” proposed replacement
 - f. Amend Clause 5 (h) to Capitalize the word cat. webCAT-web catalogue, is a tool to extract metadata and generate RDF description from existing web document.
 - g. Amend by delete the word *Library* in Clause 5(i) to read “*Provide a national library reference and referral service*”

- h. Amend by deleting Clause 5 (k) and replacing therefore with “*support establishing of referral repository centers at regional and County levels*” to distinguish the role of county libraries and national library.
- i. A proposed addition to the function of the National Library as Clause 5 (p) therefore to read “*to promote awareness and appreciation of the national published documentary heritage*”
- j. A proposed addition to the function of the National Library to enhance the Library Profession as Clause 5(q) to read “*To provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects*”
- k. Amend and delete Clause 6(d) as This is a National Library function and the Ministry of Education will better suited to work with the public libraries as they directly work with Schools and supplement curriculum education and in giving technical advice in the establishment of school libraries.
- l. Amend and deleting Clause 6(g) and replace therefore with “*The Chairperson of County of Governors (COG) or a representative designated in writing*”
- m. Amend Clause 6(h) To be in line with Mwongozo guidelines on the number of independent Board member representation and read “*Three persons appointed by the Cabinet Secretary in accordance with section 7 (2)*”
- n. Amend by deleting Clause 15(2) (b) and replacing therefore with “*Holds a master's degree in library and Information Science, knowledge management, Information technology from a recognized institutions*” in the new dispensation of devolved units, the national library requires a professional to ensure that the international standards are met.
- o. Amend by deleting Clause 15(2) (c) and replacing therefore with “*Has at least fifteen cumulative years in relevant field of which at least twelve years at a senior management*” as the best practice as per Public Service Commission (PSC)
- p. Amend by deleting First Schedule Clause 15 and replacing therefore with “*The minutes of each meeting of the Board or of a Committee of the Board shall be kept by the Corporate Secretary and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General*” to replace Director General with Corporate Secretary in line with Mwongozo.
- q. Amend by deleting First Schedule Clause 15 (c) and replacing therefore with “*Submit declaration of income assets and liabilities to the body responsible for such declarations from public officers in accordance with the law*” in line with existing governing laws.
- r. A proposed addition Clause 5(q) and therefore read “*to provide facilities for the study of , and for training, and award of certificates and diploma in the principles, procedures and techniques of librarianship and such other related subjects*” to the functions of the National Library to enhance the Library Profession

COMMITTEE OBSERVATIONS

Having considered the submission on Kenya National Library Services, the Committee observed that:-

- i. There was need to take inconsideration the IFLA directives and definitions of the public libraries and a national library so as to protect the country's cultural heritage by gathering, preserving and disseminating the country's history to its residents all over the world
- ii. Legal Notice 142 of 219 transferred the National Library Services functions to the national government and distinguished it from the public libraries that are under the purview of the county governments. This transfer of functions was done in conformity with the provisions of Article 187 of the Constitution.
- iii. The Kenya National Library Service Bill, 2023 seeks to provide a legal framework for the Kenya National Library Service. It seeks to provide for the management of the Kenya National Library Service, and to give effect to the provisions of Article 11(2)(a) of the Constitution which mandates the State to 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.

MIN.NO. DC/SC/2023/353: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/354: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.40 p.m. until 2.43 p.m, same day, same venue.

SIGNED:
THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 20/11/2023

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON FRIDAY, 13TH OCTOBER, 2023 AT 02:30 PM AT THE SAWELA LODGE HOTEL, NAIVASHA.

PRESENT

1. The Hon. Janet Sitienei Jepkemboi, M.P. - Chairing
2. The Hon. Naomi Jillo Wago, M.P. CBS
3. The Hon. Samuel Rai Gonzi, M.P.
4. The Hon. Mary Otucho Emaase, M.P.
5. The Hon. Chege Njuguna, M.P
6. The Hon. Catherine Omanyo Nakhabi, M.P.
7. The Hon. Robert Ngui Basil, M.P

APOLOGY

1. The Hon. Daniel Wanyama Sitati, M.P -Chairperson
2. The Hon. Githua Wamacukuru, M.P. - Vice Chairperson
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Caroli Omondi, M.P.
5. The Hon. Stephen Mule Mutinda, M.P
6. The Hon. Paul Nabuin Ekwom, M.P.
7. The Hon. Richard Yegon Kipkemoi, M.P.
8. The Hon. BSP.(EM) Dr. Jackson Kipkemoi Kosgei, M.P

Committee Secretariat

1. Mr. George Gazemba - Ag. Deputy Director
2. Mr. Mugoma John - Clerk Assistant I
3. Ms. Mary Kinyunye - Clerk Assistant III
4. Ms. Christine Odhiambo - Senior Legal Counsel
5. Mr. Calvin Karung'o - Media Relations III
6. Mr. Stephen Otieno - Serjeant-At-Arm

Stakeholders

1. Dr. Charles Nzivo - CEO, Kenya National Library Service
2. Bishop Theuri Maina - Chairman, Kenya National Library Service
3. Ms. Julie Musandu - AG. Deputy Director Finance and Administration
4. Ms. Nancy Ngugi - Principal Public Relations Officer
5. Mr. Cyrus Ndogo - Principal Planning Officer
6. Mr. Alex Ombongi - Principal ICT Officer
7. Ms. Juliana Muchai - Principal Resource Mobilization Officer
8. Ms. Mary Kinyanjui - Research Officer

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising

3. **Sensitization Workshop on Virtual Library and Consideration of Kenya National Library Service Bill, 2023**
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2023/343: PRAYER AND PRELIMINARIES

The meeting commenced at 2.43p.m. with the Prayer followed by introductions. The Session Chairperson welcomed the stakeholders to the afternoon session.

MIN.NO. DC/SC/2023/344: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Catherine Omanyo Nakhabu, M.P. and the Hon. Chege Njuguna, M.P. respectively.

MIN.NO.DC/SC/2023/345: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2023/346: SENSITIZATION WORKSHOP ON VIRTUAL LIBRARY

The CEO, Dr. Charles Nzivo submitted that:

- 1) National libraries are responsible for safeguarding a country's cultural heritage, collecting, preserving, and making available its history to its citizens. They develop standards, guidelines, and best practices for service provision, and serve as a forum for discussing international programs and projects. National libraries are usually copyrighted and are responsible for acquiring and conserving copies of significant publications, coordinating with other libraries, developing bibliographic databases, and providing training for library professionals.
- 2) The Public Library function was a devolved function as outlined under Part 2 of Schedule 4 (f) and further outlined in articles 185 (2), 186 (1), 187 (2) of the Constitution of Kenya 2010 (CoK 2010). This was further elaborated in the Legal Notice No.142 of 19th August 2019 on the delineation of Library Functions to the County Governments.
- 3) The Libraries were to be left under the National Government and were then referred to as the National Library of Kenya at the Maktaba Kuu Complex in Nairobi Upper Hill with branches in Buruburu and Nakuru.
- 4) The KNLS in conjunction with the parent Ministry of Sports, Culture and Heritage had embarked on the development of the KNLS Bill (2020) in 2014, in compliance with the Constitution of Kenya, 2010. The Bill went through various stages at the National Assembly and was forwarded to the Senate for consideration on 5th August 2021.
- 5) The Act gives the Board the responsibility to manage both the National Library of Kenya and the Public Library System. However, the Constitution of Kenya 2010 positions the public libraries as a devolved function. The following reasons to support the amendments:

Constitutional Order

- 6) The Kenyan Constitution of 2010 allocates County Governments with responsibility for libraries without making a distinction between Public and National Libraries.
- 7) According to Article 186 (3), where a function or power not assigned by the constitution or national legislation to a county is a function or power of the national government and (4) states that for greater certainty, Parliament may legislate for the Republic on any matter.
- 8) KNLS in consultation with the relevant government agencies prepared a Bill with a view to amend/repeal Cap 225 of the Laws of Kenya in order to clearly distinguish and separate the National Library function from the Public Library function, which had been assigned as a function of the county governments.

The dual function of KNLS

- 9) CAP 225 gives KNLS a dual role of Public and National Library and mandated to undertake the followings function:
 - i. to promote, establish, equip, manage, maintain and develop libraries in Kenya as a National Library Service;
 - ii. to plan and co-ordinate library, documentation and related services in Kenya;
 - iii. to advise the Government, local authorities and other public bodies on all matters relating to library, documentation and related services;
 - iv. to provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects as the Board may from time to time decide;
 - v. to advise the Government on library education and training needs for library, documentation and related services;
 - vi. to sponsor, arrange or provide facilities for conferences and seminars for discussion of matters in connection with library and related services;
 - vii. to carry out and to encourage research in the development of library and related services;
 - viii. to participate and assist in campaigns for the eradication of illiteracy;
 - ix. to stimulate public interest in books and to promote reading for knowledge, information and enjoyment;
 - x. to acquire books produced in and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national library;
 - xi. to publish the national bibliography of Kenya and to provide a bibliographical and references service. This is done through the provision of CAP 111 that requires all publishers to deposit 2 books of every publication with the Director of the National Library.

The Current and Proposed Global Outlook

- 10) National libraries, according to IFLA, protect a country's cultural heritage by gathering, preserving, and disseminating that country's history to its residents all over the world.
- 11) IFLA specific functions of National Libraries include:

- i. Collection of Legal deposits;
 - ii. Cataloging and preservation;
 - iii. Digitization and digital services;
 - iv. Data dissemination and data mining;
 - v. The provision of common central services (e.g., reference, bibliography, preservation, circulation, and research services) to authorized users and libraries on their national territory; and
 - vi. The promotion of national cultural policy.
- 12) A National Library is established by the Government of a nation to serve as the pre-eminent repository of information for that country. Unlike public libraries which allow citizens to borrow books, national libraries' collections are mainly for reference and research purposes within the library. In addition, the National Library is the National Agency for the International Standards Book Number and International Standards Music Number.
- 13) The British Library preserves and makes available at least one copy of every book and periodical of domestic origin and as many overseas publications as possible. The National Library of Singapore focuses on acquiring, preserving, and providing access to materials published in or related to the nation, promoting its national cultural heritage. The National Library of Sweden collects and preserves all domestic printed and audio-visual materials in Swedish, contributing to socio-economic, cultural, educational, scientific, and innovative development.
- 14) The National Library of South Africa builds a complete collection of published documents, renders a national bibliographic service, provides reference and information services, undertakes research and development, and publishes national bibliography. The National Library of Uganda was established in 2003 and serves as the legal deposit library for Uganda.
- 15) However, Public libraries serves as local information centers, focusing on literacy, education, inclusivity, civic participation, and culture, with a core mission of providing accessible knowledge.
- 16) Some specific functions included:
- i. Providing access to a broad range of information and ideas free from censorship, supporting formal and informal education at all levels as well as lifelong learning enabling the ongoing, voluntary and self-conducted pursuit of knowledge for people at all stages of life;
 - ii. Providing opportunities for personal creative development, and stimulating imagination, creativity, curiosity, and empathy;
 - iii. Creating and strengthening reading habits in children from birth to adulthood;
 - iv. Initiating, supporting and participating in literacy activities and programmes to build reading and writing skills, and facilitating the development of media and information literacy and digital literacy skills for all people at all ages, in the spirit of equipping an informed, democratic society;
 - v. Providing services to their communities both in-person and remotely through digital technologies allowing access to information, collections, and programmes whenever possible;
-

- vi. Ensuring access for all people to all sorts of community information and opportunities for community organising, in recognition of the library's role at the core of the social fabric;
- vii. Providing their communities with access to scientific knowledge, such as research results and health information that can impact the lives of their users, as well as enabling participation in scientific progress;
- viii. Providing adequate information services to local enterprises, associations, and interest groups

Proposed functions not captured by Cap 225 of the laws of Kenya, 1965.

- 17) The National Library functions as proposed in the KNLS Bill 2023 in adherence to the international standards included:
- i. Equip, develop, manage and maintain the Kenya National Library Service;
 - ii. Acquire, preserve and maintain a collection of library resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography;
 - iii. Liaise with other government agencies to ensure compliance by publishers with the Books and Newspapers Act;
 - iv. Promote and support research for development of libraries and related services;
 - v. Promote reading for knowledge, information and enjoyment through the stimulation of public interest in books and participation in campaigns for the eradication of illiteracy;
 - vi. Establish and maintain a national agency for administering international standard numbers for library resources including books, serials and music;
 - vii. Publish the Kenya National Bibliography and the Kenya Periodicals Directory;
 - viii. Establish the national Webcat to publish catalogues for all libraries; provide a national library reference and referral service;
 - ix. Establish and maintain a national virtual library service;
 - x. Support the establishment of referral libraries at the regional or county levels;
 - xi. Establish a center for books to promote reading, writing and publishing in local languages, traditional knowledge and culture, information and advice, advocacy, book development and easy access to books;
 - xii. Provide advisory services and related support for libraries;
 - xiii. Set standards for the establishment and operations of libraries; and
 - xiv. To perform any other function necessary for the attainment of the objectives of this Act.
- 18) Proposed functions not in Cap 225 of the laws of Kenya, 1965.
- i. Establish and maintain a national agency for administering international standard numbers for library resources including books, serials and music;
 - ii. Establish the national Webcat to publish catalogues for all libraries; provide a national library reference and referral service;
 - iii. Establish and maintain a national virtual library service;

COMMITTEE OBSERVATION

Having considered the submission on Kenya National Library Services, the Committee observed that:-

1. There is a need to develop a domestic referencing number to be used in Public Library.

2. There is a need to collaborate with digital hubs to link it with Virtual Library so as to create awareness and get more users.
3. There is a need to create visibility of the Virtual Library and Library in general so as to improve reading culture and preservation of Kenyan literature.
4. That since 1965, KNLS has been performing the dual functions of Public and National Library and it was high time to separate the functions.
5. That there is an urgent need to enact the National Library Bill, 2023 for KNLS to perform its National Roles of a library and have the Virtual Library role.
6. There is a need to collaborate and integrate with schools as CAP 225 gives KNLS a dual role of performing national literacy role.
7. There is a need to benchmark and have comparative learning with other libraries on ways to better the Virtual Library.
8. There is need to create a repository of indigenous information from all communities so to preserve our Kenya culture.
9. The management of the KNLS should lobby for the exemption of VAT and other charges on the shipment of books and information materials.

COMMITTEE RECOMMENDATIONS

The Committee recommended that the Kenya National Library Service Bill should be prioritized to facilitate the transition of KNLS into the National Library of Kenya.

MIN.NO. DC/SC/2023/347: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/348: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 4.07 p.m. until Saturday 14th October 2023 at 9.30 a.m. at the same venue.

SIGNED:

THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 30/11/2023

THE NATIONAL ASSEMBLY PAPERS Laid	
DATE: 25 JUL 2024 Thursday	
TABLED BY:	Hon. Carol Omondi, MP Member
CLERK-AT-THE-TABLE:	Anne Shibuko

MINUTES OF THE 65TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON FRIDAY, 13TH OCTOBER, 2023 AT 10:43 AM AT THE SAWELA LODGE HOTEL, NAIVASHA.

PRESENT

1. The Hon. Janet Sitienei Jepkemboi, M.P. - Chairing
2. The Hon. Naomi Jillo Waqo, M.P. CBS
3. The Hon. Samuel Rai Gonzi, M.P.
4. The Hon. Mary Otucho Emaase, M.P.
5. The Hon. Chege Njuguna, M.P
6. The Hon. Catherine Omanyo Nakhabi, M.P.
7. The Hon. Robert Ngui Basil, M.P

APOLOGY

1. **The Hon. Daniel Wanyama Sitati, M.P** -Chairperson
2. **The Hon. Githua Wamacukuru, M.P.** -Vice Chairperson
3. The Hon. Charles Ngusya Nguna, M.P.
4. The Hon. Caroli Omondi, M.P.
5. The Hon. Stephen Mule Mutinda, M.P
6. The Hon. Paul Nabuin Ekwom, M.P.
7. The Hon. Richard Yegon Kipkemoi, M.P.
8. The Hon. BSP.(EM) Dr. Jackson Kipkemoi Kosgei, M.P

Committee Secretariat

1. Mr. George Gazemba - Ag Deputy Director
2. Mr. Mugoma John - Clerk Assistant I
3. Ms. Mary Kinyunye - Clerk Assistant III
4. Ms. Christine Odhiambo - Senior Legal Counsel
5. Mr. Calvin Karung'o - Media Relations III
6. Mr. Stephen Otieno - Serjeant-At-Arm

Stakeholders

1. Dr. Charles Nzivo - CEO, Kenya National Library Service
2. Bishop Theuri Maina - Chairman, Kenya National Library Service
3. Ms. Julie Musandu - AG. Deputy Director Finance and Administration
4. Ms. Nancy Ngugi - Principal Public Relations Officer
5. Mr. Cyrus Ndogo - Principal Planning Officer
6. Mr. Alex Ombongi - Principal ICT Officer
7. Ms. Juliana Muchai - Principal Resource Mobilization Officer
8. Ms. Mary Kinyanjui - Research Officer

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions & Adoption of the Agenda;
 - ii. Communication from the Chairperson;
 - iii. Confirmation of Committee Minutes and Matters Arising
3. **Sensitization Workshop on Virtual Library**

4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2023/337: PRAYER AND PRELIMINARIES

The meeting commenced at 10.43 a.m. with the Prayer followed by introductions. The Ag. Chairperson welcomed the stakeholders to the Committee meeting. She conveyed the apologies from the Hon. Chairperson of Sports and Culture committee. Further informed meeting that the Committee is in-support of the fast-tracking KNL Bill and the virtual library initiative as this will improve the country reading culture.

MIN.NO. DC/SC/2023/338: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Catherine Omanyo Nakhabi, M.P. and the Hon. Chege Njuguna, M.P. respectively.

MIN.NO.DC/SC/2023/339: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO.DC/SC/2023/340: SENSITIZATION WORKSHOP ON VIRTUAL LIBRARY

Bishop Theuri Maina, the Chairperson of Kenya National Library Services welcomed the Committee Member to the retreat and informed them that the Virtual Library was launched by KNLS as a digital content and education initiative, that aimed at promoting a lifelong learning and preserve Kenya's National Documentary heritage, with a robust ICT infrastructure and online marketplace.

That the main aim of the retreat was to engage the Committee and stakeholders to raise awareness and support its sustainability.

The CEO, Dr. Charles Nzivo submitted that:

- 1) The Virtual Library, launched on July 12, 2023 and it was funded by the Sports, Arts and Social Development Fund and it aims to provide affordable library services to Kenyan communities.
- 2) That the Virtual Library is part of the Vision 2033 flagship project that facilitated the construction of a new library building (Maktaba Kuu) at a cost of Ksh. 2.891 Billion. It comprises of the Library, auditorium halls for meetings and events, administration offices, and a commercial wing for income generation.
- 3) The project commenced in 2012 and was officially opened on 13th November 2020. The Government of Kenya through the then Ministry of Sports, Culture and Heritage funded the building.
- 4) The Virtual Library as game changer aims at increasing information literacy and improving reading culture in Kenya.

- 5) The vision of Virtual Library is to be an Information Hub for Knowledge. The digital content was designed to educate, entertain, inform, change ones perception or persuade readers into something.
- 6) It contains lots of rich content that cannot be easily accessed anywhere else. The content is available in different formats like; documents, videos, infographics, photo galleries, memes, how to guides, case studies, research data and podcasts.
- 7) It brings together digital content originating from authors, publishers, artists, entertainers, bloggers, vloggers, film producers, music producers and many more.
- 8) E-vitabu is a digital library platform that revolutionizes information access, fosters intellectual growth in Kenya, and serves as a transformative resource hub for enhancing digital literacy.
- 9) The virtual library offers various key features such as anytime access, multi-format support, self-publishing, intuitive user interface, content categorization, and personalized recommendations.
- 10) E-Vitabu offers seamless access to its extensive library resources, ensuring uninterrupted access for users of all lifestyles. It is compatible with any device with an internet connection, allowing convenient information retrieval.
- 11) Future improvements to virtual libraries will include gamified interactive learning resources, community forums for knowledge sharing, and AI integration for improved search and discovery features.
- 12) KNL has put measures to ensure security of content by putting in the Security Operation Centre (SOC) and the Network Operation Centre (NOC).

COMMITTEE OBSERVATION

Having considered the submission on Kenya National Library Services, the Committee observed that:-

1. That there a is need to develop public sensitization on reading culture through virtual libraries, E-Vitabu app, essays competition, reading clubs, and extravaganzas across schools.
2. Virtual content can be accessed through content owners portal, content consumer portal and mobile apps. E-Vitabu can be accessed via <https://vtabu.knls.ac.ke>.
3. That there is a need to sensitize more government agencies to utilize the Uvumbuzi centre to promote its revenue generation and utilize government initiative so as to save on cost.
4. That more efforts is needed in collection of content and marketing of Uvumbuzi Centre products to promote KNL revenue collection.

5. There is a need to expand linkages with other government agencies such as Ministry of Education and ICT when rolling out programs ie free laptops/tablets and free wifi respectively to create awareness of the virtual library.
6. Further, there is a need to find more ways of advocacy, establish a presence, set a blue print in the digital library space.
7. That there is a need to ensure Data Protection and Privacy Laws are enforced when implementing the Virtual Libraries to prevent hacking of content.
8. That there is a need safeguard the children from content they will consume as content should adhere to the Sexual Offenses Act No. 3 of 2006 Section (16) (a) *states that any person who knowingly displays, shows, exposes or exhibits obscene images, words or sounds by means of print, audio-visual or any other media to a child with intention of encouraging or enabling a child to engage in sexual acts is guilty.*


MIN.NO. DC/SC/2023/341: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/342: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.40 p.m. untill 2.30 p.m, same day, same venue.

SIGNED:


THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 30/11/2023

**MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS AND CULTURE HELD ON WEDNESDAY, 13TH SEPTEMBER, 2023 AT 2.10
P.M. IN THE PELICAN CONFERENCE ROOM, FLAMINGO HOTEL, MOMBASA**

PRESENT

1. The Hon. Daniel Wanyama Sitati, M.P. -Chairperson
2. The Hon. Githua Wamacukuru, M.P. -Vice Chairperson
3. The Hon. Naomi Jillo Waqo, M.P. CBS
4. The Hon. Samuel Rai Gonzi, M.P.
5. The Hon. Mary Otucho Emaase, M.P.
6. The Hon. Janet Sitienei Jepkemboi, M.P.
7. The Hon. Stephen Mule Mutinda, M.P.
8. The Hon. Caroli Omondi, M.P.
9. The Hon. Charles Ngusya Nguna, M.P.
10. The Hon. Catherine Omanyoo Nakhabu, M.P.
11. The Hon. Paul Nabuin Ekwom, M.P.
12. The Hon. Robert Nguni Basil, M.P.
13. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P.

APOLOGY

1. The Hon. Richard Yegon Kipkemai, M.P.
2. The Hon. Chege Njuguna, M.P.

Committee Secretariat

1. Mr. John Mugoma - Clerk Assistant I
2. Ms. Christine Odhiambo - Senior Legal Counsel
3. Mr. Vitus Oketch - Research Officer II
4. Mr. Wilson Mwangi - Fiscal Analyst II
5. Mr. Calvin Karung'o - Media Relations III
6. Mr. Moses Esamai Omoit - Audio Officer III
7. Mr. Stephen Otieno - Serjeant-At-Arm

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions;
 - ii. Adoption of the Agenda;
 - iii. Communication from the Chairperson;
3. **Consideration of Memoranda on the Kenya National Library Service Bill, 2023**
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2023/294: PRAYER AND PRELIMINARIES

The meeting commenced at 2.10 p.m. with the Prayer followed by introductions.

MIN.NO. DC/SC/2023/295: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Githua Wamacukuru, M.P. and the Hon. Robert Nguni Basil, M.P. respectively.

MIN.NO. DC/SC/2023/296: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/SC/2023/297: CONSIDERATION OF MEMORANDA ON THE KENYA NATIONAL LIBRARY SERVICE BILL, 2023

The Legal Counsel submitted to the Committee as follows:

LONG TITLE

Stakeholder: Kenya National Library Service

Amend Long Title to read-

An Act of Parliament to establish the Kenya National Library Service, to provide for the management of the National Library Service by collecting, preserving, making available and promoting the national documentary heritage and for connected purposes

Justification- For clarity of the Act and to distinguish between the National Library and other libraries.

Committee Comments – Agreed to with the following amendment, *“An Act of Parliament to give effect to Article 11(2)(a) of the Constitution; to establish the Kenya National Library Service, to provide for the management of the Kenya National Library Services and for connected purposes”*

Part I- Preliminary - Short title and interpretation

Stakeholder: Kenya Library Association

Change the name to National Library of Kenya

Committee Comments – Rejected. Retain the name as the Kenya National Library Service

No justification given, the Committee may consider the suitability or otherwise of the proposed name.

PART II- ESTABLISHMENT OF THE KENYA NATIONAL LIBRARY SERVICE

Stakeholder: Kenya National Library Service

Functions of the Kenya National Library Service

(a) establish, equip, develop, manage and maintain the Kenya National Library Service and its repository centres;

Justification- modification to include other repository centres.

Committee Comment: Agreed to with the following amendment, *“equip, develop, manage and maintain the Kenya National Library Service and its subsidiary centre”*

Clause 4 of the Bill establishes the Kenya National Library Service, therefore the establishment cannot be restated in its functions.

Further, it is not necessary to provide for the management of the repository centres of the Kenya National Library Service since the Service represents the collectivity of the National Library and any branches it may have.

(b) acquire, preserve and maintain a collection of ~~library~~ **information** resources including books produced within and outside Kenya and such other materials and sources of knowledge necessary for a comprehensive national bibliography;

Justification- to cover all forms of information resources

Committee Comment: Agreed to

A library may contain other information resources in addition to books, eg. Journals, media and internet sources.

(e) promote information awareness and information literacy

Justification- to make it clearer and shorter

Committee Comment: Agreed to with the following amendment, *“promote reading, information awareness and information literacy;”*

(g) render a national bibliographic service and act as the national bibliographic agency;

Committee Comment: Rejected

The proposed amendment is vague as it does not clearly set out that one of the roles of the Kenya National Library Service is to publish the Kenya National Bibliography.

(h) establish the national webCAT to publish catalogs for all libraries;

Justification- web catalogue is a tool to extract metadata and generate RDF descriptions from existing web documents.

Committee Comment: Agreed to with the following amendment, *“establish the national website catalog for the publication of inventory for all libraries”*

(i) provide a national reference and referral service;

Justification- to delete the word library

Committee Comment: Rejected

The deletion of the word “library” is not necessary as it would amount to the ambiguity of the paragraph.

(k) support establishing of referral repository centres at the regional or county levels;

Justification- to distinguish the role of county libraries and national library

Committee Comment: Agreed to with the following amendment, *“subsidiary centers at the regional and constituency levels”*

(p) promote awareness and appreciation of the national published documentary heritage;

Justification- an addition to the functions of the National Library

Committee Comment: Agreed to

It aligns the functions of the National Library Service with the purpose of the Bill as set out in clause 3.

(q) provide facilities for the study of, and for training in the principles, procedures and techniques of librarianship and such other related subjects.

Justification- an addition to enhance the library profession

Committee Comment: Agreed to with the following amendment, *“provide facilities for training of the principles and procedures of library information science and management.”*

Stakeholder: Kenya National Library Service

Composition of the Board-

Delete (d)- “the Principal Secretary responsible for matters relating to education or a representative designated in writing;”

Justification- This is a national library function and the Ministry of Education can work directly with schools in giving technical advice in the establishment of school libraries

Committee Comment: Rejected

Delete (g)- “two persons nominated by the Council of County Governors in accordance with section 7 (2);” and replace with “the Chairperson of the County of Governors or a representative designated in writing”

Justification- The Chairperson’s representation will suffice

Committee Comment: Rejected

The Chairperson of the County of Governors is a Governor

Amend (h)- “one person appointed by the Cabinet Secretary in accordance with section 7 (2);” and provide for three persons appointed by the Cabinet Secretary

Justification- To be in line with the Mwongozo Guidelines on the number of independent Board member representation

Committee Comment: Rejected

The Mwongozo Code of Governance for State Corporations recommends that at least one-third of the Board members shall be independent upon appointment and maintain their independence during their term of service in the Board.

Stakeholder: Kenya National Library Service

Appointment of Director-General

Amend (b)-

“holds a masters degree in library and information science, knowledge management, information technology, from a university recognized in Kenya;”

Justification- the national library requires a professional to ensure international standards.

Committee Comment: Rejected

The Director General is a manager and not a technocrat. Development Studies involves information science.

Delete (c)-

“has at least seven years professional experience of which at least five years are at senior management level;”

Replace with-

“has at least fifteen cumulative years in the relevant field of which at least twelve years are at a senior management level”

Justification- This is the best practice as per the Public Service Commission

Committee Comment: Agreed with the following amendment, *“has at least five years cumulative years in the relevant field of which at least three years are at a senior management level”*

Stakeholder: Kenya Library Association

National Library to be headed by a professional who has undertaken training in Library and Information Science

Committee Comment: Rejected

Clause 7(1)(d) of the Bill already provides that a person shall qualify for appointment as a Chairperson if the person has had a distinguished career in library and information science, knowledge management, information technology, development studies, management or any related field.

Composition of the Board- Delete (g)- “two persons nominated by CoG” and replace with “three persons appointed by the Cabinet Secretary in accordance with section 7(2)”

Committee Comment: Rejected

Composition of the Board- Delete (h)- “one person appointed by the Cabinet Secretary” and replace with “a representative of the Library and Information Science Profession, such as the President of the Kenya Library Association”

Committee Comment: Agreed to with amendment, *“a representative of the Library and Information Science Profession”*

Justification- The independence of the Board will be compromised with only one independent member appointed by the Cabinet Secretary, aside from the Chairperson.

Further, matters devolution will be addressed by the Principal Secretary responsible for matter relating to devolution, therefore there is no need for persons nominated by CoG.

Committee Comment: Agreed

FIRST SCHEDULE

Stakeholder: Kenya National Library Service

Amend paragraph 5-

The minutes of each meeting of the Board or of a Committee of the Board shall be kept by the Corporation Secretary and shall be confirmed by the Board or the Committee at the succeeding meeting and be duly signed by the Chairperson or the person presiding and the Director-General.

Committee Comment: Agreed to

To align it with the provisions of section 16(3)(c) of the Bill which provides that the Corporation Secretary shall be responsible for ensuring safe custody of the minutes, decisions and documents of the Board.

SECOND SCHEDULE

Stakeholder: Kenya National Library Service

Amend paragraph 5(c)-

A member or employee of the Service shall submit an annual declaration of income, assets and liabilities to the body responsible for such declarations from public officers in accordance with the law;

Justification- this is in line with the existing governing laws.

Committee Comment: Agreed to

MIN.NO. DC/SC/2023/298: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/299: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 3.20 p.m. until Thursday 14th September 2023 at 10.00 a.m

SIGNED:

THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE:

19th Oct 2023

MINUTES OF THE 56TH SITTING OF THE DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE HELD ON TUESDAY, 12TH SEPTEMBER, 2023 AT 3.30 P.M IN THE PELICAN CONFERENCE ROOM, FLAMINGO HOTEL, MOMBASA

PRESENT

1. The Hon. Daniel Wanyama Sitati, M.P -Chairperson
2. The Hon. Githua Wamacukuru, M.P. -Vice Chairperson
3. The Hon. Naomi Jillo Waqo, M.P. CBS
4. The Hon. Samuel Rai Gonzi, M.P.
5. The Hon. Mary Otucho Emaase, M.P.
6. The Hon. Janet Sitienei Jepkemboi, M.P.
7. The Hon. Stephen Mule Mutinda, M.P
8. The Hon. Caroli Omondi, M.P.
9. The Hon. Charles Ngusya Nguna, M.P.
10. The Hon. Catherine Omanyoo Nakhabi, M.P.
11. The Hon. Paul Nabuin Ekwom, M.P.
12. The Hon. Robert Nguu Basil, M.P
13. The Hon. BSP.(EM) Dr. Jackson Kipkemai Kosgei, M.P

APOLOGY

1. The Hon. Richard Yegon Kipkemai, M.P.
2. The Hon. Chege Njuguna, M.P

Committee Secretariat

1. Mr. John Mugoma - Clerk Assistant I
2. Ms. Christine Odhiambo - Senior Legal Counsel
3. Mr. Vitus Oketch - Research Officer II
4. Mr. Wilson Mwangi - Fiscal Analyst II
5. Mr. Calvin Karung'o - Media Relations III
6. Mr. Moses Esamai Omoit - Audio Officer III
7. Mr. Stephen Otieno - Serjeant-At-Arm

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions;
 - ii. Adoption of the Agenda;
 - iii. Communication from the Chairperson;
3. Consideration of the Kenya National Library Service Bill, 2023
4. Any Other Business; and
5. Adjournment.

MIN.NO. DC/SC/2023/282: PRAYER AND PRELIMINARIES

The meeting commenced at 3.30 p.m. with the Prayer.

MIN.NO. DC/SC/2023/283: ADOPTION OF THE AGENDA

The Agenda was adopted without amendments, having been proposed and seconded by the Hon. Naomi Jillo Waqo, M.P. and the Hon. Paul Nabuin Ekwom, M.P. respectively.

MIN.NO. DC/SC/2023/284: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/SC/2023/285: COMPARATIVE ANALYSIS OF THE KENYA NATIONAL LIBRARY BILL, 2023

The policy analyst submitted that:-

1. National libraries occur almost universally. However, while national libraries can be distinguished as a particular type of library, they differ greatly from one another in respect of their origins, functions and status in their respective countries. This diversity is underlined by the emergence of the term “national library service”.
2. The Kenya National Library Service Bill, 2023 seeks to give effect to Article 11(2)(a) of the Constitution which mandates the State to 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.
3. The purpose of the Act is to preserve national documentary heritage; and to distinguish the functions of the Kenya National Library Service from other Public Libraries. This is also in line with the definition of a National Library by UNESCO.
4. The Bill proposes the following:
 - i. Provides that the Service can be found to be liable for damages.
 - ii. Provides that the accounts of the Service shall be audited and reported upon in accordance with the provision of the Public Audit Act, 2015.
 - iii. Provides for the appointment of 2 persons nominated by the Council of County Governors. This acknowledges the 2 levels of government and the need for them to work better for the same citizenry.
 - iv. Provides for the functions of the Kenya National Library Service. These include: acquiring, preserving and maintaining a collection of library resources, carrying out and encouraging research in the development of libraries and related services and providing a national library reference and referral service among others.
5. Regulations related to the Bill will be made by the Cabinet Secretary.

Situational Analysis

The Committee was informed that:-

6. The Kenya National Library Service shall be in line with the provisions of the Constitution in Article 11(2)(a). The operations are set to improve and the majority of Kenyans shall indeed benefit.

7. With the development of a policy framework for National and Public Libraries, the Public and County Governments shall engage with the Board to ensure Service that is both efficient and effective. This is especially so due to the aspect of custody of heritage, infrastructure required and a comprehensive national service.

Legal and Policy Framework on Library Services

8. The Constitution of Kenya, 2010, Article 11(2)(a) mandates the State to 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.

Comparative Analysis

9. The majority of countries have national libraries and it is quite generally assumed that each country should have one. Unfortunately, in many countries with a national library, it is prevented from performing the national functions that are assumed to be its *raison d'être* (reason for being). This is due to a variety of factors including lack of funds and effective powers.
- a) The first concern is to clarify the aims and functions of the national library *vis-a-vis* the state. A national library is too important an organ for its aims, functions and survival to be dependent on mere administrative decisions. It should be established by the legislature. If this is done, the legislature can hold the management of the national library accountable for the manner in which it pursues its enacted aim and carries out its statutory functions, while the management of the national library has a firm basis on which it can approach the legislature for the funding it needs to carry out its functions.
 - b) The second concern is to provide a basis for the national library's relationships with other libraries and institutions. To carry out key national functions which entail, for example, cooperation with other institutions, initiating and coordinating national library and information programmes, encouraging standardization, and carrying out national and international liaison tasks, the national library needs statutory recognition which gives it the necessary authority.
 - c) The third concern is to gain a greater degree of autonomy for the national library, with particular emphasis on the competence of its management to determine priorities and to allocate resources in a flexible way in response to changes taking place in the library's environment (Lor 1987).

10. Countries that have National Libraries established by law include the following:

	Country	Library	Legal Deposit
1	Iceland	National and University Library of Iceland (Landsbókasafn Íslands Háskólabókasafn)	YES
2	India	National Library of India	YES
3	Indonesia	National Library of Indonesia (Perpustakaan Nasional Republik Indonesia)	YES

4	Iran	National Library of Iran (Ketabkhane-ye Melli-ye Iran)	YES
5	Usa	The National Library of Congress (Est. 24 TH APRIL, 1800)	YES
6	Belgium	<u>Royal Library of Belgium</u> (<i>Koninklijke Bibliotheek van België = Bibliothèque royale de Belgique</i>)	YES

11. USA's Library of Congress (**LOC**) is a research library that serves as the library and research service of the U.S. Congress and the de facto national library of the United States. It is the United States' oldest federal cultural institution. It is the largest library in the world. Its collection was growing at a rate of about two million items per year; it reached more than 170 million items in 2020.
12. Many national librarians believe that this situation can be remedied at least in part, by appropriate legislation. Three underlying concerns are reflected in the various arguments that have been advanced for national library legislation.
13. Other countries include Colombia, Denmark, Germany, the United Kingdom, Sao Tome and Principe, Malaysia and the Philippines.
14. Not all National Libraries are established by law. They are, however, by their operations and functions, taken to be National libraries. They include the following: Sri Lanka, Bulgaria, Mexico, Argentina, Ghana and Italy.

In conclusion, the policy analyst submitted that:-

15. The principal object of this Bill is to give effect to Article 11(2)(a) of the Constitution which mandates the State to 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.¹
16. No amount of legislation can make up for a lack of the political will to adequately support and empower a country's national library. However, a sound legislative framework for a country's national library, which gives expression to the legislators' commitment to the institution, would appear to be a prerequisite for the allocation of the resources and powers such an institution needs to carry out national functions in a reliable and effective way.
17. KNLS should conduct periodic information needs assessments in order to tailor their services for their clients. There is a lot of competition from the virtual/online platforms.
18. KNLS to afford the Committee their latest strategic plan that was set to start in 2022. The previous one covered 2017 – 2022.

MIN.NO. DC/SC/2023/286: ANY OTHER BUSINESS

No Any Other Business Arose

MIN.NO. DC/SC/2023/287: ADJOURNMENT/DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 5.50 p.m. until Wednesday 13th September 2023 at 10.00 a.m.

SIGNED:

THE HON. DANIEL WANYAMA SITATI, M.P.
(CHAIRPERSON)

DATE: 19th Oct 2023

