

Understanding the Creative & Cultural Industries

The Creative Economy Working Group
(CEWG)

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CEWG: Brief Background

- Formed, joined the discussion in 2013
- **Aim:** to contribute to a policy framework for Kenyan creative industries, as well as related, diverse activities that help aggregate and focus the picture of Kenya creative economy as it evolves.

CEWG contd

- The Ford Foundation has supported its many deliberations as well as the Working Group's
 - i. Pre-summit/Strategy meeting, 26-29 March 2014, Naivasha, Aim: To deliberate on issues, and focus areas for a creative economy policy
 - ii. The National Creative Economy Conference, 26-28 February 2015, Nairobi.

Conference Goal: To demonstrate persuasively the current and prospective place of arts, creativity and culture in Kenya's economic and national life by presenting different dimensions of opportunities for its creative economy, and discussing how to overcome existing constraints to its future contribution to national development

Members

[representative of the sector]

- The GoDown Arts Centre
- Twaweza Communications (Kimani Njogu, CHAIR)
- The Theatre Company
- Ketebul Music
- Code IP/UoN
- Docubox
- Pan-African Federation of Film-makers/*Federation Pan-africaine des Cineastes* (Fepaci) & Cinearts Afrika
- Kwani Trust
- Kuona Trust
- African Cultural Regeneration Institute (Acri)
- Buni Media
- Kenya Film Commission (KFC)
- Arterial Network (K)
- Technical University of Kenya (TUK)
- Content House
- Department of Culture (Invited)
- Supported by Ford Foundation

Definition (1997 UK)

- “those industries that have their origin in individual creativity, skill and talent, and which have a potential for wealth and job creation through the generation and exploitation of intellectual property.”

The situation in Kenya

- Over 80% of Kenyans are in the informal, or *jua kali* sector.

David Ndii, National Creative Economy Conference,
February 2015

*No facilitative policy framework. Sectorial stakeholders have variously worked towards building this framework, both before the enactment of, and within the enabling statutes of the 2010 Constitution

- “I’m concerned about what I see is the fetishization around entrepreneurship in Africa. It’s almost like it’s the next new liberal thing. Like, don’t worry that there’s no power because hey, you’re going to do solar and innovate around that. Your schools suck, but hey there’s this new model of schooling. Your roads are terrible, but hey, Uber works in Nairobi and that’s innovation.

Ory Okolloh

The 'Informal' Sector

- ...most outside the modern system were actually also working
- ...very hard
- with resources they had saved by themselves,
- with labour-saving and adapted technologies
- with skills acquired outside the formal system
- and most important of all, it seemed relatively easy to enter this mode of work, even though it was **unregulated and highly competitive** (ILO, 1972).

The Informal Sector contd

- the informal sector was not just an aspect of urban, but of rural life as well—and that it was characterized by a notable spirit of self-reliance.
- The Question, then, as now: to formalize, or not to formalise the informal sector. Might it damage the sectors creativity and rugged self-reliance? How does govt see its role in this?
- 1986: Labour market policy finally enacted. A journey that took TWENTY years.

Culture as the Foundation...

- **Article 11 of the Constitution recognizes culture as the foundation of the nation and as cumulative civilization of the people and the nation.**
- **This recognition squarely anchors culture as the fulcrum of the national agenda.**

Creative Economy Reports

- UN Secretary-General Ban Ki-moon recognized in his opening remarks at the General Assembly thematic debate on culture and development held in New York in June 2013, that “too many well-intended development programs have failed because they did not take cultural settings into account...development has not always focused enough on people. To mobilize people, we need to understand and embrace their culture. This means
 - encouraging dialogue,
 - listening to individual voices, and
 - ensuring that culture and human rights inform the new course for sustainable development.” (CE Report, 2015)

Creative Economy Reports contd

And yet...

- ‘Despite the richness of their cultural diversity and abundance of creative talent, the great majority of developing countries are not yet fully benefitting from the enormous potential of their creative economies to improve development gains’ (CE Report 2008, 6).
- The focus of some NGO’s & think tanks has been misplaced: instead of trying to develop explanations & theories that help us see how the world works...they were trying to change the world, to make it work like their theories (Mamdani, 19)

Some reflections on culture...

- Culture is man made

[ABC Ocholla-Ayayo, UoN, 2002]

- Culture is a lived experience in the sense that it is the source of living law, the law which dominates life itself **even though it has not been posited in legal propositions**

[Ehrlich 1936: 493)

Intellectual Property

- Creative expression within culture and the arts is the intellectual property of individuals, communities, artists or performers. It is protected under the rules of the World Intellectual Property Organization (WIPO) and is a key concern of various international conventions on culture, cultural diversity and protection or promotion of their expressions.

Policy statements

[CEWG draft on Creative Industries]

- The Government shall protect intellectual property rights by fortifying its intellectual property policies and legislations at national and county level;
- The Government shall protect intellectual property rights and ensure fair remuneration for creative work while, at the same time, upholding a public right of access to culture, artistic products, inventions, and innovations.

Policy Statements contd

- The National Government shall review international conventions which violate the Constitution of Kenya on intellectual property rights;
- The National and County Governments shall create conditions, including enactment of new legislation and strengthening of existing laws, for cultures to flourish and to freely interact in a mutually beneficial manner.

On-going engagement

- The Languages of Kenya Bill: we are engaged with the Min of ICT at the moment on this.
- Film Policy needs support.
- Culture Bill—CEWG facilitated technical input from lawyers. Some members, as stakeholders, also contributed early on in the drafting of sound grounding in the constitution.
- The Counties- can use culture bill as framework for their own engagement with the Creative Economy.

Food For Thought

- Kenya: a geographic and political entity at Independence—without a specific cultural identity
- In Kenya (as in most of Africa), it is the politics, politics politics, that **IS** the agenda, and not the economy. Francis Fukuyama, political economist