



**REPUBLIC OF KENYA**

## **NATIONAL POLICY ON CULTURE AND HERITAGE**

**MINISTRY OF SPORTS, CULTURE AND HERITAGE**

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## **FOREWORD**

The National Policy on Culture and Heritage is anchored on the Constitution of Kenya, Vision 2030, and the regional and international legal instruments that promote culture as a pillar for national cohesion and development. The first edition of the National Culture and Heritage Policy was approved by Cabinet in the year 2007 and consequently implemented. However, because of the new constitutional dispensation that came into effect in 2010, it was necessary to have it reviewed and aligned with the Constitution after extensive stakeholder consultations.

The Policy is premised upon the Constitution which recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and the nation. The government is, thus, committed to supporting its implementation as a way of broadening the options for every citizen to contribute to the socio-economic and political development of the nation. It also accords them opportunities for the betterment of their lives. The Policy will, thus, provide an enabling environment for appreciating, protecting, safeguarding and promoting the culture of the people of Kenya as well as reinforce national unity and pride while stimulating creativity and innovation.

Most importantly, the Policy will provide direction for the implementation of cultural programmes at National and County level taking into cognizance that the management of culture is a devolved function. The Policy also intends to foster collaboration and partnership at the regional and international levels.

The National Values and Principles of Governance as enshrined in the Constitution are also adequately covered since values are culturally entrenched at the family and community levels. These values are instrumental in fostering cohesion and national identity.

Lastly, the Policy gives impetus to the culture bill which envisages the establishment of the National Council for Culture that will oversee the management of all cultural and heritage matters in Kenya.

On behalf of the Ministry of Sports, Culture and Heritage, I wish to sincerely thank all stakeholders that participated in the consultative fora and provided valuable insights and ideas that helped shape the Policy.

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## **EXECUTIVE SUMMARY**

The National Policy on Culture and Heritage is informed by Article 11 of the Constitution of Kenya that recognizes culture as the foundation of the nation and as the cumulative civilization of the people of Kenya. It goes further to state that: the state shall promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; and will recognize the role of science and indigenous technologies in the development of the nation; and promote the Intellectual Property Rights of the people of Kenya. This policy therefore focuses on the outlined areas and also goes further to look into emerging issues such as the development of creative/ cultural industries.

The centrality of culture to sustainable social and economic development of a country cannot be over emphasized. The United Nations Educational, Scientific and Cultural Organization (UNESCO) acknowledge that no society can flourish without culture, nor can any meaningful development be sustainable without it. The intrinsic relationship between culture and development underscores not only the critical role of culture in development, but also its centrality in shaping human understanding and world view. Culture is critical for the achievement of socially acceptable, economically efficient, and inclusive sustainable development which ensures gender and inter-generational equity. Through culture, people increase their control over their lives and resources, are facilitated to participate fully in decision-making processes, harnessing and preserving the environment and building a society that is just.

The National Policy on Culture and Heritage is responsive to the various international cultural instruments which Kenya has ratified and that form part of the law as espoused under the Constitution in Article 2 (6). In this regard, the country is keen to take her cultural space in the region, to lead and collaborate in building and achieving Pan-African aspirations, and to deepen her participation as an integral member of the global community of nations. The ministry in charge of culture is focused on addressing the legal and policy gaps that currently exist, and developing culture as a means of realizing jobs for the unemployed and also in contributing to foreign investment to Kenya. The goal of the policy is to recognize the vital role that culture plays in sustainable development and provide an enabling environment for realizing the potential that culture accords. It also provides direction for cultural development at national and county levels, hence promoting unity in diversity with the view to moving Kenya forward.

The various elements of the policy are outlined in chapters. Each chapter elaborates the role culture plays in national development as well as policy statements.

Chapter one outlines the general principles of the policy and its justification. One of the fundamental rights to humanity is the right to enjoyment to a cultural life and its' transmission to generations to come. Through the National Policy on Culture and Heritage, the country will realize her dreams and aspirations enshrined in the Constitution which underscore the peoples' pride in their ethnic, cultural and religious diversity as well as her determination to live in peace and unity as one indivisible nation.

The second chapter covers issues of culture and national development. This policy provides a means by which Kenyans can carve out a strong and vibrant national identity, use culture as an integral part of sustainable development. It reaffirms the government's commitment to the protection of community's cultural rights, artists and innovators while at the same time providing an enabling environment for the utilization of culture to spearhead a functional democracy. The policy also outlines the use of

Information and Communication Technology (ICT) in the production, preservation, marketing, protection and distribution of cultural goods and services.

Chapter three discusses the tangible and the intangible cultural heritage that enhances creativity and dialogue. The policy recognizes the role of cultural heritage in augmenting sustainable development. It seeks to promote, preserve and safeguard all forms of indigenous knowledge, values and symbols, culinary art, traditional forms of recreation and entertainment for national identity and pride.

Language and culture is outlined in chapter four which recognizes the diversity of the language of the people of Kenya. The policy aims to protect, preserve and promote the indigenous languages of Kenya and encourages every person to use, join and maintain cultural and linguistic associations. This chapter proposes the establishment of a National Kiswahili Council to handle matters related to the development of the language.

Development of the cultural and creative industries are under chapter five where arts and crafts, music, visual arts, publishing, cinema and the audio visual industry(s) are outlined. Cultural and creative industries play a significant role in the socio-economic development of a country; the activities in this sector contribute to social cohesion, foreign investment, tourism, employment and income generation. The policy statement pays attention to strengthening national capacities in development of creative industries while promoting marketing of cultural products for sustainable development.

Other chapters in the policy are on the family, culture and human rights, the heroes and heroines in national development, media and culture, culture and education, and cultural tourism. Chapter twelve sets out the implementation framework that includes funding for activities and programs, capacity building and monitoring and evaluation.

It is important to take cognizance of other laws that have been enacted that strengthen the culture function, namely; The Kenya Cultural Centre Act, The Copyright Act, The Films and Stage Plays Act, The National Museums and Heritage Act, The Kenya Heroes Act, 2014 The Protection of Traditional Knowledge and Traditional Cultural Expressions Act, 2016.

It is expected that the policy will provide a platform for culture to thrive by enhancing visibility of the cultural spaces through the set up structures. Secondly, it will promote the use of oral traditions and also sensitize communities on the need to appreciate the cultural diversity that is Kenya's pride and identity. Most importantly, it will enable research on culture with a view of obtaining relevant data for national development.



## **CHAPTER ONE**

### **1.0 GENERAL PRINCIPLES, GOAL, RATIONALE AND POLICY AIMS**

#### **1.1 General Principles**

The Preamble of the Constitution underscores Kenyans pride in their ethnic, cultural and religious diversity, and their determination to live in peace and unity as one indivisible sovereign nation. It also recognises culture as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation. Article 11 of the Constitution specifically commits the government to promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other forms of cultural heritage. The Constitution also recognises the aspirations of all Kenyans for a government based on the values and principles of human rights, equality, freedom, democracy, social justice and the rule of law. These values would provide basis for Kenya's socio-cultural practice.

The centrality of culture to sustainable social and economic development of a country cannot be over emphasised. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) acknowledges that no society can flourish without culture nor can any development be sustainable without it. The intrinsic relationship between culture and development underscores not only the critical role of culture in development, but also its centrality in shaping human understanding and world view.

Culture is critical for the achievement of socially acceptable, economically efficient, and inclusive sustainable development, which ensures gender and inter-generational equity. Through culture, people take control of their lives and resources and are equipped to participate fully in decision-making processes, harnessing and preserving the environment and building a just and fair society. Culture drives spiritual, political, economic, social, environmental and legal activities in society. The National Policy on Culture and Heritage, therefore, guides people's participation in determining their social and economic life based on their context. Further, the Policy provides a framework of cooperation between the national government and the county governments.

Kenya, as a member of the global community, participates in promoting and enjoyment of other nations' cultural goods and services. Through the Policy, Kenya responds to both international and national requirements for the preservation, protection and appreciation of diversity of cultural expression while at the same time charting a path that promotes her unique identity and culture. Cultural exchanges contribute in strengthening a people's culture by borrowing positive aspects from other cultures while guarding themselves against negative influences and experiences.

Through the Policy, the country seeks to realise her dreams and aspirations as captured in the Constitution. The country also seeks to map, depict and explore, through the power of creative and collaborative national imagination, the possibilities and potentials of its citizens. By drawing on its rich past and aspiring to create a unified nation that celebrates diversity, the Policy recognises that Kenyans have a unique sense of cultural identity, association and belonging which connects them with their unique geographical space, particular language(s), beliefs, philosophies or ideologies. These values are a seal that set Kenyans apart from other nations. The cultures of the people of Kenya are also linked to

material and non-material components related to their history, architecture, the arts, innovations, skills, environment, flora and fauna, and the natural and built landscape. The erosion of this unique identity is likely to have negative impact, not only on people's identity, but also on the totality of lives of the people. This Policy seeks to protect, preserve and promote the unique identity of the people of Kenya and use it for their well-being and development.

Kenya is a democratic state and the citizens are at liberty to freely express and participate in their cultural life, communicate and disseminate their cultural traditions, knowledge and practice. The Policy enhances democratic practice through inclusion and participation of all citizens in governance. The Policy recognises that cultural diversity is an opportunity towards widening the range of options open to every citizen in the pursuit of development which extends beyond economic growth to include intellectual, emotional, moral and spiritual fulfilment. It is essential to note that the diverse cultures of the different ethno-lingual groups of Kenya are lived in a balanced continuum.

The Policy is responsive to the various international cultural instruments, which Kenya has ratified and form part of our laws pursuant to Article 2 (6) of the Constitution. In this regard, the country is keen to take her cultural space in the Eastern African region, to lead and collaborate in building and achieving Pan-African aspirations, and to deepen her participation as an integral member of the community of nations.

This Policy also sets out the framework guiding the national and county governments in promotion of national values, heritage and knowledge. It also establishes structures and processes securing culture and the philosophy of the people. Its implementation will be in line with the Constitution and will be cognisant of Kenya's obligations under international instruments.

## **1.2 Definition of Culture**

The Constitution of Kenya recognizes culture as the foundation of the nation and the cumulative civilization of the people. Additionally, UNESCO(2002) defines culture as "the set of distinctive spiritual, material, intellectual and emotional features of society or social group, and that it encompasses, in addition to art and literature, lifestyles; way of living together, value systems, traditions and beliefs." Culture is the ideas, customs and social behavior of a people as reflected in their identity markers and their values, language, lifestyle, traditions, arts and knowledge. The culture of the people of Kenya refers to who they are and would like to be.

## **1.3 Rationale of the Policy**

The Policy provides the ideological and philosophical foundation for inclusive national development. It guides the growth process by ensuring the participation of Kenyans in decision-making and the preservation of their cultural and natural environment for socio-economic transformation of the country. It has been developed to guide international engagement on matters relating to safeguarding, appreciation and promotion of the diversity of the cultural expressions.

The Policy is premised on the aspirations of Kenyans based on national values and principles of governance, including human rights, equality, inclusion, social justice and the rule of law. Further, it is informed by the recognition by Kenyans of their ethnic, cultural and religious diversity and their

determination to live in peace and unity as one indivisible sovereign nation.

The Constitution obligates the National and County governments to protect and promote cultural heritage. Additionally, the Constitution recognises instruments committing Kenya's international obligations to reclaim lost cultural heritage and values that reconnect the current with our past.

Kenya is endowed with diverse cultural resources and talents. Therefore, the Policy provides a useful guide for nurturing various cultural identities and expressions.

### **1.3.1 Policy Goal**

The goal of this Policy is to promote understanding, appreciation and respect for cultures of the people of Kenya, reinforce national unity and pride, stimulate and foster creativity to secure livelihoods, strengthen national identity and celebrate cultural diversity and innovation, as well as protect and promote cultural intellectual property of the peoples of Kenya. The Policy, therefore, provides direction for sustainable development at national and county levels while promoting unity in diversity.

### **1.3.2 Aims of the Policy**

1. To mainstream culture into social and economic development processes.
2. To protect and promote cultural expressions and diversity such as literature, the arts, traditional celebrations, science, communication, information, mass media, publications and libraries.
3. To promote and invest in innovation, entrepreneurship and creative industries to guide cultural development at national and county levels and to establish collaborative mechanisms between the two levels of government.
4. To facilitate regional and international cultural collaborations and build partnerships with other institutions, agencies and stakeholders to enhance our national aspirations
5. To promote the national values and principles of governance as enshrined in the Constitution.
6. To provide a framework for the development of a national identity, pride and patriotism.
7. To safeguard and preserve Kenya's cultural heritage for posterity.
8. To ensure communities, practitioners and creators benefit from their cultural productions and innovations.
9. To promote research, documentation and protection of indigenous knowledge and technologies.
10. To promote development of local content based on cultural and artistic expressions for media transmissions.

## CHAPTER TWO

### 2.0 CULTURE AND NATIONAL DEVELOPMENT

#### 2.1 Culture and Cohesion

The richness of our diversity enhances national cohesion. A key objective of this Policy is to provide the means by which Kenyans can carve out a strong and vibrant national identity that instils pride and patriotism in our nationhood. The Policy is anchored on the national values and principles of governance as stipulated in the Constitution.

##### Policy Statements

- i. The national government shall put in place mechanisms and policies to recognise the ethnic, cultural and religious diversity of the people of Kenya.
- ii. The national government shall establish new and strengthen existing national culture and cultural centres while the county governments shall establish community cultural centres and museums to serve as focal points for promotion of intercultural dialogue, national cohesion and cultural expressions.
- iii. The national and county governments shall plan and implement programmes to promote the national values that are enshrined in the Constitution.
- iv. The national and county governments shall promote traditional and alternative dispute resolution mechanisms.
- v. The national and county governments shall provide funding for the promotion of culture.

#### 2.2 Culture and Sustainable Development

Sustainable development refers to one that meets the needs of present generations without compromising the ability of future generations to meet their aspirations. Culture is an integral part of sustainable development, promoting diversity through cross ethnic and inter-generational dialogue.

Cultural and creative sectors are engines for inclusive, sustainable development, contributing “to the overall well-being of communities, individual self-esteem and quality of life and have been noted as vital in empowering people to take ownership of their own development.”

Within this framework, there are specific goals that have to be entrenched and implemented by mainstreaming culture and arts in education, development of sustainable cities, food security, gender equality and empowerment of women and girls, the environment, economic growth and peaceful and inclusive societies. This inclusion will ensure that culture becomes a driver and enabler of economic, social and environmental development processes.

The National Policy on Culture and Heritage will advance the Vision 2030, the African Union Agenda 2063 and the aspirations of the African people. Through national, regional and Pan-African activities, the Policy will contribute to the aspiration that “Africa is self-confident in its identity, heritage, culture and shared values and is a strong, united and influential partner on the global stage making its contribution to peace, human progress, peaceful co-existence and welfare.”

The African Charter on Human and Peoples' Rights (ACHPR) under Article 22 links development to culture. It provides that: "All peoples shall have the right to their economic, social and cultural development with due regard to their freedoms and identity and in the equal enjoyment of the common heritage of mankind, every state shall ensure the exercise of the right of development."

Through this Policy, Kenya aspires to recognise and integrate the economic, cultural, technological and social aspects that guide the dynamics of world economics and planning and hence remain relevant in an ecosystem where transformation, creativity and knowledge have become powerful means of fostering development.

### **Policy Statements**

- i. The government shall anchor its development policies on culture and mainstream it across other policies for sustainable development.
- ii. The government shall create systems to empower stakeholders in the creative and cultural value chains, map local cultural assets to support a creative economic development policy, strengthen linkages between formal and informal sectors and mainstream culture into economic and social development programmes.
- iii. The national government shall annually provide reliable, comparable and up-to-date statistics on the contribution of the culture sector to the economy to inform culture policy making and national development.
- iv. The national and county governments will continue to support and monitor the intra governmental cultural initiatives towards sustainable development goals.

### **2.3 Intellectual Property Rights and Economic Development**

Intellectual Property (IP) is defined as creations of the mind such as inventions, literary and artistic works, designs, symbols, names and images used in commerce. They can broadly be categorized into the following domains: copyrights, trademarks, patents, industrial designs and traditional knowledge. Kenya, like most nations, have an IP law, which helps convert ideas into IP assets by using regimes in the law to protect an idea and assign monetized rewards to these creations of intellect and imagination.

The Constitution of Kenya Article 40(5) stipulates that the government shall support, promote and protect intellectual property rights of the people of Kenya. Their protection is indeed a key concern of various international conventions on culture, cultural diversity and protection or promotion of their expressions.

The National Policy on Culture and Heritage is, therefore, a reaffirmation of the government's commitment to the protection of intellectual property rights of communities, artists and innovators. In this regard, the government is committed to protecting copyright and related rights and ensuring fair remuneration for creative works.

## **Policy Statements**

- i. The government shall create conditions, including enactment of new legislation and strengthening of existing laws, to promote cultural activities.
- ii. The government shall protect intellectual property rights by fortifying the relevant policies and legislations at national and county levels.
- iii. The government shall enact legislation to ensure that communities receive fair compensation or royalties for the commercial use of their cultural heritage.

## **2.4 Culture, Land use Practices and Climate Change**

Culturally, indigenous communities lived harmoniously on land which was in most cases communally owned. Land use was dependent on peoples' way of life. However, owing to changing lifestyles, emerging issues such as population increase, urbanization and technological advancement, land has become a scarce resource which calls for proper utilization as well as conservation of the environment. Kenya is already experiencing the devastating effects of climate change, including lack of adequate clean water, rising sea levels, global warming and increase in the frequency of some extreme weather events. With increased intercultural dialogue and learning, communities can mitigate the challenges posed by climate change. The interdependence between environment, biodiversity, land and culture influences the manner in which communities harness resources and enrich the quality of their lives. It is important, therefore, that policies that address culturally relevant land use and climate change be implemented.

## **Policy Statements**

- i. The national and county governments shall work with communities to promote responsible and sustainable governance, use and management of land, environment, and genetic biodiversity, taking into consideration cultural priorities and purposes.
- ii. The national and county governments shall encourage use of indigenous knowledge systems, including science and technology to conserve the environment and local biodiversity while ensuring equitable and sustainable access to bio-cultural knowledge.
- iii. The government shall encourage communities to settle land disputes through recognised alternative dispute resolution mechanisms, traditional community structures and programmatic initiatives that are consistent with the Constitution.
- iv. The government shall also enforce international instruments to protect cultural sites and monuments
- v. The national and county governments shall ensure the identification, documentation, preservation and promotion of sites of special cultural and natural significance.

## **2.5 Culture and Governance**

The right to freely express and participate in cultural practices, communicate and disseminate cultural traditions, knowledge and practices is an attribute of a functional democracy. Without the freedom to practice and express one's culture, there can be no true democracy.

Democracy extols the virtues of freedom to hold beliefs, knowledge, expression, and the right to information. Democracy also presupposes the existence of freedom to access information through free and vibrant media.

### **Policy Statements**

- i. The government shall initiate and support programmes that promote national values and principles of governance to nurture patriotism, national unity, inclusiveness, transparency and accountability for sustainable development.
- ii. The government shall put in place legislative measures that support community governance systems that are consistent with the Constitution and that promote national cohesion and peaceful coexistence.
- iii. The government shall enact legislation that protect and promote social and cultural rights of all communities in accordance with the Constitution.
- iv. The government shall put measures in place to ensure every person has the right to participate in the cultural life of their choice as long as it does not violate other people's rights.

## **2.6 Culture and Information Communication Technology**

The growth of information technology provides an opportunity for cultural advancement. It can accelerate creation of value systems, cultural products and practices and improve distribution of cultural goods. Through digitisation future generations can learn about our past and present cultural lives. Traditional modes of communication and knowledge can be harnessed through contemporary technology. Information technology facilitates sharing and transferring of knowledge on culture. The transfer and sharing of knowledge and information is a key component of national and international legal instruments on culture.

### **Policy Statements**

- i. The national and county governments shall promote the use of Information Communication Technology (ICT) to enhance, preserve and safeguard Kenya's cultural heritage.
- ii. The national and county governments shall put in place legislation and mechanisms that support the use of ICT in the production, preservation, marketing, protection and distribution of cultural goods and services.

## **CHAPTER THREE**

### **3.0 CULTURAL HERITAGE**

#### **3.1 Tangible Cultural Heritage**

Tangible culture refers to physical artefacts, movable and immovable, that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations. It includes archaeological findings, cultural artefacts, buildings, historic monuments, underwater cultural heritage and contemporary architecture among others which are considered worthy for preservation. Tangible heritage provides evidence of our past civilisation, validates memories and attests to our human creative ingenuity. However, this heritage faces immense pressure from climate change, other competing forces of development and influences of modern technology; they need to be preserved and harnessed for sustainable development.

#### **Policy Statements**

- i. The national and county governments shall set up mechanisms to promote, preserve, safeguard and disseminate traditional and contemporary knowledge on tangible culture.
- ii. The national and county governments shall identify items of Kenya's cultural heritage.
- iii. The national and county governments shall initiate and support programmes for the protection, preservation and retrieval of important objects of tangible culture, including archaeological findings, which bear witness to the antiquity of Kenyan cultural expressions.
- iv. The national and county governments shall create and promote programmes that contribute to the use of tangible cultural heritage as a means of wealth creation and employment.
- v. The national and county governments shall preserve cultural landscapes that testify to the creative genius, social development and our imaginative and spiritual vitality.
- vi. The national government shall ratify the necessary international conventions and instruments and commit to the implementation of international conventions that she has ratified concerning the protection of cultural heritage, including the prevention of illicit trafficking of protected cultural objects.
- vii. The national and county governments shall take preventive and corrective measures to ensure preservation or restoration of cultural property.
- viii. The national and county governments shall compensate individuals and communities for loss of registered cultural property.

#### **3.2 Public Museums**

The 21<sup>st</sup> century museum has an expanded mandate beyond the traditional role of being spaces for preservation of heritage. They are key spaces of education, inspiration, reinforcement of cultural and national values and are critical in the promotion of dialogue and respect for cultural diversities. They



also play an important role in social cohesion and promoting collective memories of the nation. Additionally, they play a critical role in stimulating creativity, providing opportunities for creative and cultural industries to thrive. Public museums are non-profit making institutions in the service of society. They acquire, document, conserve, research, communicate and exhibit the tangible and intangible heritage for the purposes of study, education and enjoyment. Museums, therefore, have a great potential to raise public awareness on the value of cultural and natural heritage and it is the responsibility of all citizens to contribute to their care and transmission. They also support economic development through cultural activities, creative industries and tourism. Historically, museums in Kenya served colonial interests and values. But now, they are spaces for preservation and promotion of the values and perspectives of the Kenyan people.

Museums are categorised into two; public, under the national and county governments, and private, under individual citizens or private institutions.

### **Policy Statements**

- i. The government shall create policy, legal and institutional frameworks to support continuous identification, acquisition and preservation of Kenya's cultural and natural (historical) collections.
- ii. The national government shall establish standards for quality assurance in museum services while ensuring adherence to basic minimum standards.
- iii. The county governments shall ensure adherence to the established standards in setting up museums.
- iv. The national government shall create structures to prevent illicit trafficking of cultural and scientific materials.
- v. The national and county governments shall promote and support undertaking of cultural and natural heritage research.
- vi. The national government shall ratify the necessary international instruments and take any other appropriate measures to prevent illicit trafficking of cultural and scientific materials.
- vii. The national government shall ensure the compilation and digitisation of inventories and maintenance of digital databanks based on international standards.

### **3.3 Kenya National Symbols**

Article 9 of the Constitution recognises national symbols comprising the national flag, the national anthem, the coat of arms and the public seal. These symbols epitomise the aims and aspirations of the people of Kenya and are vital for the reinforcement of her peoples' pride and national identity.

Each ethnic community has a dress style and accessories that is consistent with their physical environment and livelihood. However, external influences have diluted these traditional modes of dress and accessories. Many communities have dropped their traditional dress codes and accessories in preference to foreign attire.

Architectural designs borrowed from traditional cultural elements also constitute our national symbols and form part of our identity. All Kenyan communities have their unique cultural symbols and it is the responsibility of the county government to identify and preserve them for posterity.

International cultural symbols are equally important and ought to be identified and recognised.

## **Policy Statements**

- i. The national and county governments shall enlighten Kenyans on the value of national and community symbols.
- ii. The national and county governments shall facilitate creation of symbols of national unity, including distinct attire, adornment and architecture. These shall constantly be reviewed and promoted to contribute to cultural identity, creativity, national consciousness, pride and economic development of communities.
- iii. The government shall protect the Kenya national dress in accordance with the provisions of the Traditional Knowledge and Traditional Cultural Expressions Act, 2016 and license its production for commercial purposes.

## **3.4 Culture and Indigenous Knowledge**

Traditional knowledge refers to any content originating from an individual, local or traditional community that result from intellectual activity and insights. It includes skills, innovations, practices and learning embodied in the traditional lifestyle of the community, or contained in the codified knowledge systems passed on from one generation to another.

Moreover, it includes agricultural, environmental or medical knowledge associated with genetic resources or other components of biological diversity, and knowhow of traditional architecture, construction technologies, designs, marks and indications. It also encompasses the systems of preventive and curative health management, culinary arts, weather forecasts, animal husbandry and traditional science. Although indigenous knowledge continues to play a significant role in many Kenyan communities, its potential is yet to be fully tapped.

The Constitution in Article 11(3)(b) recognises the role of indigenous knowledge in science and development of the nation. This is in recognition that indigenous knowledge systems have capacity to offer solutions to the challenges that face communities and have potential to be integrated at formal institutions.

## **Policy Statements**

- i. The government shall enact legislation on the promotion and protection of indigenous knowledge and traditional cultural expressions, at both individual and communal intellectual property rights, through collaborative efforts across various government agencies and county governments.
- ii. The government, in consultation with communities, shall provide legislation to protect the ownership of traditional knowledge and indigenous seeds and plant varieties, their genetic and diverse characteristics and use.
- iii. The government shall in the formulation and implementation of agricultural and environmental policies, support research in traditional knowledge and local biodiversity and facilitate dialogue and integration of bio-cultural practices into conventional agriculture.
- iv. The government shall in the formulation and implementation of the health policy support research in traditional medicine and facilitate dialogue and integration of traditional medical practitioners into conventional medical systems.

### **3.5 Culinary Art**

Kenyan communities have diverse food ways that are suitable for various occasions, ceremonies and rituals. They are part of community cultures and are art forms influenced by the physical and social environment of every community. The food and drink guarantee the communities' nutritional requirements and some have inherent medicinal value. Traditional food and drink also had significance in terms of bringing the communities together for enjoyment and celebrating certain occasions like marriages, childbirth and others.

#### **Policy Statements**

- i. The national and county governments shall promote the use, consumption and popularisation of traditional dishes and drinks and shall encourage the growing of indigenous food crops.
- ii. The national and county governments shall in formulating and implementing the agriculture policy, recognise and promote the indigenous farming technologies and production systems to enhance food security and ensure consumer safety.
- iii. The government, through the formulation and implementation of the veterinary policy, shall support and promote indigenous animal breeds, breeders and ethno-veterinary practices as being integral to communities' nutritional needs and nourishment.
- iv. The government shall support research on traditional foods and drinks.

### **3.6 Sites, Monuments and Antiquities**

Sites, monuments and antiquities constitute a nation's immovable heritage. They include natural and cultural landscapes, historical and contemporary architecture, memorials and artworks of all kinds. They are a testimony of our identities; shared aesthetical values and creative expressions. They also capture community histories and experiences.

The conservation and appreciation of such sites and monuments ensures recognition and respect for the differences and cultural identities of distinct communities. They are important for learning, tourism and income generation.

#### **Policy Statements**

- i. The national and county governments shall set up appropriate institutional and legislative framework to ensure the conservation and promotion of Kenya's immovable cultural heritage.
- ii. The national and county governments shall domesticate and implement international conventions related to sites, monuments and antiquities
- iii. The national and county governments shall support participation of local communities in the identification, planning and management of sites and monuments.

- iv. The national and county governments shall take preventive and corrective measures to ensure preservation of cultural property from the effects of public and private works likely to destroy or damage them.
- v. The national government shall establish a criteria and standards for identification of sites and monuments of national importance.
- vi. The county governments shall establish criteria and standards for identification of county iconic sites and monuments.
- vii. The national government shall build capacity for county government to conserve and protect antiquities, sites and monuments.
- viii. The national and county governments shall establish mechanisms for the determination and payment of compensation to individuals and/or communities for the loss, acquisition or utilisation of their antiques, sites and monuments.

### **3.7 Intangible Cultural Heritage**

Intangible Culture is defined under the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage as "the practices, representations, expressions, knowledge, skills as well as the instruments, objects, artefacts and cultural spaces associated therewith that communities, groups and, in, some cases, individuals recognise as part of their cultural heritage."

It is transmitted from generation to generation and is constantly recreated by communities and groups in response to their environment, interaction with nature and their history. It provides them with a sense of identity and continuity, thus, promoting respect for cultural diversity and human creativity.

Intangible cultural heritage manifests itself through oral traditions, expressions and language, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and traditional craftsmanship.

#### **Policy Statements**

- i. The government shall develop a strategy to enhance the promotion of the intangible cultural heritage through capacity building, safeguarding, and researching, preserving, sustaining and disseminating knowledge pertaining to it.
- ii. The government shall initiate and promote the use of information technology as a means for the preservation of intangible cultural heritage, especially its endangered aspects.
- iii. The government shall undertake programmes to promote intangible culture as part of the national wealth.
- iv. The government shall implement the 2003 UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage.
- v. The national and county governments shall put in place mechanisms for identifying and documenting elements of intangible cultural heritage

### **3.8 Traditional Games and Recreation**

Games, sports recreation and entertainment are important for intellectual, emotional and physical

development as well as relaxation of the mind and body. Apart from contemporary sport and games, Kenya has a rich heritage of traditional games and sports that have not been widely publicized. They include bullfighting, wrestling, *ajua*, *gicandi* and boat racing. These have a significant role in boosting diverse cultural identities.

Traditional sports and games are a means to convey values of solidarity, diversity, fair play, inclusion and cultural awareness. They create bridges across generations, communities and nations. However, many traditional sports and games are under threat of distinction.

### **Policy Statements**

- i. The national and county governments shall support research, revival, preservation and promotion of traditional forms of recreation and entertainment and facilitate equitable provision of adequate facilities for traditional sports, games and recreation.
- ii. The national government shall integrate traditional games, sports and recreation with modern sports through the relevant policy.
- iii. The national government shall digitize traditional games and sports. This will ensure that intangible cultural heritage related to traditional games is transmitted to the younger generation.

## CHAPTER FOUR

### 4.0 LANGUAGE AND CULTURE

Language is central to human communication. It is an indispensable tool used to describe, classify and catalogue experience, concepts and objects and serves as a cultural repository. Language and culture are complementary; language is learnt culturally and culture is largely acquired and expressed through language. In education, a policy exists stipulating that learning in early years shall be conducted in the language of the catchment area. This ensures continuity between the language of the home and the language of school.

Article 7(3)(a) of the Constitution recognises the diversity of the language of the people of Kenya and commits the government to promote and protect it. In Article 44, the Constitution further stipulates that every person has the right to the use of language and to participate in the cultural life of choice. A person belonging to a cultural or linguistic community or communities has the right to enjoy the language(s) or to form, join and maintain cultural and linguistic associations and other organs of the society.

Recognising that Kenya is multilingual, the Constitution recognises Kiswahili as the national language while English and Kiswahili are the official languages.

Further, the Constitution commits the government to promote the development and use of indigenous languages, Kenyan Sign Language, Braille and other communication formats and technologies accessible to persons living with disabilities. The African Union encourages cultural cooperation among member States with a view to strengthening African unity, through the use of African languages and the promotion of inter-cultural dialogue.

#### Policy Statements

- i. The national and county governments shall formulate policy and legislative framework to promote and protect the diversity of languages of the people of Kenya.
- ii. The national government shall take appropriate legislative steps towards the realisation of a national language policy in accordance with the Constitution.
- iii. The national and county governments shall harmonise education, language and cultural policies and ensure consistency and synergy while encouraging research and teaching of indigenous languages at all levels.
- iv. The national and county governments shall enact legislation to support publications in Kiswahili and other indigenous languages.
- v. The national and county governments shall ensure all official documents are translated and disseminated in Kiswahili and English.
- vi. The national government shall establish a National Kiswahili Council and work closely with the East African Kiswahili Commission.
- vii. The national and county governments shall prioritise the documentation, preservation and promotion of endangered languages.

## CHAPTER FIVE

### 5.0 CULTURAL INDUSTRIES

The United Nations Conference on Trade and Development (UNCTAD) defines the creative industries as “the cycles of creation, production and distribution of goods and services that use creativity and intellectual capital as primary inputs; [constituting] a set of knowledge-based activities, focused on but not limited to arts, potentially generating revenues from trade and intellectual property rights; [and comprising] tangible products and intangible intellectual or artistic services with creative content, economic value and market objectives. They include a range of sectors organised into four broad groups: heritage, arts, media and functions. The creative industries encompass the artisan, services and industrial sectors; and constitute a new dynamic sector in world trade.

The arts have always symbolically represented the evolving morals, aesthetics and aspirations of people and societies. They illuminate the society's social realities, depictions of beauty, form and function, and potential. The arts articulate the distinctive ways of life, identities, values and norms of each community. They document and give insight to human experience and understanding in, and of, particular physical and social environments. The arts play an important role in fostering individual and communal identities, and have been critical in engendering cultural dialogue. Increasingly, this is a sector that provides livelihoods for a significant proportion of the Kenyan population.

With the globalisation of cultural exchanges and the international competition accruing from it, the promotion of strong national creative industries has become a strategic challenge for Kenya. Creative industries play a significant role in the socio-economic development of a country, with their activities contributing to the development through social inclusion, cohesion, investment, tourism, employment and income generation.

The creative industries in Kenya constitute the following; cultural sites and monuments; cultural expressions; publishing and printed media; design; visual arts; performing arts; audio-visuals; new media; and creative services. The creative economy is vital for the realisation of Kenya's development goals.

#### 5.1 Crafts

Crafts include carvings, beadwork, weaving, pottery and glasswork. In Kenya, production of traditional crafts encapsulates activities inherited from individual and collective traditional creativity. They reflect an important aspect of the country's culture, individual community's heritage and social environment. Kenya has a track record in production and distribution of its crafts for domestic and international markets.

#### 5.2 Publishing industry

The publishing industry plays an important role in promoting the country's literary traditions, culture and identity. It facilitates the expression of the creativity and originality of Kenyan authors. Moreover, it substantially contributes to the realisation of education goals through the production of manuals and texts for primary, secondary and higher education institutions, as well as research and general reading.

Moreover, it facilitates the realization of the establishment of a reliable, relevant, effective and up-to-date library services.

Publishing of cultural content has potential for earning revenues through export and as well contributes to the dissemination of Kenyan culture. The distribution of books through an efficient and well-coordinated network has the capacity to improve the income of authors and publishers as well as contribute to the respect of culture in addition to access to cultural information. There is need to promote publishing in Kenyan languages to harness knowledge and provide information that increase the participation of citizens in national development agendas.

### **5.3 Design and architecture**

This includes interior design, graphic design, fashion, jewelry and toys. This sector has been dominated by imports. The demand has been low for local products and designs, apart from niche markets such as those related to tourism. The impetus now is to nurture and promote local designers and their work, and to facilitate the development of Kenyan designs and standards.

### **5.4 Visual Arts**

Kenya has a strong tradition of visual arts expressed through fine art, rock paintings, photography, sculptures, jewelry, ornaments, ceramics, woodcarvings, pottery, hand textiles and woven products, basketry products, bead work, body art, graffiti, household gifts and batiks, among others. These art-forms reflect a community's way of life, identity, values and norms and bring out the beauty in a society. They are both educative as well as decorative in nature allowing people to gain insights into history created through the visual record of life experiences. Visual art plays an important role in fostering cultural identities, cultural dialogue and cross fertilisation of ideas, styles and practices besides generation of income for the artists and communities.

### **5.5 Performing Arts**

Performing arts are creative expressions by individuals or groups and include genres such as theatre, music, dance, storytelling, poetry, puppetry and spoken word. Such performances have traditionally been presented before live audiences but today are mainly recorded and broadcast through media channels.

For most communities, performing arts are part and parcel of the daily lives and are used as medium for education, entertainment, communicating messages and passing values and traditions from one generation to the other.

Through performing arts, the society can reflect, express and interpret physical and social environments, as well as demonstrate the power of language. In contemporary society, performing arts have the potential to become major income earners for individuals and the nation.



## **5.6 Cinema and Audio-visual Industry**

Cultural products can be consumed through cinema and audio visual platforms. Audiences are entertained and exposed to other cultural experiences through these mediums. Vibrant cinema and audio visual industry stimulates growth of local content and talent. Well produced and properly-marketed cinema scripts can earn content creators good incomes, promote cultural entrepreneurship and give Kenya recognition at the international level.

## **5.7 Cultural Diplomacy and International Relations**

Cultural diplomacy is a course of action based on the utilization and exchange of ideas, values, traditions and other aspects of a people's culture to build and foster mutual relations, enhance trust, generate goodwill, and increase understanding regionally and internationally. It is advanced through trade in cultural goods: music, film, sports, performances, cultural dialogue and other aspects of culture.

### **Policy Statements**

- i. National and county governments shall put in place legislation and institutional framework to support cultural and creative industries in their entirety.
- ii. National and county governments shall promote partnership with the private sector and international partners to develop cultural and creative industries.
- iii. National and county governments shall commit resources to promote and support the activities of creators, producers and distributors of cultural goods and services.
- iv. The national and county governments shall promote research in the development and promotion of traditional designs and architecture.
- v. National government shall establish a National Arts Gallery to promote creative talents, document, acquire and showcase the works of Kenyan artists.
- vi. The national and county governments shall support programmes to identify, nurture promote and support cultural creative talents.
- vii. The national and county governments shall enact appropriate policies to enhance the use of digital media for distribution of local content.
- viii. The national and county governments shall promote and support the participation of Kenyan creative's and cultural stakeholders in local and international markets, festivals and forums.
- ix. The national and county governments shall develop and support initiatives to identify, harness, nurture and build capacity of professionals for the diverse range of products.
- x. The national and county governments shall collaborate in developing and maintaining a monitoring, evaluation, learning and reporting framework for the cultural industries.
- xi. The national and county governments shall put in place the appropriate legislative and policy framework to support each of the sub-sectors in the cultural industries.
- xii. The national and county governments shall incentivize through the appropriate policy framework the production, dissemination and promotion of local cultural products.

- xiii. The national government shall put in place the appropriate policy framework and facilitative measures expanding its cultural diplomacy initiatives, by investing in programmes and venues in and outside Kenya promoting the processes, products and professionals of Kenya's cultural industries.
- xiv. The county government in collaboration with the stakeholders shall commit resources for the development and maintenance of industrial craft parks and home craft centres.
- xv. The national and county governments shall enact a policy and legislative framework that protects supports, promotes and develops the Kenya film industry.
- xvi. National government and county governments shall put in place legislation and institutional framework to support establishment and management of all categories of libraries
- xvii. The National government shall establish the National Library of Kenya to serve as national bibliographic entity in the country over and above the mandate of being a repository for all the published output of the country

## **CHAPTER SIX**

### **6.0 THE FAMILY**

Article 45 of the Constitution of Kenya outlines the commitment of government to protect the family, which is the natural and fundamental unit of society. The family is the smallest unit of society and kinship and through which social order is constructed and distributed. Section 5 (1) of the Protection Against Domestic Violence Act, 2015 defines a family member to mean: a spouse; a child, including an adopted child, a step-child and a foster child; an adult son or daughter; a parent; a sibling; or any other relative of that person who, in the circumstances of the case, should be regarded as a member of the family.

To ensure that the rights of family members are protected, it is important to have policies and guidelines that support the welfare of the elderly, nursing mothers and people with disability, by establishing social welfare and security packages. This Policy seeks to preserve, protect and safeguard sanctity of the family in its natural, social and spiritual sense.

#### **Policy Statements**

- i. The National and county government shall provide legislation and establish institutional frameworks to protect the family as a basic unit of society and support programmes that promote family values.
- ii. The National and county government shall formulate policy that recognises marriages under traditional or cultural norms consistent with the Constitution.
- iii. The National and county government shall enact legislation to protect vulnerable members of the family.

## CHAPTER SEVEN

### 7.0 CULTURE AND HUMAN RIGHTS

Human rights are an integral part of Kenya's democratic state and form the framework for social, economic and cultural policies.

The Constitution obligates the state to legislate, develop policies and institute other measures, including setting standards to achieve the progressive realisation of the fundamental rights and freedoms of the individual.

The people of Kenya have unique cultural innovations resulting from their long-term interaction with their environment and nature. However, these cultural expressions are threatened with extinction by internal and external influences.

Some of the community cultural properties are literally stolen or illicitly transferred from their places of origin to destinations that have no bearing to the cultural objects, thus, denying the communities the right to transmit their heritage to the younger generations.

#### **Policy Statements**

- i. The national government shall put in place measures and policies that address historical injustices, discrimination and marginalisation, and support the vulnerable groups in society.
- ii. The national government shall put in place mechanisms that provide equitable opportunities to all in political, economic, cultural and social spheres.
- iii. The national government shall formulate policy and enact legislation to protect citizens from unconstitutional cultural rites and practices.
- iv. The national and county governments shall put in place measures to ensure that no person shall compel another to perform, observe or undergo any cultural practice or rite.
- v. The government shall ensure that legislation enacted to protect cultural rites and practices fulfills international obligations in respect to human rights and fundamental freedoms.

## CHAPTER EIGHT

### 8.0 HEROES AND HEROINES

Heroes and Heroines are individuals who through selfless acts of sacrifice have contributed to the well-being of Kenya and/or their communities in diverse ways.

They include individuals who through patriotism, integrity, commitment and vision have contributed to the country in functional areas, including the liberation struggle, indigenous knowledge, spiritual leadership, cultural values and practices, arts, sports, scholarship, professionalism and research, statesmanship, peace-making, philanthropy, environmental conservation, entrepreneurship and industry.

#### **Policy Statements**

- i. The national and county governments shall put in place policy, legislative and institutional framework for honouring heroes and heroines.
- ii. National and county governments shall establish and implement a framework to recognise outstanding contribution by an individual, institutions or groups for the common and national good.
- iii. The national and county governments shall support the establishment, preservation and promotion of memorials honouring heroes and heroines.

## CHAPTER NINE

### 9.0 MEDIA AND CULTURE

Media collectively refers to the Internet, television, newspapers, film, radio and multimedia platforms and digital and social media which are used for mass communication. It also refers to the organisations which control these technologies.

Article 34 of the Constitution guarantees the freedom of the media and expressly sets out the parameters for the enjoyment of this right. Articles 33 and 35 respectively guarantee citizens freedom of expression and access to information and which are predicated on the existence of free media. Implicit in these articles is the role of the media in espousing cultural and artistic expressions.

The media play a significant role in shaping public perception and contemporary culture. They can introduce us to creative outlets and enable society to improve itself. Recognising that culture must operate within evolving technological framework, there is needed to encourage the integration of traditional and modern media, while maintaining professional and ethical standards. The media have a fundamental responsibility to document, preserve, protect, package, promote and disseminate cultural information, activities, artefacts and art.

#### 9.1. Print Media

Print media comprises newspapers, magazines, newsletters and other publications that offer current information as well as educative and entertaining content. They influence public perception, set agenda and enable citizens to participate in national dialogue on issues that affect them. They are powerful means of arousing the interest of people by portraying and projecting images on their day-to-day activities. They provide platforms for articulation of culture, creativity and art.

Print media practitioners encompass editors, writers, columnists, cartoonists, illustrators, graphic designers and photographers who produce and package content and whose outputs influence and shape people's views and perceptions about issues and events.

#### 9.2. Electronic Media

Traditionally, this comprises television, film, video, cinema and radio that transmit content to large audiences. However, this definition has changed to encompass new technologies that combine audio, visual, graphics and text to disseminate content. This sector involves producers/commissioners, creators, distributors, buyers, as well as an increasing population of local and international viewers. The productions portray Kenyan ways of life and depict Kenyan communities for many to see. Film, TV and online content productions have immense potential to contribute to the national economy.

The growth of the Kenyan audio-visual and content creation industry depends on the capacity building and market integration of actors, producers, directors, camera technicians, sound and picture editors, colourists, graders, casting agents, wardrobe designers, makeup, special effects and visual effects practitioners, set designers and construction workers, and the entire value chain of suppliers, dependent on the mobilisation of strategic financial resources.

International cooperation and networking in productions are both integral strategies for developing these industries locally as well as situating Kenya as a source for immense talent, high quality

professionals and work, and a great film location within the sector. There is need to promote local talents drawing from local themes and realities.

### **9.3. Digital Media**

Digital media is encoded in machine readable formats and can be created, viewed, distributed, modified and preserved on electronic devices. It is a multimedia platform that weaves together text, video, sound and info graphics and even includes hyperlinks to create connections between various related items that exist elsewhere. Unlike other forms, digital media has revolutionised all stages of communication from gathering, acquisition, storage, processing, distribution, consumption and reproduction. Its strength lies on the fact it embraces all forms of media such as text, still and moving images and sound, a feat never achieved before. It has also evolved into forms such as virtual reality, augmented reality, human computer interfaces and computer animation. Digital media is spontaneous, instantaneous, multidirectional, hyper textual, dispersed and virtual. It is increasingly being used for promotion, dissemination and marketing of cultural goods, services and experiences. However, there is also a threat of digital media being used to dilute and denigrate culture, hence the need to monitor and guide their use to guard against the negative influences.

#### **Policy Statements**

- i. The national and county governments shall encourage the dissemination of cultural information about Kenyan communities through all forms of media.
- ii. The national and county government shall promote and support media stakeholders' creation, dissemination and distribution of culturally-themed programmes, locally and internationally.
- iii. The national and county governments shall create policies that encourage the media to promote cultural activities.
- iv. The national and county government shall provide framework for developing capacity of artists to provide content on culture for media production.
- v. The national and county governments shall establish and maintain digital incubation centres for youth and cultural entrepreneurs.

## CHAPTER TEN

### 10.0 CULTURE AND EDUCATION

Education is a continuous process in which communities and the nation passes knowledge, skills and values from one generation to another. It takes various forms; formal, non-formal and informal and facilitated by various social dynamics within the society. This also includes research and training in higher institutions of learning.

Education should lead to the appreciation and strengthening of one's cultural identity and diversity. It should also be designed and tailored to facilitate the transmission of knowledge, appropriate skills, values, identity and outlook that enables people to survive and prosper within their own socio-cultural environment.

Educational institutions should create opportunities for exploration of all forms of artistic expression and support the development of the creative potential of all learners.

#### **Policy Statements**

- i. The national government shall implement measures to integrate cultural values, skills, and knowledge in school curriculum from early childhood through to tertiary education.
- ii. The government shall seek to interface culture and education in the formulation and implementation of policies for complementarity and harmonious progress in the fields of intellectual and moral advancement of mankind.
- iii. The government shall encourage linkage between the cultural and creative industry with educational training institutions.
- iv. The government shall promote and facilitate research in culture, documentation and dissemination of the findings.
- v. The government shall promote and facilitate cultural exchange within educational institutions locally and internationally.



## CHAPTER ELEVEN

### 11.0 CULTURAL TOURISM

The International Scientific Committee on Cultural Tourism defines cultural tourism as: “that activity which enables people to experience the different ways of life of other people, thereby gaining at first hand an understanding of their customs, traditions, the physical environment, the intellectual ideas and those places of architectural, historic, archaeological or other cultural significance, which remain from earlier times.”

It is concerned with a country or region's culture, specifically the people's lifestyle, geographies, history, art, architecture, religion(s), and other elements that help shape their way of life. It includes tourism in urban areas, particularly historic or large cities and their cultural facilities such as museums and theatres. It also includes in rural areas showcasing the traditions of indigenous cultural communities (festivals, rituals, heritage sites), and their values and lifestyle, as well as niches like industrial tourism and creative tourism. It is generally agreed that cultural tourists spend substantially more than standard tourists do and most of the time if not always the culture of the region is the main attraction.

A lot of tourists spend time at art markets and buy products worth millions. The Organization for Economic Cooperation and Development (OECD) report (2009) has highlighted the role that cultural tourism can play in regional development in different world regions. Therefore, cultural tourism is a vital foreign exchange earner and a major source of employment. It is also an important avenue for local, regional and international understanding and enhancement of intercultural relations.

#### **Policy Statements**

- i. The national and county governments shall encourage public, civic and private initiatives to establish and maintain networks that promote cultural tourism.
- ii. The national and county governments shall collaborate with individuals, public and private institutions/organisations and communities in organising, managing and marketing cultural products and services.
- iii. The national and county governments shall identify, preserve and develop cultural products and services for tourism development.
- iv. The national and county governments shall fund research on cultural tourism and its role in sustainable development.

## **CHAPTER TWELVE**

### **12.0 IMPLEMENTATION FRAMEWORK**

#### **12.1 HUMAN RESOURCE AND CAPACITY BUILDING**

Successful implementation of the National Policy on Culture and Heritage requires trained and informed professionals in all sectors. The Policy is driven by the need to preserve and appreciate the diversity of our cultures while promoting national values. Culture impacts on the values and diversities of a people. The development of creative industries as thriving business enterprises requires cultural practitioners to be empowered with appropriate skills on production, preservation, appreciation, promotion, marketing and management.

##### **Policy Statements**

- i. The national and county governments shall establish capacity building programmes for staff, cultural practitioners and entrepreneurs.
- ii. The national government shall facilitate regional, international cooperation and bilateral exchanges to learn and adopt best practices on cultural administration and management.
- iii. The national government shall liaise with institutions of learning to integrate culture and creative industries as part of national education curriculum.

#### **12.2 INSTITUTIONAL AND ADMINISTRATIVE FRAMEWORK**

This Policy will be implemented in line with the Constitution and established government structures. The Ministry at the National Government in charge of culture shall be responsible for policy formulation, coordination and implementation of national programmes. The county governments and other relevant established institutions will be responsible for its implementation at various levels.

The Policy will also be implemented in line with the government planning cycle and annual work plans taking into consideration the financial, human and other resources available.

##### **12.2.1 Administrative Framework**

The administrative and management framework for this policy will be guided by the national legislation on culture and will be implemented through:

- a) The ministry, departments and agencies responsible for culture
- b) County government departments and agencies responsible for culture
- c) Communities
- d) Cultural practitioners, Artists and entrepreneurs
- e) Private sector

- f) Civil society.

### **12.2.2 Institutional Framework**

This policy will be implemented at the national level by the following:

- a) Department of Culture
- b) Department of Arts
- c) The National Council for Culture
- d) The Kenya Cultural Centre
- e) National Museums of Kenya
- f) Department of Film Services
- g) Kenya Film Commission
- h) Kenya Film Classification Board
- i) Kenya National Archives
- j) Ministry of Education
- k) Ministry of Foreign Affairs
- l) Ministry of Tourism and Wildlife
- m) Ministry of Information, Communication and Technology.

Other relevant institutions as may be established.

### **12.3. IMPLEMENTATION STRATEGIES**

Successful implementation of this policy requires an effective coordination framework for all culture stakeholders by the National government.

#### **Policy Statements**

- i. The government shall formulate and enact legislation establishing a National Council for Culture and any other relevant bodies to support the implementation of the National Policy on Culture and Heritage.
- ii. The national government shall initiate and support development of the Kenya National Integrated Culture Master Plan to facilitate implementation of the National Policy on Culture and Heritage.

### **12.4 FUNDING**

To support the implementation of this policy, funding shall be sourced from:

- (a) Such monies as may be appropriated by Parliament from the Consolidated Fund,

- (b) Such monies as may be provided by county governments,
- (c) Private sector support,
- (d) International and local non-governmental organisations,
- (e) Multilateral and bilateral partners,
- (f) Sports, Arts and Social Development Fund

### **Policy Statements**

- i. National and county governments shall allocate adequate funds for the implementation of this policy.
- ii. National and county governments shall engage public culture stakeholders, development partners and the private sector to support the full implementation of this policy.

## **12.5. MONITORING AND EVALUATION**

Monitoring and evaluation is an important aspect in the implementation of the National Policy on Culture and Heritage. Monitoring shall be carried out on a continuous basis while evaluation will be done periodically. Monitoring and evaluation of the implementation of the Policy shall be undertaken in line with the existing national monitoring and evaluation framework.

### **Policy Statements**

- i. The national government shall initiate and support development of the National Monitoring and Evaluation Strategy for Culture.
- ii. The national government shall initiate development and maintenance of a National Databank for Art and Culture Practitioners
- iii. The national government shall receive annual monitoring and evaluation reports from the stakeholders who implement this policy for regular reviews.

## **ABBREVIATIONS AND ACRONYMS**

ACHPR-African Charter on Human and People's Rights

ICT – Information Communication Technology

MDA- Ministry, Department and Agency

WIPO-World Intellectual Property Organization

UNESCO-United Nations Educational Scientific and Cultural Organizations

**APPENDIX**

**IMPLEMENTATION MATRIX FOR THE NATIONAL CULTURE POLICY**

<b>GOAL</b>	<b>PROGRAMME</b>	<b>ACTORS</b>	<b>INDICATORS</b>	<b>TIME FRAME</b>
Dissemination of the National Policy on Culture and Heritage	Capacity Building and dissemination of the contents of the National Policy on Culture and Heritage  Translation of the policy to Kiswahili Language	-National government -County governments -Culture Stakeholders	-Awareness on the contents of the policy created -Improved information flow between the government and public -Number of dissemination workshops held, copies distributed	2019 -2021
Provide policy, legislative/institutional framework for cultural development at both the national and county levels	- Enactment of the National Culture Bill -Establishment of a National Council of Culture -Establishment of Culture Endowment Fund -Establishment of National Heroes Council - Enactment of other Culture related Bills	- National government - County governments - Culture Stakeholders	- Reviewed National Policy on Culture and Heritage - National Culture Legislation enacted -National Council of Culture established -Culture Endowment Fund established -Legislation and institutional framework on national heroes and heroines enacted - County Cultural policies formulated	2019– continuous process
Develop cultural infrastructure for support and promotion of the creative cultural sector.	-Development of a National Arts Gallery -Development of the International Arts and Cultural Centre -Development of County Community Cultural Centres -Establishment of art markets	- National government - County governments - Culture Stakeholders	- Arts and Culture Centre founded National Art Gallery created -Community Cultural Centres - Art galleries at counties - Art and craft markets established	2019 -2030

	and galleries			
Promote positive family values	Promoting cultural and family values to preserve and protect the family as the basic unit of society	- National & County governments -Public Stakeholders institutions	-Strong Families -Adherence to family values -Less vices/more upright society	2019 -2021
Promote national values that are stipulated in the constitution	-Cultural festivals -Exhibitions, trainings Workshops and inter-culture exchange	-National and county government - Stakeholders	Institutionalization of national values in public offices -More cohesive society	2019 - continuous
Promote the creative/ cultural sector to contribute to national development	-Cultural Festivals -Exhibitions, trainings, workshops and inter-culture exchange - establishment of cultural grants -cultural research	-National and county governments -Artists - Culture stakeholders	-Vibrant creative cultural sector -Enhanced employment -Improved wealth creation	2019 -2030
Document and preserve cultural information for posterity	-Documentation of Kenya’s cultural heritage -Conducting of cultural research - Establishment of cultural databases	-National and County governments -Development partners -Culture stakeholders	-Cultural profiles -County cultural data base -National culture databases - Cultural IEC Materials -Cultural books - Increased Knowledge/ awareness on Kenya’s cultural heritage	2019– continuous process
Ratification and domestication of regional and international culture laws	Three conventions have been proposed for ratification: the 1954 UNESCO Convention for the protection of cultural properties in the event of armed conflict. The 1970 UNESCO Convention on the Means of Prohibiting and	-National government -National government	-Domestication of/and implementation programmes on international culture instruments	2019 -2021

	<p>Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.</p> <p>The 1972 UNESCO World Heritage Convention</p> <p>The 2001 UNESCO Convention for the Protection of the Underwater Cultural Heritage. The African Union (AU) Charter for Cultural Renaissance has also not been ratified.</p> <p>Other conventions that Kenya has ratified and is implementing include: The 1972 World Heritage Convention ; the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage; the 2005 UNESCO Convention on the Preservation and Promotion of the Diversity of Cultural Expressions.</p>			
Strengthen regional bilateral and multilateral cultural cooperation	Initiation and implementation of programs to strengthen bilateral and multilateral cultural cooperation	- National government	-Cultural protocols signed -Number of cultural programmes and exchanges implemented	2018– continuous process