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HERITAGE AND CULTURE

**NATIONAL POLICY ON  
CULTURE AND HERITAGE**

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**NATIONAL POLICY ON  
CULTURE AND HERITAGE**



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### **List of Acronyms**

1. ACHPR - African Charter for Human and Peoples' Rights.
2. CPPDCE - The Convention for the Protection and Promotion of the Diversity of Cultural Expressions.
3. UNESCO - United Nations Educational Scientific and Cultural Organization.
4. ICCPR - International Covenant for Civil and Political Rights.
5. ICESCR - International Covenant for Economic Society and Cultural Rights.
6. ICPPPPBO - International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.
7. UDCD - Universal Declaration on Cultural Diversity.
8. UDHR - Universal Declaration of Human Rights.
9. TRIPS - Trade Related Aspects of Intellectual Property.
10. WTO - World Trade Organization.
11. WIPO - World Intellectual Property Organizations.



## **CHAPTER ONE**

### **1.0 OVERVIEW**

#### **1.1. Introduction**

The centrality of culture and national heritage to the socio-economic and sustainable development needs of a country can neither be over-emphasized nor gainsaid. The global partnership established among Countries around the Millennium Development Goals (MDGs) underlines the important role of culture in meeting international development challenges.

Culture as articulated by the United Nations Educational Scientific and Cultural Organization (UNESCO) and Universal Declaration on Cultural Diversity (UNCD) takes diverse forms across time and space. The diversity is embodied in the uniqueness and plurality of the identities of groups and societies making up humankind.

Policies that aim at the inclusion and participation of all citizens are guarantees of social cohesion and a prerequisite for peace. The government recognizes the vital role culture plays in sustainable development. In particular, cultural diversity widens the range of options open to every citizen; it is one of the roots of development, understood not simply in terms of economic growth but also as a means of achieving a more satisfactory intellectual, emotional, moral and spiritual existence.

**Policy Statements:**

- The Government shall take all necessary steps to ensure the protection and promotion of culture and of cultural diversity among Kenyans.
- The Government shall take all necessary steps to ensure the protection and promotion of the Country's national heritage.

**1.2 Definition**

Kenya adheres to UNESCO's definition of culture as "that whole complex of distinctive, spiritual, material, intellectual and emotional features characterizing a society or social group. This definition encompasses, in addition to art and literature, lifestyles, ways of living together, value accepted systems, traditions and beliefs".

Culture gives a people their identity, which is passed on from one generation to another. Culture is thus the totality of a people's way of life. However, culture is dynamic and may be enriched by a gradual and innovative change process.

National heritage on the other hand may be defined as the sum total of all the creativity in all its forms preserved, enhanced and handed over to future generations as a record of human experience and aspirations.

### **1.3 Rationale for the Cultural and National Heritage Policy**

The need for a Kenyan Culture and National Heritage Policy is informed by the challenges posed by modernization, free trade, democracy, good governance and the need for the respect of human rights, as well as balancing the diversity of cultural expression with economic and sustainable development.

In pre-colonial times, different communities lived in harmony within their socio-cultural, physical and natural environment. However, the situation changed drastically with the onset of colonialism, which imposed foreign languages, values, beliefs, lifestyles and traditions. Colonialism suppressed indigenous elements of culture and heritage and alienated Kenyans from many of their cultural practices. Moreover, the colonizers imposed various legislations and institutions with the objective of protecting their own cultural, political and economic interests. Post independent Kenya is now free to develop a Cultural and Heritage Policy that will rectify the situation and restore national pride. This policy will enable the country to overcome the challenges posed by modernization, globalization, liberalization, democracy and governance.

Kenya is a multicultural nation and requires a Culture and National Heritage Policy that recognizes this diversity. It has huge cultural resources and talents, which should be incorporated into national agenda.

Since culture provides the ideological and philosophical foundation for national development, which is central to all development programs, the Kenyan cultural policy shall help in

assessing and selecting ideas before adapting them to development programs.

Moreover, this policy recognizes culture as a repository of 'knowledge' which is manifested in all aspects of life as a guide to evolution of morals, attitudes, beliefs and values in society.

This Culture and National Heritage policy therefore places culture and heritage at the centre stage of development. It encourages the selection of appropriate technology and knowledge suitable for national development. It comprises actionable objectives and methods whereby district, provincial and national authorities support and encourage cultural development. It encourages the participation of Kenyans in the development and promotion of culture, while enhancing cultural exchange and cooperation with other countries regardless of geographic or linguistic differences.

The Kenyan Culture and National Heritage Policy is aimed at creating the benchmark necessary for mainstreaming culture and heritage and setting standards as well as raising awareness and the capacity building necessary for infusing culture and heritage as integral parts of public policy and development plans.

Finally, this policy seeks to define the major components of Kenyan culture as well as national heritage and further identifies and outlines major cultural institutions. The policy statement map out operational strategies and identifies the resources, approaches and administrative practices necessary for cultural renaissance and sustainable preservation of national heritage.

**Policy Statements:**

- The Government shall promote culture as the centerpiece and driving force behind human, social and economic development, and shall encourage cultural pluralism.
- The Government shall take appropriate measure for the protection, conservation and preservation of tangible and intangible national heritage situated within its boundaries.

**1.4 Aims of the Culture and National Heritage Policy**

The Kenyan culture and National Heritage Policy is aimed at ensuring the fullest possible expression of culture and heritage in all their facets including equal access for all cultures to art and to scientific and technological knowledge, including in digital form. It is also aimed at ensuring the possibility for all cultures to have access to the means of expression and dissemination.

The Kenyan national vision, shall therefore, be based on the Government's conviction that its national policy shall consider culture and national heritage as one of the keys to the country's sustainable development at large and, in particular, the development of its economy and of its democratic values. This national vision will enrich Kenya's international cooperation, especially in all aspects related with information and transfer of technology.

Culture and heritage are increasingly threatened with destruction not only by the traditional causes

of decay, but also by the changing social and economic conditions which aggravate the situation.

The Culture and National Heritage policy shall ensure that national heritage in all their forms are preserved, enhanced and handed over to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among Kenya's diverse cultures.

### **1.5 Culture, Heritage and National Cohesion**

Culture diversity acknowledges the fact that each culture is distinct and has its own value to the community embracing it as well as to other communities interacting with it. Making cultural diversity a recognizable fact and working towards preserving it is a bold statement of the Government that the richness of our diversity does not negate national cohesion. A key objective of this Policy is to provide the means by which the Kenyan nation can carve out a strong and vibrant national identity that will ignite pride and patriotism in our nationhood. The National Culture and Heritage Policy shall ensure that deliberate effort is made towards developing national values and ethos to promote national cohesion, national pride and identity.

This Policy proposes the establishment of Constituency/district Community Culture Centres. The Community Cultural Centre will be hub for the development, preservation, promotion and dissemination of culture and more significantly serve as centres of intercultural dialogue for the promotion of national unity through community interactions.

**Policy Statement:**

- The Government shall promote national unity in cultural diversity and, support the commitment of all citizens towards the development of the spirit of nationhood and patriotism.
- The Government shall establish and support Community cultural Centres in all constituencies/districts as focal points for promotion of intercultural dialogue, national cohesion and expression of cultural heritage.

**1.6 Culture, Heritage and Sustainable Development**

Development theories over the years have tended to undermine the role of culture in development. In the Western World, culture was for a long time portrayed merely as art, music, dance and literature. However, it is now recognized that culture is much broader. It constitutes a fundamental dimension of the development process, and helps to strengthen the identity, independence and sovereignty of a nation. The person is the origin and the goal of development. Therefore, balanced and sustainable development can only be ensured by making cultural factors an integral part of the strategies designed to achieve it.

National Heritage also arises from the Country's commitment to preservation, maintenance and promotion of Kenya's heritage. This can be illustrated in the legal steps in ratifying the Convention concerning the Protection of the World Cultural and Natural Heritage passed and adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organizations (UNESCO) meeting in Paris from 17<sup>th</sup> October to

21<sup>st</sup> November, 1972, at its seventeenth session in Paris.

The national development plans since independence have endeavored to promote various principles of cultural diversity. The national development plan of 1966-1970 viewed culture, national heritage and development in terms of social justice, equal opportunities and political equality. By that very fact, the principle of sustainable development was modeled along the African way of life.

At the international level, UNESCO has underscored the role of culture as an integral part of development. Article 13 of the UNESCO Convention on the promotion of cultural Diversity (CPPDCE) enjoins State parties to integrate culture in their development policies, in particular, to achieve poverty eradication. Principle 6 of the UNESCO "CPPDCE" provides that cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

The African Charter on Human and Peoples' Rights (ACHPR) under Article 22 links development to integration of 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".



### **1.7 Culture, Heritage and Economy**

Kenya's policy on culture and national heritage is also a reaffirmation of the Government's commitment to protection of intellectual property rights of artists, creators and performers. In this regard, the Government, in line with Article 16 of the Universal Declaration on Cultural Diversity (UDCD) and Article 17 of UDHR shall strive to ensure protection of copyright and related rights in the interest of development of contemporary creativity and fair remuneration for creative work while, at the same time, upholding a public right of access to culture.

The Kenyan government recognizes the need to explore ways and means of how innovations and intellectual property laws will assist individuals and communities achieve their personal, cultural and economic development, with greater international avenues being explored to ensure protection of Kenya's Cultural Heritage.

Cultural creativity is an intellectual property accruing to individuals, communities, artist or performers and fall within the World Intellectual Property Organization (WIPO) meaning of protection. It is a key concern of various international conventions on culture, cultural diversity and protection or promotion of their expression.

The economic dimension of culture also appears in the employment capacity generated by the sector through all forms of cultural expressions, whether traditional or contemporary, individual or industrial. Moreover, a prosperous cultural sector has a positive effect on the attractiveness of Kenya to foreign tourism, thus increasing the country's sources of hard currency income as well as its general economic potential.

### **1.8 Culture and Environment**

Culture is dynamic. The interdependence between environment and culture influences the manner in which communities harness resources and enrich the quality of their lives.

#### **Policy Statement:**

The government in collaboration with the local and international agencies will actively assist in the sustainable management, preservation and conservation of the environment in conformity with culture, heritage and development using indigenous knowledge, modern techniques and methods.

### **1.9 Culture, Heritage and Democracy**

The liberty 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 of access to information as well as free and vibrant media.

In turn, the media, whether written or audiovisual, have to be in a position to disseminate culture to all categories of the population and, thus, contribute actively to the processes of democracy. The media shall ensure that culture does not remain a privilege of the elite.

**Policy Statement:**

- The Government shall promote the democratization of all Institutions in a manner that engenders cultural harmony and tolerance.

**1.10 Culture and International Co-operation:  
Information and Transfer of Technology**

Culture is characterized by constant change. In the face of globalization, culture acquires new trends and in the process assimilates new and foreign values. This creates inter-dependence and a need to share information among international bodies, nations and people.

The transfer and sharing of technology, knowledge and information is a key concern of most international legal instruments on culture, its protection as well as promotion. Kenya is a committed member of many of these bodies and supports exchange of culture, technology and information.

Cultural exchanges facilitate regional integration as well as inter-African communication. Moreover, culture is one of the privileged sectors of exchanges on an international level, both on a bilateral and multilateral basis. Numerous financial instruments are available for the development of international cooperation in the field of culture.

**Policy Statements:**

- The Government shall take all necessary steps to ensure the promotion of culture through regional and international exchanges.
- The Government shall put in place measures designed to ensure that Culture plays a role in the realization of the goals of Vision 2030 and beyond.

**1.11 Vision**

The attainment of unity within cultural diversity for sustainable development.

**1.12 Mission**

The Mission of the Cultural and National Heritage Policy of the Republic of Kenya is to provide direction to a sustainable cultural development in Kenya, and to enhance and promote creative participation of all Kenyan people in their cultural life.

## **CHAPTER TWO**

### **2.0 CULTURE AND HERITAGE**

#### **2.1 Tangible Cultural Heritage**

Tangible culture refers to objects, movable and immovable, which men and women use to benefit from their physical environment. Tangible culture is, therefore, the outcome of design and product development that incorporates our past and adds value to our future. It includes the archaeological findings, which testify to the high degree of our past civilization, as well as contemporary architecture, which is a visible sign of Kenyan creativity. As Kenyans progressively continue to interact with world technologies, this aspect of their culture needs to evolve in a sustainable and relevant fashion.

##### **2.1.1. Craft**

The production of traditional crafts concerns activities inherited from individual and collective traditional creativity. It reflects an important aspect of the country's culture, heritage and social environment. The craft sector provides an entry point into the economy for industries.

#### **Policy Statements:**

The Government shall enhance, support and assist in the promotion of the cultural heritage of Kenya by encouraging, preserving, sustaining and disseminating knowledge of traditional and contemporary tangible culture.

The Government shall be committed to the protection, preservation and even retrieval of important objects of tangible culture including archaeological findings, which bear witness to the antiquity of Kenyan Cultural expression.

The government recognizes the importance of research in the promotion and preservation of tangible culture and shall take all necessary steps to facilitate and encourage research in all tangible aspects of culture.

The Government shall put into place mechanisms to prevent financial and artistic exploitation of craftsmen and artists.

The Government shall take all necessary steps to ensure the use of tangible cultural heritage translates into the creation of wealth and employment.

The Government shall undertake to establish national arts galleries, to recognize, protect and promote art and creative talents.

The Government shall endeavor to preserve cultural landscapes that testify to the creative genius, social development and imaginative spiritual vitality of humanity, all of which are part of Kenya's cultural identity.

The Government shall be committed to the prevention of illicit trafficking of protected cultural objects.

The Government affirms its commitment to International Conventions concerning the protection of World Natural Heritage to enhance the beauty and value of Kenyan natural landscapes, thus generating added economic value for the country.

### **2.1.2. Kenya National Dress**

Owing to the diverse cultural traditions, each ethnic community in Kenya has its own dress styles that are consistent with their physical environment and lifestyles. The impact of outside influences relegated these traditional modes of dress to the back seat in favor of the dominant Western and non-Kenyan modes of dress. Domination by non-Kenyan modes of dress has inhibited the evolution, acceptance and use of National attires.

#### **Policy Statements:**

The Government shall facilitate evolution of National Attire and adornments and shall constantly review and promote existing dress codes as well as help to promote the wearing of various African attires and adornments.

The Government shall protect the Kenya National Dress under the Industrial Property Act, 2001 and shall license its production for Commercial purposes.

The Government shall support the production of Kenyan attires and adornments, which will contribute to the economic development of urban communities especially among women groups.

### **2.1.3. Design**

The Government of Kenya recognizes the importance and role of design in cultural development and will work towards reduction of the impact of importation, external imposition and invasion of alien cultures and designs.

Consequently appropriate legislation and administrative mechanisms will be put in place for the protection, promotion and development of a Kenyan identity in the field of design, whether two dimensional or three, including dress, designs, artistic works, visual arts and architecture.

**Policy Statements:**

The Government shall review the enforcement of various statutes that apply to design and shall encourage public and private institutions and individuals to research, develop and promote all fields of traditional designs.

The Government shall encourage and support creativity and skill in the development of new designs and expressions.

The Government shall protect innovation through the Industrial Property Act of 2001 and endeavor to provide an enabling environment for innovation to thrive.

The Government shall encourage and support the creation of design institutions.

**2.1.4. Visual Arts**

In African traditions, visual arts have been closely associated with the daily lives of the people and have played an important functional role in African Societies.

Pre-Colonial Africa had a strong tradition of painting based upon both body and architectural paintings, which has survived up to the present times among



many communities. Together with painting, sculpture and the graphic arts play an important role in fostering cultural identities, cultural dialogue and cross fertilization of ideas, styles and practices.

**Policy Statements:**

The Government will encourage the teaching of visual arts at all levels of the education system.

The Government will enable partnerships with the private sector in promoting the visual artists and their works, especially through tax-facilities in compensation for private sponsorship of Kenyan artists.

The Government shall promote visual arts by facilitating exhibitions and art fairs, locally, regionally and internationally and promote exchanges between artists from different cultural horizons.

**2.1.5. Health and Medicine**

Health refers to the total physiological and psychological well being of an individual. It also includes the systems of public, preventive and curative health management. However, although traditional medicine continues to play a significant role in many Kenyan communities it has not been accorded the respect it deserves.

There is need for formal institutions as well as legal regulatory framework in order to create parity between traditional medicine and contemporary medicine.

**Policy Statements:**

In order to control and improve traditional medicine, the Government undertakes to protect traditional healing methods and indigenous knowledge and in particular shall conserve and preserve natural resources as an important source of traditional medicine.

The Government will also establish regulatory measures and licensing guidelines for traditional medicine and facilitate integration of traditional medicine into modern health care systems and promote its national use through development of technical guidelines and adherence to international standards in the field of traditional medicine.

The Government shall undertake to establish legal and regulatory measure and licensing guidelines for herbal medicine and practice of traditional medicine

**2.1.6. Food and Drinks**

Food and drinks are part of people's culture. Cultures have various foods that are suitable for sustenance on various occasions, ceremonies and rituals. The culinary habits of each ethnic community have made them evolve specific ways of preparing their own foods and drinks while acknowledging the accompanying taboos and etiquettes.

The foods and drinks satisfy and guarantee the communities' nutritional requirements and add nourishment as well as the inherent medicinal value.

**Policy Statements:**

The Government, in collaboration with the private sector, shall encourage the use and consumption, development and popularization of inter-ethnic traditional dishes and drinks. It shall also encourage growing of traditional food crops, their preparation, preservation and presentation.

The Government shall encourage cultural exchange amongst committees in culinary arts.

The Government shall initiate research, documentation and conservation of knowledge and traditional foods and drinks.

**2.1.7. Historical Sites, Monuments and Physical Environment**

Sites and Monuments form the nation's immovable heritage. These cultural landscapes are a testimony of identities and shared aesthetical values.

The conservation and appreciation of such sites and monuments promotes a stable society and ensures recognition and respect for the differences and cultural identities of distinct communities.

Contemporary inspirational Kenyan architecture testifies to creativity and paves the way for tomorrow's heritage.

**Policy Statements:**

The Government will establish and fund institutions at different levels to ensure the conservation and promotion of Kenya's immovable heritage and will further enact laws that provide the appropriate legislative and administrative framework for the protection of sites and monuments.

The Government will encourage the participation of local communities in the planning and management of sites and monuments.

The Government is committed to the protection and promotion of Kenyan contemporary architecture, which, together with well thought out urban planning, contributes to a culturally adapted physical environment for a growing part of the Kenyan people.

The Government shall encourage sustainable projects in areas with immovable heritage so as to contribute to people's social welfare, improved quality of life and sustainable development.

**2.1.8 Intangible Cultural Heritage**

Intangible Culture is defined under the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 as "the practices, representations, expressions, knowledge and cultural spaces associated therewith that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.... Intangible Culture manifests itself through oral tradition, performing arts, social practices knowledge and practices concerning nature and the universe and traditional craftsmanship".

Artists in Kenya, like others in Africa, have always functioned as custodians of mores and the voices of vision of the society. They illuminate the society's social realities and prophesy about its potentials. They make the society aware of aspects of nature to which it might remain blind or at least relatively indifferent.

They also play a significant role in the economic development of the Country, with their creative activities contributing to the development of cultural industries, which in turn attracts foreign investment, tourism and generate income.

It is through art that society can react with understanding and interpret its physical and social environments, express its views, define its family and kinship systems, as well as demonstrate the power of language. Appreciation of the creative arts in their entirety and the role of the artists in society in particular awaken and contribute to the development of the individuals in imaginative perception and insight into a wide range of life.

**Policy statements:**

The Government shall enhance, support and assist in the promotion of the intangible cultural heritage of Kenya by encouraging, preserving, sustaining and disseminating knowledge of traditional and contemporary intangible culture.

The Government shall be committed to the use of information technology as a means for the preservation of intangible cultural heritage, especially its endangered aspects. In particular, the Government shall be committed to the preservation of intangible culture using computer technology.

The Government shall be committed to the training and education of personnel on aspects of inventory use, research, audiovisual documentation, and archiving and conservation practices.

The Government recognizes that intangible culture is part of Kenya's National treasure and heritage and needs to be embraced, appreciated, promoted and protected.

The Government shall be committed to the exportation of intangible culture as well as its development

The Government shall put in place mechanisms to prevent exploitation of artistes.

The Government affirms its commitment to the Convention for the Safeguarding of the Intangible Cultural Heritage (CSICH).

The Government shall commit itself to facilitate the work of artists and of all cultural practitioners both at home and through Regional and international cooperation.

### **2.1.9 Performing Arts**

Performing arts refer to music, drama, dance and recitals (Narratives, histories and poetry). In the African set up, performances always reflect the aesthetic principles and ethical values of the society. Some of the performing arts are the media of teaching the young and passing language values, literary traditions and styles from one generation to another in the society.

In Kenya, music is traditionally used to entertain, educate and communicate important messages. Through it, people express their hope for the future.

Music and dance among Kenyan communities play important roles in various development activities. Due to their roles, research and formal study of music should be given due emphasis in both formal and informal education.

The economic contribution of music cannot be over emphasized. A well developed music and dance industry will create employment and wealth.

**Policy Statements:**

The Government shall create and sustain an enabling environment in which performing arts will thrive and, in particular, shall support creative expression as an effort to revive and revitalize dying languages, traditions and practices.

The Government will improve legislation to enhance protection of artistes' rights.

The Government shall endeavor to promote the development of talent in the performing arts. In particular, the government shall utilize the Kenya Music and Cultural Festival as the principal channel for talent development with a view to greater promotion of intangible culture.

The Government shall take all necessary steps to promote and encourage research in all aspects of performing arts: music, drama, dance and recitals, oral narratives, histories and poetry.

The Government shall support and promote the use, teaching and examining of music and dance in all learning institutions as a means of transmitting and promoting culture and inspiring creativity among Kenyans.

The Government shall ensure that appropriate administrative and regulatory framework is put in place to ensure equity and cohesion in the use and accessibility of performing arts centers both local, provincial and at the national level.

The Government will create an enabling environment within which music and dance will be promoted as an integral component of culture. To achieve this, the Government will facilitate enactment of appropriate legislation to protect copyright and all intellectual property rights of Kenyan modern and traditional music and dance.

#### **2.1.10 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 sports and games, Kenya has a rich heritage of traditional games and sports that have been afforded inadequate exposure; examples include traditional wrestling, bullfighting, ajua, gicandi and boat racing. These have a significant public relations role to play by boosting the national image.

#### **Policy Statements:**

The Government will encourage the revival, preservation and promotion of traditional forms of recreation and entertainment and facilitate provision of adequate facilities for traditional sports, games and recreation equitably throughout the country.

The Government will also put in place institutional structures to manage and coordinate traditional games, sports, performing arts and recreational activities.



### **2.1.11 Language**

Language is central to human communication. It is an indispensable tool which is used to describe, classify and catalogue experience, concepts and objects. There is therefore a symbiotic relationship between language and culture. This relationship is indexical, symbolic and sacrosanct. It must therefore be upheld and promoted.

A language long associated with the culture is best able to express most easily, most exactly, most richly, with more appropriate overtones, the concerns, artifacts, values and interests of that culture. Language and culture are complementary, in that language is learnt culturally and culture largely acquired through language.

Kenya is a multi-lingual country with over 40 indigenous languages, numerous dialects and several other languages, including English, which is also used as a language of instruction.

There is lack of adequate legislation protecting and promoting Kenya's languages. This situation persists despite UNESCO's efforts in various fora to provide direction and enforceable policy statements under the Universal Declaration of Linguistic Rights (UDLR), which emphasizes the need to revitalize and develop the ethnic languages, so that they can effectively participate in national development. Few efforts though have been made by Government to come up with language policies that provide pragmatic directions on functional institutional support.

Kenya's indigenous languages have the capacity to awaken people's imagination. The loss of these languages would result in a total loss of knowledge of the bio-diversity and its interaction with the environment as well as the culture of the community

they represent. The study of indigenous languages therefore has to be given its due priority at all levels of education from Primary school to the University.

The Government education policy on the use of indigenous languages provides for the learning and teaching of these languages up to an elementary level. However, it does not adequately sustain their growth and development. Consequently, the languages can hardly cope with the demands of development in Kenya as witnessed in many community projects and initiatives, which have collapsed due to communication breakdown.

Realizing that Kiswahili is becoming the lingua franca of East and Central Africa and the Great Lakes Region, there is need to accentuate the place of Kiswahili, promote and also popularize it as a National language.

**Policy Statements:**

The Government shall encourage and create an enabling environment within which languages including non-verbal, sign and text languages will be promoted.

The Government shall harmonize education, language and cultural policies and ensure consistency while encouraging the teaching of indigenous languages at all levels of education including Schools, Colleges and Universities.

The Government shall undertake to promote Kiswahili as a language of instruction and as a National and Regional language of communication as well as one of the official languages of the United Nations.

The Government shall encourage families, educational institutions, media and individuals to develop facilities, equipment and human resources to promote a mastery of indigenous languages in order to evolve a base on which other languages could be learnt.

The Government shall encourage learning of foreign languages as a means of interaction with other people and as a promotion of international communication.

The Government shall take appropriate steps towards the realization of a national language policy.

#### **2.1.12 Literature**

Literature refers to the written works of creativity published in Kenya, and the rest of the world, that are read and discussed informally and formally and/or oral texts which are in indigenous and foreign languages, recorded and published and which are available for study, viewing, discussion, and literary analysis.

Books play an important role in culture and the promotion of cultural heritage as the principal medium for the transmission of both oral and written aspect of culture.

#### **Policy Statements:**

The Government will encourage writing and publication in Kiswahili and other indigenous languages and encourage and protect artistic expression among creative writers and oral artistes as provided for in the Copyright Act of 2001.

The Government will also facilitate and support the study of local literary works in our educational institutions and promote imaginative writing, choreography and oral expressions which may manifest themselves in prosody, narratives, poetry, dance, music, drama, autobiography and reminiscence among others.

The Government undertakes to support and facilitate research in written and oral literature both traditional and contemporary as well as encourage a culture of reading.

## **CHAPTER THREE**

### **3.0 CULTURAL INDUSTRIES**

#### **3.1 Publishing industry**

With the globalization of cultural exchanges and the severe international competition accruing from it, the promotion of strong national cultural industries has become a strategic challenge for Kenya.

The publishing industry plays an important role in promoting the country's literary traditions, culture and identity and allowing full expression to the creativity and originality of Kenyan writers. Moreover it is an essential contribution to education through the production of manuals for primary, secondary and higher education, as well as research.

The export potential of this industry is important and contributes to the dissemination of Kenyan culture. Within Kenya itself, the distribution of books through an efficient role of bookshops will improve the income of writers and publishers as well as contribute to the democratization of culture.

#### **3.2. Cinema and Audio visual industry**

These industries (film and audio visual production) concern creators and distributors countrywide as well as an increased population of viewers throughout Kenya. These productions portray all Kenyan activities. Today all film and video productions represent a major stake in the perception of Kenyan society as well as a potential source of income.

The development of specifically Kenyan film and audiovisual industry rests on the training of actors, directors, technicians and the existence of funding capabilities by local producers. International

cooperation through co-productions, participation in international competitions and professional fairs are an integral part of the strategy for developing these industries through the national and international market. The promotion of local talents drawing on local themes and realities, have in eyes of foreign publics an added cultural value, which has to be taken into account for active promotion.

### **3.3 Multi-media Industry**

Multi-media productions are progressively gaining ground in world markets. They rely on techniques, which Kenyan artists have mastered, and on creative powers, which they show abundantly. With due promotion, their work will meet with success, nationally and internationally.

### **3.4 Recorded music Industry**

In Kenya as in most countries, the record industry suffers from illegal copying and consequently from a dramatic loss of income arising from copyrights infringements. This situation is all the more serious, as Kenyan music has traditionally been the foremost Kenyan form of cultural expression.

#### **Policy Statements:**

The Government in partnership with the private sector shall create an enabling environment for the development of cultural industries, in line with the overall economic development of Kenya. Partnership, on a regional, continental and international basis, will be sought to promote Kenyan cultural industries.

The Government in partnership with right holders' will ensure the efficient protection of copyright and

related rights in Kenya. The enforcement of the law will be accompanied by information campaigns for the benefit of all right-holders.

The Government shall encourage the activities of creators, producers and distributors all over the Country by placing emphasis on training in Kenya and abroad and on promoting both old and contemporary works in order to create a national consciousness of the value of national film and audio-visual productions.

The Government will combat all forms of piracy, which deprive Kenyan artistes, and creators of their income.

The Government shall encourage the production, distribution and broadcasting of local cultural programmes with a view to promoting a sustainable cultural industry and awareness of national cultural identity.

## **CHAPTER FOUR**

### **4.0 THE FAMILY**

The foundation of the Kenyan society has always been the family as the smallest unit of society and kinship relationships. However, with the advent of modern culture we have embraced contemporary concepts of family brought about by inter marriages between Kenyans and other nationals.

#### **Policy Statements:**

The Government will work in concert with other institutions to strengthen the family and kinship relations as a foundation for a unified Nation.

The Government will provide easy access to families by developing cultural facilities at local level i.e. libraries, facilities for performing and visual arts for the benefit of small rural communities, increase facilities for artistic education from young children, at primary school level.



## **CHAPTER FIVE**

### **5.0 PROTECTION OF COMMUNITY RIGHTS**

The peoples of Kenya have unique cultural innovations resulting from their long term interaction with their environment and nature. 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 pass on their heritage to the younger generations for posterity.

There is need to adopt interventions geared towards promotion and protection of the cultures of Kenya's communities.

#### **Policy Statement:**

The Government shall ensure the protection of the rights of all peoples and in particular promote the rights as are enshrined in International legal Instruments by either adopting or domesticating them.

## **CHAPTER SIX**

### **6.0 HEROES AND HEROINES**

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

Persons who fall in this category include individuals who through patriotism, integrity, commitment and vision contributed to the liberation struggle, prophecy, knowledge, cultural values and practices, arts, sports, scholarship research, statesmanship and other special achievements.

#### **Policy Statements:**

The Government shall ensure that an appropriate legal and administrative framework is established to facilitate the identification and recognition of heroes and heroines.

The Government shall establish appropriate institutions to oversee the administration of the National and community heroes and heroines scheme.

## **CHAPTER SEVEN**

### **7.0 MEDIA**

#### **7.1. Cultural Information**

The modern methods of communication such as newspapers, books, films, television, radio and Internet may not be culturally sensitive, but are effective means of modern information dissemination. Recognizing that culture must operate within current technological framework, there is a need to encourage the merging of the traditional and the modern media, while maintaining certain professional, moral and ethical standards.

#### **7.2. Print Media**

Recent developments in the area of civic education and electoral activities arising from the democratic perception of governance indicate that there is need to invest in public information and education through the print media.

#### **7.3. Electronic Media**

The electronic media has the capacity to entertain, inform and educate. It is a powerful means of arousing the interest of people by portraying and projecting images on their day-to-day activities.

#### **Policy Statement:**

The Government will encourage dissemination of positive cultural information about Kenyan communities through all media, and undertake to further ensure that organizations, individuals and institutions in all forms of media offer Kenyans

culturally oriented programmes which are competitive in terms of relevance and aesthetics.

## **CHAPTER EIGHT**

### **7.0 EDUCATION**

Education is a continuous process in which society and a Nation passes knowledge skills and values from one generation to another. It is formal, institutionalized and informal, occasioned 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 as well as the appreciation and acceptance of people in other cultures. It should also be designed and tailored in a manner that it becomes a carrier and transmitter of knowledge, appropriate skills, values, identity and outlook that enables people to survive and prosper within their own environment and culture.

Education should aim at promotion of the varied and rich cultural diversity in Kenya.

The earliest possible association of all forms of artistic expression within the educational process at school should favor the development of the creative potential of Kenyan children. They should be given the possibility of an early contact, not only with works of art, but with artists themselves. The direct contribution of artists to the education of children would also be of profit for them.

**Policy Statements:**

The Government will encourage links between industry and educational training institutions as well as the infusion of cultural values, knowledge and attitudes in the school curriculum from early childhood through to the University.

The Government will encourage individuals and institutions to conduct research in culture and also document and disseminate the findings.

The Government will encourage cultural exchange programmes within schools and inter-cultural exchange programmes among schools. In this regard, the Government will also encourage educational institutions in establishing links with foreign institutions for the purpose of facilitating student exchange programmes.

The Government will encourage capacity building within all departments dealing with culture and shall in particular undertake training of cultural personnel.

The Government will encourage the development and training of cultural personnel.

The Government will encourage the development of indigenous media of communication using relevant languages, art, design, architecture, music, dance, literature, drama and theatre.

The Government shall support and strengthen Kiswahili and other languages as compulsory subjects in early childhood education, primary and secondary education and tertiary education and shall encourage its use. The Government will encourage and support a holistic education process, which will enable learners to develop their identity and personality, thereby enhancing their prospects for economic independence.

## **CHAPTER NINE**

### **9.0 CULTURAL TOURISM**

Whereas cultural tourism is a vital foreign exchange earner and a major employment sector in our country, it is also an important avenue for local, regional and international understanding and has implications on intercultural relations and reduction of conflicts. However, there are negative values that may come with tourism and globalization which lead to sexual exploitation, drug abuse, the distortion of aesthetic and ethical values, commercialization and loss of cherished artistic tangible and intangible culture items and the undermining and distortion of cultural norms and values.

#### **Policy Statements:**

The Government shall encourage public, private individuals and institutions to establish and maintain networks that promote cultural tourism while ensuring that cultural products and services are not unduly exploited and/or corrupted.

The Government will actively assist individuals, public and private institutions/organizations and communities in organizing, managing and marketing cultural products, festivals and services.

## **CHAPTER TEN**

### **10.0. CAPACITY BUILDING**

A sustainable national policy on culture requires highly trained and informed professionals in all sectors in order to ensure its implementation and the achievement of its goals. Moreover, the development of cultural industries and the gradual transformation of performing arts groups into real business enterprises, necessitates that an increasing number of persons be trained on cultural marketing and management practices.

Due to the globalization of the cultural markets and of the diffusion of their products, the training of Kenyan nationals in that field should have an intellectual outlook.

#### **Policy Statements:**

The Government shall establish capacity building programs in all cultural sectors with special emphasis on cultural project management. Among the sectors, special mention shall be made of cultural research and information, cultural administration and management, regional and international cultural cooperation.

The Government shall facilitate regional and international cooperation and bilateral linkages.

## **CHAPTER ELEVEN**

### **11.0. IMPLEMENTATION STRATEGIES**

Several Ministries are currently involved in the promotion of cultural activities in one way or another; however there is need for a coordinated approach to the promotion of such activities to create cohesion and consistency in the implementation of the cultural policy.

The Ministry in charge of culture and heritage will have the overall responsibility of implementing the culture and heritage policy of the Republic of Kenya.

**Policy Statement:**

The government shall establish a National Council of Culture and Heritage as an advisory body to the Ministry in charge of implementing the Kenya National Culture and Heritage Policy.



## **CHAPTER TWELVE**

### **12.0. FUNDING**

To support implementation of this policy the Government will source funding from the following:-

- (a)* The Consolidated Fund;
- (b)* Private Sector;
- (c)* International and Local Non-Governmental Organizations;
- (d)* Multilateral and Bilateral Co-operating Partners.
- (e)* Endowment Fund

#### **Policy Statements:**

The Government shall set aside funds and engage donors and other private sector actors to ensure the proper funding of the proposed structure set out in the culture Policy.

The government shall ensure the National Council of Culture is financially independent and autonomous in the sourcing of funds.

## **CHAPTER THIRTEEN**

### **13.0. INSTITUTIONAL AND ADMINISTRATIVE FRAMEWORK**

#### **13.1 Existing Framework**

The existing Institutions on culture have largely revolved or been centered around the ministry responsible for culture and Heritage. However a number of other public and private institutions have their own cultural programmes and policies which govern their work, as opposed to the Ministry in charge of culture which has a wider mandate in terms of the depth of its activities and programs spread across the whole country.

There is need to vest the overall administration, supervision and coordination of all these activities to the Ministry responsible for Culture and Heritage in the government which also has the duty to ensure the proper implementation of the cultural policy of the Republic of Kenya.

#### **Policy Statement:**

The Government shall make appropriate legislation to encourage the integration of key actors dealing with culture within existing structures to work together in ensuring the successful implementation of the Culture and Heritage Policy. In particular the following Government Ministries shall be integrated into the Government action plan for the implementation of the Culture and Heritage Policy:

- Education.
- Youth Affairs.

- Planning and National Development.
- Finance.
- Culture
- Heritage.
- Health.
- Foreign Affairs.
- Information and Broadcasting
- Local Government.
- Tourism and Wildlife.
- Trade and Industry.
- Sports.
- Environment
- Wildlife
- Agriculture

### **13.2. The Rationale for establishment of the National Commission on Culture and Heritage**

In order to realize the objectives of the National Policy on Culture and Heritage there shall be established the National Commission for Culture.

### **13.3. National Commission on Culture and Heritage**

The National Commission for Culture shall have the overall advisory role over all aspects of cultural activities of the Republic of Kenya.

Members of the National Commission for Culture and Heritage shall be appointed by the Minister responsible for culture and shall report directly to the Minister.

## **CHAPTER FOURTEEN**

### **14.0 MONITORING AND EVALUATION**

In order to monitor and evaluate the implementation of this policy, the Government will develop monitoring and evaluation instruments to guide cultural service delivery.

**Policy Statement:**

The Government shall enact necessary legislation to put in place a proper monitoring and evaluation mechanisms for the implementation of the Cultural Policy.

## **SCHEDULE**

### **Select Bibliography**

1. UNESCO-Convention on the Protection and Promotion of The diversity of Cultural Expressions, Paris 20<sup>th</sup> October 2005.
2. Berne Convention for the Protection of Literary and Artistic works, 9<sup>th</sup> September 1886.
3. African [Banjul] Charter on human and Peoples' Rights adopted by the OAU in June 27<sup>th</sup> 1981.
4. International Covenant on Civil and Political Rights, Adopted by the GA Resolution 2200A 23<sup>rd</sup> March 1976.
5. International Covenant on Economic, social and Cultural Rights, Adopted by the GA Resolution 2200A 16<sup>th</sup> December 1966 March 1976.
6. WIPO-International Covenant for the Protection of Performers Producers of Phonograms and Broadcasting Organizations, Rome 26<sup>th</sup> October 1961.
7. Trips Agreement- WTO-Agreement on Trade Related Aspects of Intellectual Property.
8. Convention for the Safeguarding of the Intangible Cultural Heritage 2003, Paris 17 October 2003.
9. Universal Declaration on Cultural Diversity, Adopted by the 31<sup>st</sup> Session of the General Conference of UNESCO, Paris 2<sup>nd</sup> November 2001.
10. UNESCO, Cultural Diversity: Common Heritage Plural Identities, Published in 2002 by the United Nations.
11. Intellectual Property and Traditional Cultural Expressions/Folklore, published by the World Intellectual Property Organization- WIPO.

12. M. Glen Johnson and Janusz Symonides, The Universal Declaration of Human Rights: a History of its Creation implementation 1948-1998.
13. Special Working Documentation For the National Constitutional Conference: Report on Culture, prepared by the CKRC.
14. African Charter on Cultural Renaissance