THE USES AND MANAGEMENT OF CULTURE BY KENYA COUNTY GOVERNMENTS: A BRIEFING REPORT

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MAY 2017
1. INTRODUCTION

1.0 The Project

‘Culture’ is being rebranded in Kenya today in ways that reflect the constitutionally driven transition to devolution. The heightened visibility of culture as a way of promoting national cohesion through diversity is linked to constitutionalism and its associated reforms, namely the expansion of human and community rights and the upholding of the rule of law as principles of democratic governance. This briefing report, based on new research, examines how ‘culture’ is being used by County Governments and other local and global stakeholders. It is part of a wider, ESRC funded project on Cultural Rights and Kenya’s New Constitution (2014-2017).

The aim is to produce a hybrid document that can be used as a handbook by a variety of stakeholders drawn from County Governments and other governmental agencies such as the National Museums of Kenya (NMK) and Kenya Wildlife Service (KWS). We hope our work will be of use to the Non-Governmental Organizations (NGOs) sector and those involved in civic education, especially on the question of community or cultural rights. This would include the myriad Community Based Organizations (CBOs) and other development-oriented movements. The authors’ vision is to see this report used to strike up new conversations about the value of ‘culture’ as an emergent social and political force in future decision making in the fields of community rights and development, tourism, environmental management, cultural heritage, material culture and the performing arts.

1.1 Research Questions

Our central research question is: how is culture being recognized, made public, and managed in the counties? Other questions flow from this, such as how have different county governments created policies or programmes that seek to regulate activities or events that are deemed to be cultural? Our purpose is to provide an overview of how ‘culture’ is framed by County Governments in a wider process of devolution.

We wanted to know how county governments themselves see this new turn to culture, how they have incorporated cultural activities into governance practices, as part of their efforts to manage local political diversities. The question of minority rights within devolved county governments is a related concern. We also explored how public activities, such as cultural festivals, produce new kinds of platforms for the transformation of identity, history, and heritage. The wider context of our study is the question of how the creation of 47 different county governments, largely mapped onto ethnic territories, comes to forge new identities within the nation-state and how these are compatible with ideals of national unity.

There is great variation in the degree to which counties invest in culture as a tool of fostering a new political identity in a time of government reform. On the surface, culture works to maintain vibrant images of community cohesion and integrity, some county government...
websites being professionally tailored to present strong and positive associations with culture, complete with links to YouTube videos of dance and advertisements for cultural festivals promoting peace between neighbouring communities. Yet, some of this appears as a carefully fashioned public image, as window dressing on long-term problems facing political integration at the county level inherited from the past.

Elgeyo Marakwet County Government Website promotes its reputation as the home of long-distance runners, bridging the gap between sports and heritage under the rubric of culture. [http://www.elgeyomarakwet.go.ke/]

1.1 LITERATURE REVIEW

There is an emerging literature on devolution, but little of this touches upon ‘culture’, even though this is an important dimension of Kenya’s contemporary politics. We include an appendix in this report which lists some useful literature. The absence of an enthusiastic response among scholars to this new cultural turn in Kenyan politics, as well as elsewhere in Africa, is noteworthy and forms part of the background rationale for this survey. Most examinations of Kenya’s experience of political devolution, however, tend to ignore the emergence of culture as an organizing principle of this restructuring of governance. One might even suggest that ‘culture’ is used politically in a bewilderingly wide sense. Culture can be the vehicle for forms of resistance, as in community activism, but it can also be a form of exercising political domination, as in emerging notions of ethnic citizenship and moves towards the
cultural assimilation of minorities. In addition, culture is also an important part of the country’s constitution, since cultural rights’ provisions are guaranteed under the new dispensation of rights.

With the use of various social media platforms, such as Facebook, YouTube, and Twitter, county governments actively promote images of participatory community development. The content of many of these pages, however, is yet to be developed in greater detail, being dominated in the main by concerns for fiscal and tendering matters. [http://www.elgeyomarakwet.go.ke/]

2. METHODOLOGY

2.0 Surveying county governments and culture

Our methods include field research in three county governments: Kisumu, Narok, and Lamu. Gordon Omenya undertook this part of the research. This was complemented by a desk study, carried out by Mark Lamont, which involved examining county and NGO websites, available archives, and social media. This briefing report is a composite analysis of the materials gathered via both methods. Data for the three case studies came from multiple visits and interviews with county employees working in departments of culture.

2.1 Why Kisumu, Narok, and Lamu?

The choice of these specific counties was made in part because of the internal geography of Kenya. Kisumu is a vital hub of transport and trade near Uganda’s border on Lake Victoria; Narok is also a border region with a vast amount of range land reserved for wildlife migrations, agriculture, cattle husbandry, conservation and tourism; Lamu is also a major tourist destination, as well as a recognized UNESCO heritage site and plays a significant economic role in Kenya’s Vision 2030 with the building of a major port, with its wider cultural and historical connections into the Indian Ocean and the Swahili world. Taken together these counties also account for a considerable allocation of funding from the central government as they play economically significant roles in the nation based on fisheries, port authorities, customs and excise, tourism, cultural heritage, and ecological conservation.
3 CORE CONCERNS AND RESEARCH PROBLEMS

3.1 Strengthening or undermining the nation-state?

We maintain with other scholars that ‘culture’ has gained ground as an organizing principle in the lives of Kenyan communities. Most of these communities are defined primarily in demographic and political terms as ethnicities. In Kenya, the primary term for these political communities is the tribe, although this term is frequently seen as a given, natural identity, forged in mythic time, outside of history (see Lynch 2011 for a critique). Although the devolution of centralized government into counties was seen as a means to increase local autonomy over the provision and accessibility of public services, one outstanding and long-term question will be whether this constitutional shift in government strengthens the unity of the nation-state or works to undermine it, bringing about a series of ‘mini-states across the country’ (Burbidge 2016: 2). This question of national unity is doubly important given the memory of the post-election violence of early 2008 and the shadow it casts over almost all significant political processes since then. Our study assumes this as a backdrop to both its research questions and preliminary findings.

Five interwoven strands about culture and devolution made up our initial research problems:

3.2 Recognition of diversity, community rights, service consumers

The first echoed the above concern, that devolution contained both the potential for national unity, as well as the possibility of a heightened importance given to tribe and tribalism. In the 2010 Constitution of Kenya (CoK), one of the stated purposes of devolution was to foster national unity while recognizing diversity (Chapter 11, article 174 b). While recognizing the presence of the national government in maintaining central control over security and the courts, we wanted to know whether devolved powers and budgets would bring long-desired transparency and efficiency into the provision of public services. Community seemed key to the success of this principle. Indeed, tied to this constitutional vision were two interrelated goals of recognizing the ‘right of communities to manage their own affairs and to further their development’, as well as to ‘protect and promote the interests and rights of minorities and marginalized communities’ (11 (174) [d], [e]). As this is a question being asked by many observers of devolution from a rights point of view, we also sought to find out how the devolution of many government services was experienced by all citizens and not just those who happened to be members of the dominant ethnic group in a given county. This was, we reasoned, one of the primary tests of the success of devolution as the pivotal face of the CoK and its Bill of Rights.

3.3 Culture as a safer way to discuss ethnic difference?

Yet, we also understood that devolution was partly about the reallocation of resources. It was expected that the question of competition and conflict would never be far from the promises of co-operation upheld in the constitutional declaration, ‘We, the people of Kenya’. We were intrigued by the rising reference to ‘culture’ in the broadcast, print, and social media. It also appeared, albeit hypothetically, that culture might be overtaking tribe as the basis of discussions about local political diversities. Was culture a safer (or more sanitized) way of discussing ethnic difference? Was culture a more cosmopolitan term, commanding more respect outside of Kenya as a marker of difference? Given the complex social movements of globalization and the proliferation of transnational NGOs and CBOs in countries such as Kenya, the recent visibility of culture and a certain squeamishness towards tribe suggested more than a simple shift of operative terms. This change in the conversation about diversity
pointed, at least in part, to the success of civic education and other social methodologies in promoting knowledge and action on human and community rights to a wider set of audiences and target populations.

3.4 Finance and investments

Interlinked with this question of the respectability given to culture and the rather tarnished public image of tribalism was the question of finances and investments. We saw that older notions of culture, such as the state-sponsored performing arts developed within in the tourism industry, such as the Bomas of Kenya, were being given new life through an expansion in the ways culture is understood and used by the creative cultural industries to open up new opportunities for entrepreneurs. For example, the high-cost game safari is now re-organized under the rubric of cultural or adventure tourism, creating new patterns of tourism within the nature reserves. Added to the colour of stereotypic images of Maasai were new marketing campaigns to capture sport, exemplified in the Maasai Rugby 7s, or visits to the Kalenjin highlands to see where champion runners hail from. Another focus was the commercialisation of Kenya’s unique Rift Valley landscapes for the global film industry, with Turkana County advertised as the site where parts of The Constant Gardener were filmed. Culture was being rebranded, it seemed, because new marketplaces were being made visible, mainly through the rapid advances made in internet access, social media, and electronic banking.

3.5 Minority and indigenous rights

Then there was the burning question of minority rights, which is not unrelated to these questions of cultural marketplaces. Attention to minority and indigenous communities and their struggles in the face of Kenya’s highly ambitious infrastructural development, its new

This event combines Maasai dress, sport, and the increasingly popular beauty pageants in this marketization of culture for tourism revenues. [https://www.kenyatalk.com/index.php?threads/maasai-rugby-7s.27084/]
exploitation of oil, geo-thermal, and gas deposits, and the restructuring of the nation’s environmental policies regarding deforestation and fisheries meant that there were going to be winners and losers within devolved structures and institutions. We wished to know the impact of ‘culture talk’ upon the rights of minorities and indigenous peoples.

3.6 Management of culture

With cultural heritage made visible through various kinds of tourism, we sought to understand how culture was managed and organized at the county governments. This question relates to how culture might be used to interpret some of the provisions within the new constitution, mainly through the production of policies on culture.

4 PRELIMINARY FINDINGS AND DISCUSSIONS

4.0 Introduction

Discussions with a variety of stakeholders have produced a number of preliminary findings. Firstly, culture is defined differently across the counties studied. Some have longer histories of objectifying culture for the purposes of cultural heritage or tourism, such as Lamu and Narok, where viable markets for culture already existed prior to devolution. In the county governments, we found an enthusiasm for promoting culture as an expression of the new constitutional dispensation, although there is great leeway for how individual counties interpret the relationships between culture, communities and associated rights.

4.1 Slow progress in cultural policy making

Across the three counties surveyed here, there is inertia in the development of county-specific policies on culture. Counties are still using national cultural policies since they don’t have cultural policies of their own. Developing links between policy statements on culture and effective legislation appears throughout Kenya to be a work in progress. From conversations with cultural officers in both Narok and Kisumu, there seems to be some conflict of interest at county levels between the directorate of culture and the directorate of tourism, which also appears to carry out cultural activities. The absence of clear, written policies makes it difficult to know where to place things. A county director of culture in Narok, for instance, stated that the docket for cultural heritage was largely placed with the county director for tourism and heritage. Stakeholders are asking themselves why heritage is combined with tourism; the most obvious answer is that this is a more robustly funded directorate.

4.2 Constitutional curbs on counties

The absence of written policies by county governments means that they are still using national cultural policies. The continued viability of national and state-sponsored organizations, such as National Museums of Kenya (NMK) and the Kenya Wildlife Service (KWS), is in part explained by the funding streams, but it is also the case that the constitution puts restrictions on the autonomy of the county to define culture. It would appear that the primary institution that could ratify county policies on culture in the courts, which are administered by the central government, is still the Ministry of Sports, Culture and the Arts. The Ministry exercises considerable reach in its management of a wide range of activities and events, as well as controlling many funding streams. It remains to be seen, in the immediate future, who will develop and write county culture policies and whether or not these will be composed by external experts or by the employees of county culture directorates. Nor are these county offices charged with the local management of culture fully autonomous, since some cultural activities in the counties are still managed by big state-sponsored organizations like NMK and
If we consider the sizeable revenues generated in counties like Lamu or Narok through cultural heritage and tourism alone, we can recognize the reluctance to rescind authority to offices within the county governments.

4.3 Marketization of culture, NGOs, and the private sector

Related to the above findings, cultural events are of considerable interest to the private sector. The marketization of culture is a feature found in all of our three selected counties, most visibly in the promotion of cultural festivals. Transnational organizations are also extensively involved in the promotion of these festivals as events attracting significant numbers of foreign tourists and a smaller, albeit not insignificant number of NGO employees.

On the ground, things can get complex organizing this mixture of private sector, transnational, and county level interests. County cultural officers were well aware of the limits facing them in their work. One of the major challenges that the county cultural officers are grappling with is the issue of less funding allocated to the department of culture, compared to their counterparts in tourism, and this has slowed the full realization and execution of their aims, mission and objectives. In the shortfall in funds from the national government to the counties, and a perception that the criteria used in allocating funds to the counties is unclear, the private sector fulfills a dynamic role in facilitating cultural events. There are some concerns that this undermines the autonomy of Kenyans to determine the authenticity of cultural events.

4.4 Clans more visible as expressions of identity and political mobilization

The clan is becoming more clearly visible as an expression of renewed ethnic politics. While culture is more measurably visible in the media and advertising, devolution has provoked changes in the refinement and breakdown of ethnicity, and this is one example of the trend. So, as governance is brought closer to home, one can see the rise of the clan as a tangible

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1 For examples of the ways in which counties engage with KWS and NMK, consider the growing interest in Nyeri County in the management of Mau Mau heritage sites. Inside the Aberdare National Park, heritage sites such as postboxes used by forest fighters, hidden in trees, are managed by KWS, while the current Nyeri Museum, Ruring’u (once touted as a possible Mau Mau Museum), is housed in the Old African Courthouse near Nyeri and is managed by NMK because it gazetted the site prior to devolution.
expression of identity and political mobilization. Research informants spoke of ‘devolved’
corruption, while citing the nepotism at work in job opportunities and the nomination process
leading to elected positions (MP/MCA/Governor/Senators) and the rise of factionalism within
ethnic communities. This apparent renovation of the clan as a political entity is implicated in
further controversies, such as the role of Councils of Elders in current election campaigns, or
the cross-clan politics of gubernatorial First Ladies, an innovative turn in Kenya’s gender
politics. This prominence given to the clan, once thought to belong to the past, is leading
Kenyans to describe the new clan junkets as a kind of devolved tribalism.

4.5 Minority rights and cultural survival

The question of minority rights in relation to culture and devolution is complex and cannot be
adequately treated in a survey of this nature. It can be said, however, that in all three selected
counties, minorities face the challenge of assimilation into the majoritarian community, raising
the issue of cultural survival for many small communities. Intermarriage has long been a
conduit for these processes, as seen in the longer history of the Lamu Archipelago and its
littoral. But the exercise of minority community or cultural rights is frequently more easily
asserted in activism than proven in courts of law. Although outside our case studies, Sengwer
communities facing eviction by the Kenya Forest Service (KFS) from their ancestral forests in
the Cherang’ani Hills also face the problem of cultural identification as they are identified as
squatters, and visibly indistinguishable from the non-indigenous peoples that surround them
in dress and other cultural markers. A critique emerges, then, of how county governments’
support of ‘culture’ ends up promoting the interests of the majority, leading to a kind of official
marginalization of minority communities, something that constitutional provisions were
supposed to protect against. The focus on cultural festivals (below) brings some of these
questions to light.

4.6 Cultural festivals: unifying, or soft forms of cultural domination?

As cultural festivals become promoted extensively throughout Kenya as a means of drawing
attention to ethnic diversity and celebrating it, while also touted as an effective way of bringing
peace to communities in conflict, they are not immune to critiques of being the means through
which soft forms of cultural domination are exercised. Lamu’s cultural festivals are extravagant
events, slickly advertised and professionally marketed, and are truly global in their reach.
Maulidi, the festival held to celebrate the Prophet Muhammed, draws Swahili from across the
Indian Ocean littoral. While these events promote a particular kind of Islamic and Swahili
culture, the cultural festivals are creating homogenous images of what are deeply contested
communities. In this process, the voices of minorities are being swept under an impressive
mobilization of resources, designed to showcase the majority culture. Moving against this
tendency, the Lamu Cultural Promotion Group has worked with the county government in
promoting the Swahili culture alongside the cultures of the minority. This rebranding
exercise is promoting a wider cultural representation of the county’s peoples under the banner ‘Lamu:
The Island of Festivals’. In this way, cultural displays through the performing arts and
vernacular media make powerful statements to minorities about their rights of expression and
association. This dominance of large ethnicities at the county level, often politically galvanized
by consolidated clans, can undermine the whole principle of unity upheld by the CoK’s
provision for devolution and cultural rights.

5 Conclusions

County governments will face limits in their autonomy over the management of culture and
cultural resources. Our view is that these challenges are in part derived from the structure of
devolution as provided for in the CoK, which may inhibit the capacity to develop the
development of county government policies on culture. Still reliant on national policy, such as the 2009 National Policy on Culture and Heritage, and a range of national legislation, county officers working in the directorates of culture are learning to negotiate with an increasingly complex and numerous set of stakeholders. In the counties themselves, these include CBOs and other local organizations, such as Councils of Elders, as well as a range of NGOs representing a variety of civil society actors, such as women, youth, and minority or indigenous peoples. Cultural officers are also responsible for maintaining working relationships with state-sponsored organizations, like the KWS and NMK, as well as making connections with transnational organizations, like UNESCO. In addition to these stakeholders, there is a wide network of private sector actors to interact with and who exercise quite significant autonomy in their own right in fostering or promoting cultural events. In the absence of written cultural policy that is specific to the needs and situation of specific county governments, it is likely that conflicts will occur in the allocation of resources and in decisions about investment in cultural events or programmes.

Culture is an important vehicle through which both politics and development are channeled and challenged. In other words, culture is used at the county level for both progressive championing of human and community rights; but it can also lead to exploitation and the silencing of activist voices. In Turkana and Marsabit counties, for example, cultural festivals are promoted as a means to foster peace and inter-community understanding, yet certain CBOs and activist organizations who work in the background on protecting community rights are not recognized. If the marketization of culture is not to become a burden upon communities, particularly minority or indigenous communities, then this double-edged nature of culture’s use within politics and development will require forethought and planning to avoid the suppression of community and cultural rights.

Culture remains a growing area of political and social expression in Kenya. This briefing report highlights some areas that county government representatives and other stakeholders may find useful in thinking through some of the complex challenges facing this aspect of devolution. Further research into these concerns is to be encouraged and supported in working towards the development of county government policy on the management of culture and community rights.

ACKNOWLEDGEMENTS

We warmly thank all our interviewees in the county governments for providing information and insights, and for giving up their time to speak with us. They are not named for ethical reasons.
COUNTY GOVERNMENTS & CULTURE

NEED FOR COUNTY GOVERNMENT POLICY

WORKING WITH LOCAL, NATIONAL, AND GLOBAL STAKEHOLDERS

PROTECTING MINORITY & INDIGENOUS COMMUNITY RIGHTS

MONITORING THE MARKETIZATION OF CULTURE

PROMOTING UNITY WITHIN DIVERSITY
APPENDIX
RECOMMENDED FURTHER READING


Mitullah, Winnie V. (2002). 'Recognising and Respecting Cultural Diversity in the Constitution'. This and other papers on culture, constitutional change and related issues are available from: http://www.katibainstitute.org/


