

REPUBLIC OF KENYA



MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS

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KENYA CREATIVE ECONOMY POLICY

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2024

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## 1 FOREWORD

The creative economy is a vital driver of economic growth, offering developing countries a pathway to diversify and achieve Sustainable Development Goals. Our Creative Economy Policy serves as a comprehensive framework, guiding the industry towards key objectives such as economic growth, job creation, legislative clarity, funding accessibility, market expansion, infrastructure development, heritage promotion, environmental sustainability, devolution, technology adoption, industry organization, and incentives.

Appointed by the Principal Secretary of the State Department for Youth Affairs and Creative Economy, the Working Group on Development of the Creative Economy Policy and the Creative Industries Bill, 2024 has meticulously crafted this policy to position Kenya's creative industries at the nexus of arts, business and technology.

To address challenges and leverage opportunities within the industry, the policy proposes strategic interventions, including investment in creative infrastructure, improved access to funding, market expansion, supportive policy environments, intellectual property rights awareness, entrepreneurship development, and environmental sustainability initiatives.

Implementation will be overseen by the Ministry, ensuring coordination, stakeholder involvement, monitoring, evaluation and resource mobilization. A detailed implementation plan will be developed, fostering youth participation in economic and civic affairs, while creating an enabling environment for national development.

Recognizing the pivotal role of youth, this policy underscores their potential to drive economic growth through creative engagement, job creation, investment attraction, and export stimulation.

Through this policy we will support the growth and development of the Creatives and the sector in the country. God Bless Kenya.

**Ababu Namwamba, EGH  
CABINET SECRETARY,  
MINISTRY OF YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS**

## 2 ACKNOWLEDGEMENT

The development of the Creative Economy Policy marks a momentous point in the Creative Industry, not just for recognizing the immense potential of our creative industries, but also for celebrating the collaborative spirit that brought this vision to life. It's development and finalization benefited from the tireless efforts and invaluable contributions of countless individuals including creatives, entrepreneurs, educators, policymakers, government bodies and the public alike.

This policy development process benefited enormously from comparative research, consultative fora, public engagements and online discussions. In the course of developing this policy, stakeholders were consulted and their views considered. Special recognition is extended to artists in the various domains of the creative industry, artists associations, guilds, and arts training and research institutions for their invaluable contribution and input to this policy.

I acknowledge with gratitude the excellent work done by the technical Working Group led by Dr. Damaris Ogama, whose leadership and commitment was instrumental in guiding this entire process.

I am also grateful to the Kenya Law Reform Commission and the Kenya Institute of Public Policy Research and Analysis for offering technical support and advice throughout the development of the Policy. I especially thank the staff of the State Department for Youth Affairs and Creative Economy, the Kenya Film Classification Board, the Kenya Film Commission, the Permanent Presidential Music Commission, the Kenya Cultural Centre incorporating the National Theatre, the Directorate of Film Services and the Kenya Film School for their dedication and tireless efforts in ensuring successful completion of the development of this policy.

I extend special appreciation to the World Bank for their invaluable financial support throughout development, editing this Creative Economy Policy.

I thank the Cabinet Secretary for his guidance during the policy development process.

**Ismael M. Madey,**  
**PRINCIPAL SECRETARY,**  
**STATE DEPARTMENT OF YOUTH AFFAIRS AND CREATIVE ECONOMY**

### 3 EXECUTIVE SUMMARY

The creative economy concept emerged as a means of focusing attention on the role of creativity as a force in contemporary economic life. The evolution of the creative economy in Africa has traversed distinct growth phases, with various influential factors propelling its ascent. Foremost among these catalysts are the strategic interventions implemented by African governments. Concurrently, the creative economy's rapid expansion has been energized by factors such as urbanization, a youthful demographic dividend, and the burgeoning middle class.

Globally, the creative economy has potential in promoting inclusion, innovation, sustainable consumption and production, equity and equality thus contribute to the achievement of the Sustainable Development Goals (SDGs). Kenya has subscribed to the UNESCO 2005 Convention, which advocates for innovative approaches to international cooperation, emphasizing equitable access, openness, balanced flow of cultural and creative goods and services, and greater mobility for artists from developing nations.

Within the regional context, Kenya stands as the economic and creative economy nucleus of East Africa. It also assumes a position of continental significance, offering robust competition and collaboration potential vis-à-vis South Africa and Nigeria. Kenya's appeal has been underscored by its ability to attract technology giants such as IBM, Google, and Microsoft, attributed to its robust academic institutions, infrastructure, and dynamic milieu that naturally positions it as a regional leader. The Creative Economy Policy for Kenya presents a multifaceted approach, as delineated in the Bottom-Up Economic Transformation Agenda for 2022-2027.

The Creative Economy Policy signifies a pioneering endeavor, representing the first comprehensive policy designed to consolidate the creative industries in Kenya. Its primary focus revolves around national-level programs and interventions aimed at transforming the country's economic landscape. These strategic priorities encompass the revitalization of micro, small, and medium-sized enterprises (MSMEs), job creation, the enhancement of foreign exchange balance through export promotion, the fostering of sustainable green value chains, and the cultivation of enduring linkages between the Government and the industry.

A vibrant creative economy is vital for social, economic and national development. It offers the opportunity to enhance our cultural values, heritage, and national identity. It is an important vehicle for ensuring inclusivity for all people in Kenya and presents employment opportunities for the youth. It exploits talents that the people of Kenya have to offer within the creative industries. This policy will ensure the realization of a well-coordinated creative economy with concerted efforts from all players directed towards its development.

The Ministry of Youth Affairs, Creative Economy and Sports reviewed the current structural, institutional and regulatory frameworks to establish their impact on the creative economy. It was noted that there is a need to harmonise and address emerging issues that have implications on the activities being undertaken within the industry. This policy seeks to

respond to issues regarding economic growth and job creation, preservation and promotion of Kenyan national heritage and culture, promotion of tourism, and enhancement of national cohesion and integration.

The overarching goal of the creative economy policy is to foster sustainable economic growth, innovation, and cultural enrichment by leveraging the creative industries. In line with Vision 2030, the policy seeks to achieve the optimum capitalization of the economic, social and cultural rewards associated with creative industry both locally and internationally.

The general objective of the Creative Economy Policy is to provide the foundational pillar for the creative industry. It aims to foster and support creativity, innovation and artistic expression in various sectors of the economy and society with key policy areas identified being; Economic Growth, Job Creation, Legislative Clarity, Funding, Market Expansion, Infrastructure, Heritage Promotion, Environmental Sustainability, Devolution, New Technology Adoption, Industry Players' Organization, And Incentives Framework.

The formulation of this policy was guided by an extensive review of literature relating to the creative economies industry in other countries and critical review of the past sector-specific draft policies. This exercise enriched insights on the sector's policy aspirations. The reviews were guided by the principles and provisions articulated in the Kenya Vision 2030, the Constitution of Kenya 2010 and other regional and global development agenda. Key input was provided through a consultative and participatory approach involving a Working Group constituted by the Ministry of Youth Affairs, Creative Economy and Sports. Stakeholder consultations and public participation were conducted through Focus Group Discussions, websites, social media and e-mail. Stakeholder views and comments on the policy were received through engagement forums in more than 20 counties.

The drafting of the policy was informed by a situational analysis of the creative economy in Kenya looking at the current frameworks guiding the functions of the creatives. The main challenges identified include; limited access to appropriate funding, Intellectual Property Rights Administration and Enforcement, Inadequacy of Technical Skills and entrepreneurial constraints, Inadequate and fragmented Creative Industry Data, Fragmented Industry, Limited Creative Industry Infrastructure, Limited or Non-existent Incentives Framework, Limited Market Access, Technological Constraints, Inadequate Legal and Policy Frameworks and Wastage and its impact on the environment.

To remedy the challenges identified, the policy proposes strategies, interventions and measures to be adopted in empowering the Kenyan creative economy. Key areas for intervention include; Providing a conducive Policy, Legislative and Institutional Environment, Investing in the Creative Economy's Infrastructure, Enhancing Access to Funding and financing, Expanding Market Opportunities for the Kenyan Creative Economy, Enhancing understanding of Intellectual Property Rights (IPRs), Creative Economy Data, statistics and studies, Building the Creative Economy's Entrepreneurial Skills to Enhance Capacity and Environmental Sustainability.



The Ministry of Youth Affairs, Creative Economy and Sports shall oversee the overall coordination of the Policy implementation and ensure requisite resource mobilization, coordinate, and involve stakeholders and coordinate monitoring, evaluation, and impact assessment.

# 1 BACKGROUND AND INTRODUCTION

## 1.1 Background

### 1.1.1 The Creative Industries in Kenya

The creative economy concept emerged as a means of focusing attention on the role of creativity as a force in contemporary economic life, stating that economic and cultural development are not separate but can be a part of a larger process of development.

The term 'creativity' gained traction in professional disciplines in the 20th century in educational theory and psychology, drawing on models of artistic practice and perception to suggest different forms of learning and understanding from those of 'linear' rationalist thinking. With the advent of the knowledge economy in the late 20th century, Richard Florida and John Howkins were placing these knowledge workers under the banner of the 'creative class' and 'creative economy' by the late 1990s (Oakley, 2009). At this time the notion of creativity became linked with innovation.

The year 2021 was declared the International Year of Creative Economy for sustainable development, it put the creative economy front and centre at a time when creative solutions were needed to overcome global challenges. As highlighted in the United Nations General Assembly resolution 74/198, the creative economy was contributing to the Sustainable Development Goals (SDGs) in multiple ways, especially to Goals 1 (no poverty), 5 (gender equality), 8 (decent work and economic growth), 9 (industry, innovation, and infrastructure), 10 (reduced inequalities), 11 (sustainable cities), 12 (sustainable consumption and production patterns), 16 (peaceful and inclusive societies) and 17 (means of implementation and global partnerships).

Creative industries are considered one of the fastest growing sectors in the global economy. They contribute significantly to the Gross Domestic Product (GDP) of many developed and developing countries as they capitalized on their cultural and creative industries to enhance and grow their economies.

### 1.1.2 Socio-economic Contribution of the Creative Industries

The creative industry is a significant source of jobs and income and generates important spillovers to the wider economy. They are a driver of innovation, a source of creative skills with strong backward and forward linkages in the economy, and act as a magnet that helps drive growth in other sectors such as tourism. Beyond their economic impacts, they also have significant social impacts, from supporting health and well-being, to promoting social inclusion and local social capital.

Globally, the cultural and creative industries are among the most dynamic sectors of the trading system with huge development potential. According to a study conducted, the dollar value added to USA GDP by the core creative industries reached \$1,328 Billion in 2017. That same year, USA GDP reached \$19.391 Trillion. Thus, in 2017, the core copyright industries

maintained 6.58% share of nominal USA GDP. It illustrates the value added to the USA GDP by the total creative industries in 2017 was \$2.247 Trillion or 11.59% of USA GDP.

In Africa the situation of the potential of creative arts industries has not been fully harnessed, though the continent is endowed with rich and diverse cultural expressions and creative talents. It is estimated that Africa's share in the global creative cultural industries trade is insignificant due to inappropriate policies and strategies that do not recognize the economic potential of its rich cultural resources. Indeed, very few African countries have official data on the value cultural and creative sectors. In South Africa for example, a study conducted in 2017 showed that the creative industry contributes up to 4.1% of the GDP more than the contribution of other sectors such as the agriculture, food, beverages and tobacco. The continent could position itself as a leading hub for arts and culture.

Partner States comprising the East African Community (EAC) have undertaken to cooperate in the development of policies and programmes aimed at widening and deepening cooperation in political, economic, social and cultural fields, research and technology, defense, security and legal and judicial affairs, for their mutual benefit. The Partner States undertake to strengthen and regulate industrial and commercial, cultural, social and other relations to accelerate harmonious and balanced development and sustained expansion of economic activities.

In Article 119 (c) of the East African Community Creative and Cultural Industries Treaty, the Partner States undertake to cooperate in promotion of cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations. The Partner States further undertake to forge close cooperation with respect to the development of mass media programmes on matters that will promote culture within the Community. The objective of this cooperation is to promote a people-centered mutual development and to strengthen and consolidate the long-standing ties and associations among citizens of the region.

The Creative Industries in Kenya are at the crossroads of the arts, business and technology. All these sub sectors have activities that are intensive in creative skills and can generate income through trade and intellectual property rights. Acknowledgement of this worth has positioned our government to expand and develop its creative economies as part of economic diversification strategies and efforts to stimulate economic growth, prosperity and well-being.

Despite the high levels of consumption of creatives' products and services, this has neither translated into meaningful economic empowerment nor has it created a viable tax base for the government. This has been occasioned by a myriad of challenges that include: the uncoordinated operations by players in the sector, the inadequate support structures, lack of infrastructure and institutions that support the production of goods and services, such as exhibition spaces, theatres, workshops and art centres; inadequate measures for intellectual property enforcement, and the lack of policy guidelines.

Kenya has a highly talented youth on a diverse spectrum of creative work including music, theatre, graphic design, digital animation, fashion, crafts among others. The digital revolution, buttressed by Kenya's good connectivity has opened opportunities for this sector to be a

significant economic actor. Additionally, the creative industry can add value to Kenya's exports such as fashion, leather products, craft industries etc.

The contribution of these industries can no longer be ignored by the leadership and governance. This calls for policy guidelines that will spur the growth of and make a dynamism in the development of the creative economy in Kenya.

## 1.2 Introduction

A vibrant creative economy is vital for social, economic and national development. It offers the opportunity to enhance our cultural values, heritage, and national identity. It is an important vehicle for ensuring inclusivity for all people in Kenya and presents employment opportunities for the youth. It exploits talents that the people of Kenya have to offer within the creative industries.

### 1.2.1 Policy Development Process

The formulation of this policy was guided by an extensive review of literature relating to the creative economies industry in other countries and critical review of the past sector-specific draft policies. This exercise enriched insights on the sector's policy aspirations. The reviews were guided by the principles and provisions articulated in the Kenya Vision 2030, the Constitution of Kenya 2010 and other regional and global development agenda.

Key input was provided through a consultative and participatory approach involving a Working Group constituted by the Ministry of Youth Affairs, The Arts and Sports. The Working Group had representations from the State Department of Youth Affairs and the Arts and various state actors including the Kenya Film Commission, the Kenya Film Classification Board and the Permanent Presidential Music Commission, Department of Film Services, Kenya Cultural Centre. The Kenya Law Reform Commission (KLRC) played a lead role in the research and drafting of the policy.

Stakeholder consultations and public participation were conducted through Focus Group Discussions, websites, social media and e-mail. Views were elicited on existing challenges and opportunities facing the sector, with stakeholders covering all the 47 counties.

### 1.2.2 Rationale of the Policy

This policy will ensure the realization of a well-coordinated creative economy with concerted efforts from all players directed towards its development. The Ministry of Youth Affairs, the Arts and Sports reviewed the current structural, institutional and regulatory frameworks to establish their impact on the creative economy. It was noted that there is a need to harmonise and address emerging issues that have implications on the activities being undertaken within the industry.

Previously, some sector players in the creative economy have attempted to develop sector-specific policies to facilitate the promotion of the Kenyan and development of the creative economy. They are keen to build a vibrant creative economy and promote a more efficient system that protects the interests of industry players and promotes creative works.

The policy seeks to respond to issues regarding economic growth and job creation, preservation and promotion of Kenyan national heritage and culture, promotion of tourism, and enhancement of national cohesion and integration.

### 1.2.3 Policy Goals and Objectives

#### 1.2.3.1 Policy Goals

The overarching goal of the creative economy policy is to foster sustainable economic growth, innovation, and cultural enrichment by leveraging the creative industries. In line with Vision 2030, the policy seeks to achieve the optimum capitalisation of the economic, social and cultural rewards associated with creative industry both locally and internationally.

#### 1.2.3.2 Objectives

The general objective of the Creative Economy Policy is to provide the foundational pillar for the creative industry. It aims to foster and support creativity, innovation and artistic expression in various sectors of the economy and society. The key policy areas have been identified as follows:

**Economic Growth:** Catalyze domestic and foreign investments in creative industries, including strategies for job creation, revenue generation, and increasing the contribution of creative sectors to the GDP.

**Job Creation:** Exploit the potential of the creative economy for purposes of wealth and job creation; especially for the youth.

**Legislative, Institutional and Regulatory Clarity:** Streamline the creative economy by adopting clearly defined roles of institutions in the sector on policy, development and regulation.

**Funding:** Provide for the establishment of the Creatives Fund and mobilisation of resources for the creative economy.

**Market expansion:** Expand market opportunities for distributing and exhibiting Kenyan creative works.

**Infrastructure and capacity building:** Provide for infrastructural support in the form of actual investments in infrastructure, enhancing the training, education and up skilling opportunities and curriculum.

**Heritage and environment:** Recognise the role of the creative economy in promoting national values, the Kenyan culture and Freedom of Expression under Articles 10, 11 and 33 respectively of the Constitution.

**Environmental Sustainability:** Encourage eco-friendly and sustainable practices in creative activities to reduce their environmental impact.

**Devolution:** Provide a framework for streamlining sector interaction with the County governments in view of the devolved functions and the cross-cutting issues such as licensing that arise during production, distribution and exhibition of creative works.

**New technology:** Provide a supportive framework for the Kenyan creative economy to leverage on new and emerging technologies for the benefit of the sector.

**Industry players:** Provide for the organisation of industry players into organizations and associations that will speak for the sector and develop guidelines and principles applicable to their members and other sector players.

**Incentives Framework:** Provide incentive support for practitioners in the creative economy that would spur growth in the sector.

#### 1.2.3.3 Vision

Position Kenya as a globally competitive and sustainable creative economy.

#### 1.2.3.4 Mission

To develop, nurture, and facilitate a creative economy that promotes Kenya's artistic expression for the overall social, economic and political development of the country.

### 1.2.4 Guiding Principles and Values

The Creative Economy Policy recognises and upholds national values and principles provided for under Article 10 of the Constitution of Kenya, 2010. Therefore, the policy seeks to provide key strategies towards a vibrant creative economy by actualising the values and principles of; inclusiveness, integrity, unity, transparency, accountability and sustainable development, enshrined in the Constitution.

The Creative Economy Policy is informed by the following principles:

**Inclusivity and Diversity:** The policy acknowledges the rights of all persons and the policy seeks to promote diversity and inclusivity across all aspects of the creative economy, including in the workforce, content, and representation. The policy further seeks to ensure that underrepresented communities have opportunities to participate and thrive.

**Sustainable Development:** The policy shall prioritize long-term sustainability by supporting environmentally friendly practices and sustainable business models within the creative industries.

**Access and Equity:** This policy shall ensure equal access to education, resources, and opportunities for individuals and communities of all backgrounds through removal of barriers that hinder participation.

**Transparency and Accountability:** The policy frameworks shall uphold the constitutional values of transparency in policy-making processes and accountability for achieving stated goals and outcomes.

**Patriotism:** The policy will align to the Buy Kenya Build Kenya Initiative to drive consumption of locally manufactured goods and services, enhancing competitiveness of local firms, stimulating local production among other key priority areas in the Kenya Vision 2030. The policy shall uphold a coordinated approach between the state actors and private stakeholders by providing subsidies and incentives, enhancing quality infrastructure, safeguarding intellectual property and increased investment in research and development.

### 1.3 Scope of the Policy

The provisions of this policy apply to all the activities and programmes within the creative economy. It applies to both the national and county governments, the public and private

sectors, and all state organs and offices. The policy shall also guide the development of relevant legislation touching on activities within the creative economy in Kenya.

#### 1.4 Creative Economy Domains

Creative industries are vast in scope, dealing with the interplay of various sectors. These creative sectors range from activities rooted in traditional knowledge and cultural heritage such as art crafts, and cultural festivities, to more technology and services-oriented subgroups such as audiovisuals and the new media

##### Visual Arts and Craft Industry

Visual arts comprises painting, drawings, photography, sculpture, pottery, glasswork, carvings, beadwork, antiques, engravings, collages and culinary arts while crafts include woven fabrics, tapestries, embroidery, statuettes and other ornaments. In Kenya, production of traditional crafts expresses 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.

##### Audio Visual Industry and interactive media

The audio-visual industry comprises of film and animation while the interactive media include e-sports and other video games, internet podcasting and other internet streaming creative content.

##### Performing Arts Industry

Performing arts are creative expressions by individuals or groups and include genres such as theatre, music, dance, storytelling, poetry, puppetry, comedy, spoken word, festivals and other live performances.

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.

##### Design

This includes fashion design, jewellery design, architecture, interior design, product design, toy design and graphic design.

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##### Literary Arts

The literary arts include books, pamphlets, other writings and press/publishing. The publishing industry plays an important role in promoting the country's literary traditions. Literary arts

facilitates the expression of the creativity and originality through 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



## 2 SITUATIONAL ANALYSIS OF THE CREATIVE ECONOMY

### 2.1 Introduction

The evolution of the creative economy in Africa has traversed distinct growth phases, with various influential factors propelling its ascent. Foremost among these catalysts are the strategic interventions implemented by African governments. Concurrently, the creative economy's rapid expansion has been energized by factors such as urbanization, a youthful demographic dividend, and the burgeoning middle class. Africa, as a continent characterized by its youthful population, possesses an immense reservoir of potential within the creative industries. This potential is further enriched by the continent's richly diverse cultural, historical, and social fabric. The establishment of policy stability is poised to position this sector as a pivotal driver of economic development.

In recognition of the significance of the creative industry within the economies of African states, the African Union has undertaken a concerted effort to elevate its prominence. This endeavor commenced with the revision of the 1992 Dakar Plan of Action for Cultural Industries, culminating in the adoption of the African Union Plan of Action in 2008. Subsequently, during the 5th Pan-African Cultural Congress (PACC5) in September 2018, the imperative to align the African Union Plan of Action with emerging trends was underscored. These trends encompass the renewed continental and global interest in the potential of cultural and creative industries as catalysts for Africa's integration, economic empowerment, social inclusion, sustainable development, job creation, and peaceful coexistence.

A noteworthy success story within the African creative economy is Nigeria's film industry, often referred to as Nollywood. Nollywood ranks as the second-largest movie industry globally, following India, in terms of the annual number of movies produced (Enjoli, 2014). Additionally, when considering its contribution to employment, Nollywood stands as the second-largest sector after agriculture. It is noteworthy that a significant proportion of investment in Nollywood emanates from private investors rather than governmental sources. The Nollywood model of rapid production is gaining traction not only within Nigeria but also in neighboring countries such as Ghana, Cameroon, and Kenya. This divergence from the American and European production models, which are predominant in South and North African countries, reflects a notable regional trend.

### 2.2 Overview of the Kenyan Creative Economy

#### 2.2.1 International Context

The creative economy has potential in promoting inclusion, innovation, sustainable consumption and production, equity and equality thus contribute to the achievement of the Sustainable Development Goals (SDGs).

Kenya has subscribed to the UNESCO 2005 Convention, which advocates for innovative approaches to international cooperation, emphasizing equitable access, openness, balanced flow of cultural and creative goods and services, and greater mobility for artists from developing nations.

### 2.2.2 Regional Context

Within the regional context, Kenya stands as the economic and creative economy nucleus of East Africa. It also assumes a position of continental significance, offering robust competition and collaboration potential vis-à-vis South Africa and Nigeria. Kenya's appeal has been underscored by its ability to attract technology giants such as IBM, Google, and Microsoft, attributed to its robust academic institutions, infrastructure, and dynamic milieu that naturally positions it as a regional leader. The Creative Economy Policy for Kenya presents a multifaceted approach, as delineated in the Bottom-Up Economic Transformation Agenda for 2022-2027.

Africa Union Agenda 2063 identifies creative industries as a priority area to achieve aspiration five: Africa with a Strong Cultural Identity Common Heritage, Values and Ethics. Creative arts, leveraging on Africa's rich heritage and culture, is a contributor to Africa's growth and transformation.

The goal of EAC Vision 2050 is to have a developed, stable and competitive regional bloc that will ensure. Amongst the aims of the Vision 2050 is articulation of pro-active policies aimed at linking employment targets to skills development initiatives: Job creation initiatives to provide for current and future needs of the bulging youth population and a better environment for inter and intraregional trade and investment which presents opportunities for the creative economy.

The Creative Economy Policy signifies a pioneering endeavor, representing the first comprehensive policy designed to consolidate the creative industries in Kenya. Its primary focus revolves around national-level programs and interventions aimed at transforming the country's economic landscape. These strategic priorities encompass the revitalization of micro, small, and medium-sized enterprises (MSMEs), job creation, the enhancement of foreign exchange balance through export promotion, the fostering of sustainable green value chains, and the cultivation of enduring linkages between the Government and the industry.

### 2.2.3 Kenya Vision 2030 & BETA

The conceptualization of this policy is rooted in the Vision 2030 and the Bottom-Up Economic Transformation Agenda. Vision 2030 calls for the promotion and nurturing of talent amongst youth in music and film. Vision 2023 also calls for the establishment of "National Hall of Fame" to honour contributions in film, culture, the arts and innovation, and to recognize special talent. Digital Superhighway and Creative Economy has been

identified as amongst the pillars for the county's Bottom-Up Economic Transformation. In supporting the creative economy, the Government calls for mainstreaming of arts and culture infrastructure; strengthening incentives, capacity building and support for creatives and review of licensing and ecosystem in film sector.

However, it is imperative to acknowledge that Kenya encounters a notable deficit in terms of a supportive policy and legal framework for the creative economy. This deficiency has impeded the industry's realization of its full potential. A salient challenge confronting the creative industry pertains to the absence of comprehensive data for gauging its full impact. The establishment of a data collation portal is essential to facilitate the precise quantification of the scientific contribution rendered by the creative industry.

#### 2.2.4 The Executive Order No. 1 of 2022

The issuance of Executive Order No. 1 of 2022 underscores the imperative for heightened coordination and harmonization in the execution of National Government Development Programs and Projects under Medium Term Plan IV, with a specific focus on "The Bottom-Up Economic Transformation Agenda." This Executive Order establishes a framework for facilitating effective oversight, coordination, implementation, administration, and supervision of National Government Development Programs and Projects. In this context, the Creative Economy Policy assumes a pivotal role as a key instrument for assessing and affirming the functionality of these creative industries.

### 2.3 Policy, Legislative, Regulatory and Institutional Environment

#### 2.3.1 Constitution of Kenya

The Constitution of Kenya holds a fundamental obligation for the state to promote freedom of expression and safeguard intellectual property rights while concurrently fostering economic opportunities, national cohesion, and the embodiment of national values. Article 11 of the Constitution (2010) duly recognizes culture as the bedrock of the nation, representing the cumulative civilization of the Kenyan people and nation. This constitutional provision mandates the State to promote all manifestations of national and cultural expression encompassing literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries, and other aspects of cultural heritage.

Furthermore, Article 11 underscores the pivotal role of culture as the foundation of the nation, affirming its position as the composite civilization of the Kenyan populace and nation. This Article necessitates the State's commitment to promoting diverse forms of national and cultural expression, transcending various domains including literature, the arts, traditional festivities, science, communication, information, mass media, publications, libraries, and other facets of cultural heritage.

The Constitution also underscores the paramount value of the creative industry to Kenyan society. It expressly upholds the right to freedom of expression, encompassing the freedom of artistic creativity within Article 33.

Moreover, Article 186 delineates the functions and powers of County Governments as prescribed in the Fourth Schedule. Article 185 (2) empowers county assemblies with legislative authority for the effective discharge of their responsibilities. In Part 2 of the Fourth Schedule, paragraph 4 (d) and (e) endows County Governments with the functions and authority to oversee cultural activities, public entertainment, and public amenities, including cinemas, video shows, and hiring.

### 2.3.2 Policy and Legislative framework

Historically, Kenyan legislation had not specifically addressed the promotion of the creative industries. The Copyright (Amendment) Act (2019), for example, predominantly concentrated on copyright matters. It applies artistic works which the Act defines as (a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints; (b) maps, plans and diagrams; (c) works of sculpture; (d) photographs not comprised in audio-visual works; (e) works of architecture in the form of buildings or models; and (f) works of artistic craftsmanship, pictorial woven tissues and articles of applied handicraft and industrial art.

Industrial Property Act, 2001 provides protection of creative products through predominately trademarks and industrial designs.

The Draft National Music Policy 2020 endeavors to bridge the legislative gap as relates to music expanding the scope beyond copyrights. Simultaneously, the National Policy on Libraries, the Libraries Bill, and the National Library of Kenya Bill, currently under formulation, aspire to establish an enabling environment for the access and dissemination of creative literary products while establishing the role of the County. The existing law, Kenya National Library Service Board Act (CAP 225) to undertake various functions including the promotion, establishment, equipping, management, maintenance and development of libraries in Kenya as a National Library Service.

The Government of Kenya has introduced a National Film Policy to address inherent challenges within the film industry and to position Kenya as a premier destination for global film production. The policy encompasses the reinforcement of legal, institutional, and regulatory frameworks, the establishment of the Kenya Film School, the creation of a national film fund, and the promotion of co-production agreements with other nations. Furthermore, the Government has invited public participation regarding the Draft Kenya Film Bill 2020, aimed at consolidating the legislative framework governing the film industry. This bill is geared towards the development, funding, and regulation of the film sector. The policy advocates for the augmentation of state agencies' roles and responsibilities within the film industry while providing a comprehensive implementation framework.

### 2.3.3 Institutional Frameworks

The Kenyan creative economy is characterized by an array of legislative and regulatory frameworks that have been passed and operationalized over the past two decades. The legal foundation for the institutions and the mandates of the players in the sector are found in the different pieces of legislation and regulations. These are discussed below.

#### 2.3.3.1 Ministry of Youth Affairs, Creative Economy and Sports

The Ministry of Youth Affairs, Creative Economy and Sports is mandated under Executive Order No. 2 of 2023 with policy development.

#### 2.3.3.2 The Kenya Film Classification Board

The Kenya Film Classification Board is established under the Films and Stage Plays Act, Cap 222, with a mandate of regulating the creation, broadcasting, possession, distribution and exhibition of films by:

- (i) examining and classifying all films, film trailers and film posters using the National Film Classification Guidelines to protect children from consuming adult content;
- (ii) imposing age restrictions on viewership;
- (iii) giving consumer advice;
- (iv) licensing and issuing certificates to film exhibitors and distributors of films;
- (v) licensing the making of films; and
- (vi) developing classification guidelines, standards and regulations for the film industry.

The Film and Stage Plays Act, Cap 222 currently stands as the only independent statute providing for the regulation of the creation, exhibition and licensing of films in Kenya. The Act established the Kenya Film Classification Board (KFCB), and the Film Licensing Office. The Film Licensing Office provides licensing and liaison services while KFCB undertakes the function of licensing and classification to regulate the film industry.

The major challenge presented by the statute is the lack of recognition of all other sector players and their role in the regulation and development of the film industry. The Act has also not addressed the training of industry players. Further, the Act has failed to be futuristic in its wording to ensure that it keeps up with an ever-evolving film industry with the import of new technologies.

#### 2.3.3.3 Kenya Film Commission

The Kenya Film Commission (KFC) is established by Legal Order Number 147 of 2015 established the as the Government agency tasked with developing, promoting, marketing and archiving in the film industry in Kenya. KFC aims to develop a vibrant Kenyan film and TV industry and market Kenya locally and internationally as the preferred filming destination for sustainable wealth and Job creation.

The Commission undertakes various film industry programmes to develop the film industry which include: capacity building through workshops and master classes to educate Kenyan filmmakers on various aspects of film production, promoting the Kenyan film industry by providing facilities for filming and screening, facilitating the creation of incentives through aiding the film industry in the approval of tax exemptions for the importation of machinery. It, among other programmes, also provides liaison to ease access of government services including acquiring permits for foreign film makers, and advising the film industry on licensing requirements.

According to Legal notice no 147 of 2015, the mandate of the Commission is to:

- (i) develop, promote and market the film industry locally and internationally;
- (ii) identify and facilitate growth of the film industry;
- (iii) generate, manage and disseminate film industry research, information and market data, and act as a repository and archive of Kenya's film records;
- (iv) promote and facilitate the development of Kenyan film;
- (v) establish incubation centres for the film industry in Kenya;
- (vi) coordinate and certify persons, associations and organizations participating in the production of film, photography, video, stills, animation, new media and related media;
- (vii) establish and administer a film promotion fund;
- (viii) provide liaison services for government departments on matters relating to the promotion, marketing and development of the film industry;
- (ix) promote and market Kenya, locally and internationally, as a filming destination;
- (x) develop fiscal and other incentives to promote investment in the film industry; and
- (xi) partner, develop and create linkages with county, national and international organizations, both public and private, to improve and facilitate investment in the film industry.

#### 2.3.3.4 Communications Authority of Kenya

Communications Authority of Kenya is established by the Kenya Information and Communications Act, 1998 (KICA) to, among others, which licenses broadcasters and regulates broadcasting services in Kenya. In relation to the film industry, the Act promotes the airing of Kenyan film productions in accordance with the regulations of the programming code on free-to-air radio and television services by providing content quotas to be met by broadcasters. The Act provides for the regulation of content aired on television and radio and empowers the Authority to grant licenses for the operation of telecommunication systems. The Act also mandates that the Communication Authority of Kenya is to prescribe a programming code. The Kenya Programming Code for Broadcasting Services in Kenya (2019) consequently provides the guidelines on promoting Local Content in Kenya's broadcasting.

#### 2.3.3.5 Department of Film Services (DFS)

The Department of Film Services was established via an Executive Order when it was hived from the then Voice of Kenya (VOK), in 1982. The mandate of the Department of Film Services is derived from Executive Order No. 1 of 2023 which assigns several functions to the Department of Film Services including Film Development policy and development of the film industry.

#### 2.3.3.6 Department of Arts

The Department of Arts is established via the Executive Order No. 1 of 2023 and is assigned the function of Development of Policy for Fine Arts and Creative and Performing Arts.

#### 2.3.3.7 Kenya Copyright Board

The Copyright Act, 2001 establishes Kenya Copyright Board (KECOBO), which administers and enforces copyright and related rights in Kenya. The Act provides for the protection of copyright in literary, musical and artistic works, dramatic works, audio-visual works, sound recordings and broadcasts through the Kenya Copyright Board. The Act provides a holder of a copyright the exclusive right to control the production, translation, and distribution of their work. Representatives from associations representing players in the film industry step in to protect the rights of their members regarding ownership of rights related to their works.

#### 2.3.3.8 County Governments

The County Governments Act, 2012 provides for the delivery of public services through county government structures within the designated area of each county's jurisdiction while observing the principles of equity, efficiency, accessibility, non-discrimination, transparency, accountability, sharing of data and information, and subsidiarity. It also provides for shared services through agreements between county governments and the national government, between county governments and national agencies and for the establishment of county shared services platforms aligned to national policies, standards and norms.

#### 2.3.3.9 National Museums of Kenya

The National Museums and Heritage Act. No. 6 of 2006 establishes the National Museums of Kenya whose functions include:

- (i) to serve as national repositories for things of scientific, cultural, technological and human interest;
- (ii) serve as places where research and dissemination of knowledge in all fields of scientific, cultural, technological and human interest may be undertaken;
- (iii) identify, protect, conserve and transmit the cultural and natural heritage of Kenya; and
- (iv) promote cultural resources in the context of social and economic development.

The Act provides for the powers of the national museum to charge fees for publications which includes the publication of videos shot within the museums. These fees apply to the making of films, documentaries and advertisements.

The statutes and institutions discussed above all play a key role in the creative economy. However, the efficient delivery of their functions is limited by the lack of a standard unified system that enhances collaboration in order to make processes efficient while maximizing available resources towards the development of a vibrant creative economy. The policy, therefore, proposes the generation of a clear structural framework for the collaboration of all industry players. The policy seeks to clearly outline the developmental, regulatory and policy formulation and oversight role to ensure an aligned system.

#### 2.3.3.10 Permanent Presidential Music Commission (PPMC)

The Permanent Presidential Music Commission (PPMC) was established vide Kenya Gazette notice No. 2132 of April 1988. Currently, the mandate of the Permanent Presidential Music Commission is derived from Executive Order No. 1 of 2023 which assigns functions to the PPMC including talent identification, research and conservation of music and dance.

#### 2.3.3.11 Kenya Cultural Centre (KCC)

Kenya Cultural Centre was established by the Kenya Cultural Centre Act (CAP 218) and assigned the mandate to provide a centre for the use and enjoyment of the citizens of Kenya without distinction of race or creed. The Centre provides for the performance of music, drama and dancing for the exhibition of works of art and craft and for the holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance.

#### 2.3.3.12 Kenya National Library Services

Kenya National Library Service (KNLS) Board is a state corporation established by an Act of Parliament Cap 225 of the Laws of Kenya (1965) to provide library and information services to the Kenyan public. The headquarters library is located at the Maktaba Kuu Building in Nairobi. At inception the headquarters KNLS library was housed in a temporary building at the then registration office next to Prison Headquarters, where it opened its doors to the public in 1969. The services were later moved to the KNLS building which was purposely constructed and opened in 1974.

#### 2.3.3.13 Department of Library Services

Currently, the mandate of the Department of Library Services is derived from Executive Order No. 1 of 2023 which assigns functions of library services to the Department.

#### 2.3.3.14 Kenya Industrial Property Institute

Kenya Industrial Property Institute (KIPI) established on 2nd May 2002 upon the coming into force of the Industrial Property Act 2001. Previously the Institute existed as Kenya Industrial Property Office (KIPO), which was established in February 1990 after enactment of the Industrial Property Act (CAP 509). KIPI is mandated to consider applications and grant



industrial property rights which include patents, industrial designs, utility models and trademarks.

#### 2.3.3.15 Anticounterfeit Authority

The Anticounterfeit Authority is a state Agency established by the Anti-Counterfeit Act No. 13 of 2008 to:

- (i) enlighten and inform the public on matters relating to counterfeiting;
- (ii) combat counterfeiting, trade and other dealings in counterfeit goods;
- (iii) devise and promote training programs to combat counterfeiting;
- (iv) co-ordinate with national, regional or international organizations involved in combating counterfeiting;
- (v) carry out any other functions prescribed for it under any of the provisions of this Act or under any other written law; and
- (vi) perform any other duty that may directly or indirectly contribute to the attainment of the foregoing.

#### 2.3.3.16 The Kenya Bureau of Standards

The Kenya Bureau of Standards (KEBS) is a government agency mandated by the Standards Act (CAP 496) to:

- (i) promote standardization in industry and commerce;
- (ii) make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy by comparison with standards approved by the Minister on the recommendation of the Council, and for the issue of certificates in regard thereto;
- (iii) make arrangements or provide facilities for the examination and testing of commodities and any material or substance from or with which and the manner in which they may be manufactured, produced, processed or treated;
- (iv) control, in accordance with the provisions of this Act, the use of standardization marks and distinctive mark;
- (v) prepare, frame, modify or amend specifications and codes of practice;
- (vi) encourage or undertake educational work in connexion with standardization;
- (vii) assist the Government or any local authority or other public body or any other person in the preparation and framing of any specifications or codes of practice;
- (viii) provide for co-operation with the Government or the representatives of any industry or with any local authority or other public body or any other person, with a view to securing the adoption and practical application of standards;
- (ix) provide for the testing at the request of the Minister and on behalf of the Government of locally manufactured and imported commodities with a view to determining whether such commodities comply with the provisions of this Act or any other law dealing with standards of quality or description.

KEBS has remained the premier government agency for the provision of Standards, Metrology and Conformity Assessment (SMCA) services since its inception in 1974. Over that period its main activities have grown from the development of standards and quality control for a limited number of locally made products in the 1970s to the provision of more comprehensive Standards development, Metrology, Conformity Assessment, Training and Certification services. With the re-establishment of the East African Community (EAC) and Common Market for Eastern and Southern Africa (COMESA), KEBS activities now include participation in the development and implementation of SMCA activities at the regional level where it participates in the harmonization of standards, measurements and conformity assessment regimes for regional integration.

KEBS operates the National Enquiry Point in support of the WTO Agreement on Technical Barriers to Trade (TBT).

#### 2.3.3.17 The National Environment Management Authority

The National Environment Management Authority (NEMA) is established under the Environmental Management and Co-ordination Act No. 8 of 1999 (EMCA) as the principal instrument of Government for the implementation of all policies relating to the environment. The Act was passed against a backdrop of 78 sectoral laws dealing with various components of the environment, the deteriorating state of Kenya's environment, as well as increasing social and economic inequalities, the combined effect of which negatively impacted on the environment. The supreme objective underlying the enactment was to bring harmony in the management of the country's environment.

#### 2.3.3.18 Ministry of Education

The Ministry of Education derives its mandate from the Constitution of Kenya, Chapter Four Articles 43, 53, 54, 55, 56, 57, and 59 which provides for children's right to free and compulsory basic education, including quality services, and to access education institutions and facilities for persons with disabilities. There are also provisions on access for youth to relevant education and training; access to employment; participation and representation of minorities and marginalized groups in governance and other spheres of life, special opportunities in educational and economic fields, and special opportunities for access to employment.

The Fourth Schedule of the Constitution of Kenya Articles 185(2), 186(1) and 187(2) distributes functions between the national and county governments. The National Government undertakes; education policy, standards, curriculum, examinations, granting of university charters, universities, tertiary educational institutions, institutions of research, higher learning, primary schools, special education, secondary schools, special education institutions and promotion of sports and sports education. While the County Government in relation to education are: pre-primary education, village polytechnics, home-craft centres, farmers training centres and childcare facilities. A further role of the county is drawn from the Basic Education No. 14 of 2013, Basic Education Regulations (2015), which establishes that co-

curricular activities are to be facilitated at county and within an institution of basic education and training.

In addition, Parliament, over the years has enacted a series of Acts on various dimensions of education whose objects and goals the Ministry is expected to implement to give effect to the Constitutional provisions pertaining to education and training.

Under the Executive Order no. 1 of 2023 on the Organization of the Government of the Republic of Kenya, the Ministry is headed by a Cabinet Secretary, assisted by three (3) Principal Secretaries, each heading a State Department. The three State Departments are The State Department for Basic Education; the State department for Vocational and Technical Training and the State Department for Higher Education and Research.

The Ministry responsible for Education is further central in coordinating the Kenya National Schools and Colleges Music Festivals and Kenya National Schools and Colleges Drama and Film Festivals held annually organized by respective committees.

#### 2.3.3.19 Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development

The State Department for Co-operatives (SDC) was established in November 2016. Prior to this, it existed as a department under the then Ministry of Industrialization and Enterprise Development. It was created under Executive Order No.1/2016. Co-operatives have played a significant role in socio-economic development of nations for centuries and are a reminder to the international community that it is possible to pursue both economic viability and social responsibility. It is against this background that the United Nations (UN) declared the year 2012 the International Year of Co-operatives. By the end of 2017, there were 22,344 registered co-operatives with an estimated membership of 14 million.

These co-operatives are active in financial intermediation, agricultural produce marketing and processing as well as provision of decent and affordable shelter. Kenyan co-operatives are envisaged to promote green investments especially in such sectors as transport, housing, wholesale and retail trade.

The International Co-operative Alliance (ICA) Blue print (The 2020 Vision) anticipates co-operatives as a business model that will provide economic, social and environmental sustainability and be the fastest growing form of enterprise. Its five (5) pillars of participation, sustainability, identity, capital and legal framework drive this. The ICA Africa Co-operative Development Strategy 2017-2020 recognizes co-operatives as a critical vehicle towards poverty alleviation and development in Africa. As co-operatives in Africa strive to support human development, they face various challenges such as low human resource capacity, weak economic base, extensive financial dependency from external sources, lack of internal capacity and poor governance.

The strategy recognizes the sector as having high potential for facilitating financial growth and can therefore be transformed to lead social and economic development in Africa. Co-operatives have the potential in facilitating green investments to support economic growth.

### 2.3.3.20 Micro and Small Enterprise Authority (MSEA)

The Micro and Small Enterprises Act No. 55 of 2012 established the Micro and Small Enterprises Authority, with the mandate of policy formulation, implementation, monitoring and evaluation; coordination of activities and programmes relating to MSEs and promoting MSEs through facilitating of innovation, access to technology, access to markets, capacity building and data.

## 2.4 Challenges Affecting the Creative Industries in Kenya

The creative economy in Kenya faces challenges that limit the growth and development of both players and the industry itself. Infrastructure, policy, legal, regulatory and financial constraints continue to present major challenges and intervention. They are hence prioritized in this policy. Other challenges affecting the industry which double as opportunities include the disorganization of industry players, the emergence of new technologies and the inadequacy of a skilled workforce.

Below is an elaboration of the challenges:

### 2.4.1 Limited access to appropriate financing

Creative enterprises face formidable challenges when it comes to securing the necessary financial resources required for substantial investments in the sector. These challenges stem from various factors. Firstly, creative industry enterprises often grapple with relatively modest income levels, which restrict their financial capacity. Secondly, traditional commercial bank loans from financial institutions remain elusive due to the prevalent high-interest rates. The creative industry is typically viewed as a high-risk segment, further diminishing the prospects of obtaining such funding. This perception arises from the industry's inherent volatility and unpredictability.

Moreover, the availability of venture capital and angel investors, which are crucial for fostering innovation and growth in the creative sector, is often limited. Lastly, this challenge is compounded by the stringent collateral requirements set by the financial sector, which primarily revolve around immovable assets. Consequently, industries lacking such assets find themselves marginalized within the lending landscape.

This financial constraint hampers the industry's ability to innovate, expand, and fully realize its economic potential.

### 2.4.2 Intellectual Property Rights Administration and Enforcement

The creative industry faces a significant knowledge gap concerning intellectual property (IP) laws and how creative industry entrepreneurs can leverage them to safeguard their creative works from rampant piracy. This dearth of understanding exacerbates the industry's vulnerability to intellectual property infringement.

Moreover, recent developments, particularly within the Information and Communications Technology (ICT) sector, have presented formidable challenges in the battle against piracy. These advancements have made it even more difficult to combat piracy effectively, resulting in substantial revenue losses attributable to piracy, counterfeiting and intellectual property infringement.

The gravity of this issue has been highlighted in the findings of the National Baseline Survey on the Extent of Illicit Trade in Kenya conducted in 2020. Within this survey, it became evident that the textile and apparel sector is one of the hardest-hit industrial segments, grappling with the adverse consequences of intellectual property infringement.

Additionally, the existing system for collecting and distributing royalties to intellectual property rights holders, particularly within the realm of music copyright in Kenya, is beset by inefficiency and ineffectiveness. These shortcomings have hindered the equitable compensation of creators for their intellectual property, thus posing yet another challenge to the sustainable growth of the creative industry.

These challenges underscore the pressing need for enhanced education and awareness regarding IP laws within the creative industry. Furthermore, the development of robust strategies and mechanisms to combat piracy and protect intellectual property rights remains an urgent priority to fortify the industry against revenue losses and ensure that creators receive their rightful compensation.

#### 2.4.3 Inadequacy of Technical Skills and entrepreneurial constraints

While the market boasts a considerable pool of basic skills, the creative industry faces a critical challenge in recruiting and retaining a specialized workforce, particularly within Small and Medium-Sized Enterprises (SMSEs). This issue is primarily attributed to the prevalent technical skills gap, which hinders these enterprises from achieving and maintaining competitiveness in the industry.

Furthermore, MSE (Micro and Small Enterprise) owners within the creative sector often grapple with the constraints imposed by inefficient entrepreneurial skills. These limitations impede their ability to effectively manage and grow their businesses.

In addition to these challenges, there is a paucity of local tertiary institutions that offer dedicated courses catering to the diverse facets of the creative industries, especially within the emerging sectors. This scarcity of educational opportunities exacerbates the skills gap and hampers the industry's ability to harness its full potential. Addressing this issue requires concerted efforts to bridge the skills gap and empower MSE owners with the entrepreneurial acumen needed to navigate the creative industry's dynamic landscape.

#### 2.4.4 Inadequate and fragmented Creative Industry Data

The creative industry grapples with a critical challenge concerning the availability of comprehensive and reliable data. The existing data landscape is marked by fragmentation, leading to a dearth of dependable information crucial for informed policy decisions and the

accurate assessment of the creative industry's potential and its contribution to the country's Gross Domestic Product (GDP).

The data currently furnished in the Economic Survey encompasses certain segments, including arts, entertainment, recreation activities, publications, broadcasting, IT, and information services. However, this dataset falls short of providing a fully representative picture of the entire creative economy. This data gap underscores the need for concerted efforts to establish a more comprehensive and integrated data framework that encompasses the entire spectrum of creative industries. Such an initiative is essential to inform policy formulation and to effectively harness the vast potential inherent in the creative sector for economic growth and development.

#### 2.4.5 Fragmented Industry

The creative industry in Kenya faces a significant challenge characterized by a lack of cohesiveness, coordinated leadership, and dedicated engagement platforms that could champion policy advocacy. This absence of effective mechanisms for interaction between the public and private sectors hinders the industry's development.

Notably, the majority of businesses within this sector are micro and small enterprises, often operating in informal settings. Many practitioners function as freelancers or small business owners, operating without or with limited social protection measures in place. This situation renders them particularly susceptible to economic shocks, a vulnerability starkly demonstrated during the COVID-19 crisis.

To address these challenges, there is an urgent need to establish a comprehensive database encompassing the diverse segments of the creative industries. Such a database would serve as a foundation for the government to craft a structured framework that defines standards for the sector.

Furthermore, creative industry associations currently operate with limited coordination, which constrains their potential contribution to collective bargaining, lobbying, and enhancing access to critical resources such as funding, information, and opportunities. Establishing better coordination among these associations is essential to harness their collective strength and advance the interests of the creative industry more effectively.

#### 2.4.6 Limited Creative Industry Infrastructure

Within the creative industry, there is a pronounced deficiency in both physical and digital infrastructure necessary for the creation, showcasing and distribution of creative works. This shortfall is primarily attributable to various factors that include inadequate investment, a dearth of comprehensive industry data to provide an accurate representation, a notable preference for foreign content, a high-risk perception among potential financiers and limited support from both the government and the private sector.

The critical infrastructure required for nurturing talent, including talent nurturing centers, studios, stages, exhibition spaces and arts centers remains notably underdeveloped or lacking in many instances. These facilities are pivotal in facilitating the creative process and providing

platforms for artists and creators to showcase their work. To address these constraints and stimulate growth within the creative industry, concerted efforts are necessary to bolster investment, gather comprehensive industry data, promote local content, mitigate perceived risks among financiers and enhance support mechanisms from both the public and private sectors.

#### 2.4.7 Limited or Non-existent Incentives Framework

The creative sector grapples with a disproportionate cost burden when it comes to producing creative works. This disparity is largely a consequence of significantly lower levels of public investment in comparison to other strategically important sectors of the economy. This discrepancy in funding allocation places added financial strain on the creative industry, hindering its ability to thrive and innovate to its full potential. Addressing this disparity in investment is crucial to fostering a vibrant and sustainable creative sector that can contribute substantially to economic growth and cultural development.

#### 2.4.8 Limited Market Access

Entrepreneurs within the creative industry encounter significant challenges when it comes to accessing markets. This issue has been a persistent hurdle, impeding the growth and success of businesses in this sector. Furthermore, in several creative industries, local markets remain underdeveloped, primarily due to a lack of consumer appreciation for homegrown creative content.

Additionally, policy initiatives aimed at enhancing access to local content may not have been crafted with a clear understanding of the vast potential within Kenya's creative industry. As a result, these initiatives may have had limited uptake and impact, failing to fully harness the opportunities available within the country's creative sector. Addressing these market access challenges is pivotal to unlocking the true economic and cultural potential of Kenya's creative industry.

#### 2.4.9 Technological Constraints

There is a limited use of internet enabled platforms amongst informal arts, entertainment and recreation industry players, thus presenting technology constraints despite advancements over the years as relates to digital technology. Technology constraints are however not limited to digital realm as creatives experience challenges in accessing technology and equipment necessary in the production and distribution of creative content.

#### 2.4.10 Inadequate Legal and Policy Frameworks

The absence of enabling policies and legal frameworks is a significant challenge for the creative economy, both in Kenya and globally. This deficiency poses a number of barriers that hinder the industry's growth and potential.

Firstly, the lack of clear policies and incentives discourages both domestic and foreign investors from committing resources to the creative sector. This lack of investment restricts the expansion and innovation of creative businesses, as legal protections and incentives are often absent, creating a risk-averse environment.

Secondly, the inadequate protection of intellectual property rights is a pressing concern. Creators and artists face vulnerabilities related to copyright infringement, piracy, and plagiarism. These issues not only result in a loss of income but also serve as discouragement for further innovation within the creative industry.

Thirdly, limited market access, both at the local and international levels, is a significant hindrance for creative entrepreneurs. The absence of supportive policies and barriers to entry limits their reach, stifling market development. Additionally, the creative talent pool suffers from a lack of education and training programs, which are crucial for nurturing talent and fostering innovation.

Lastly, international collaboration is essential for the global creative economy. However, visa and immigration barriers often restrict artists and creators from accessing international opportunities and collaborating with their foreign counterparts. Alongside this, a lack of quality control mechanisms can compromise industry standards and competitiveness.

In Kenya and elsewhere, these challenges impact the creative industry's growth and potential, despite its cultural, economic and social significance. To overcome these obstacles and unlock the full potential of the creative economy, comprehensive legal and policy frameworks tailored to the industry's unique needs are imperative. Such frameworks can stimulate investment, protect creators' rights, promote market access, nurture talent, facilitate international collaboration and result in a thriving creative ecosystem.

#### 2.4.11 Wastage and its impact on the environment

The production process of most creative works leads to a lot of wastage and pollution to the environment which therefore requires legislative framework, investment and effort in its management.

#### 2.5 Strength, Weakness, Opportunity and Threat (SWOT) Analysis

The policy recognizes that the status of the creative industries presents certain strengths, weaknesses, opportunities and threats. The table below presents an analysis of the identified strengths, weaknesses, opportunities and threats that exist in the creative industry.

STRENGTH	WEAKNESS
<ol style="list-style-type: none"> <li>1. Skilled and talented human capital</li> <li>2. Technology savvy population.</li> <li>3. High penetration of mobile network and internet use.</li> <li>4. High quality creative works.</li> <li>5. Adaptability to technological advancements.</li> <li>6. Increased recognition and support by the government. Policy instruments thereby promote digital economy and</li> </ol>	<ol style="list-style-type: none"> <li>1. Inadequate infrastructure to support the creative economy</li> <li>2. Inadequate globally competitive skills in some creative and/or emerging industries of the creative economy</li> <li>3. Limited statistics and research on the creative industries in Kenya</li> <li>4. Inadequate mechanism for talent identification, nurturing and development</li> </ol>



<p>local content/preferential procurement.</p> <p>7. Youth demographic dividend</p>	<p>5. Low local and foreign investment.</p> <p>6. Inadequate funding</p> <p>7. Limited access to appropriate financing Low business and industry integration.</p> <p>8. Limited awareness and recognition on intellectual property rights</p> <p>9. Lengthy bureaucratic procedures that increase the cost of producing creative works</p> <p>10. Fragmented legislation on the creative economy</p> <p>11. Limited of cross-sector collaborations.</p> <p>12. Disjointed or lack of representative associations and guilds</p> <p>13. Weak monitoring and evaluation framework</p> <p>14. Multiple licensing regimes</p> <p>15. A weak system for disbursing royalties to creative</p> <p>16. Lack of incentives</p> <p>17. Lack of harmonized fees and charges in the creative industries</p> <p>18. High levels of informality</p>
<p><b>OPPORTUNITIES</b></p>	<p><b>THREATS</b></p>
<p>1. Public and private sector alliance to generate additional funding for research</p> <p>2. Existence of tax deductions for importation of equipment used in production of creative works</p> <p>3. Emerging technologies for enhanced production and distribution of creative works.</p> <p>4. Improved accessibility and reduced cost of internet services</p> <p>5. Provision of incentives for the creative industries</p> <p>6. Existence of mapped diverse and attractive locations and services</p> <p>7. Growing youth population with interest in the creative economy</p> <p>8. Co-production treaties/bi-lateral</p>	<p>1. Weak regulatory framework</p> <p>2. Piracy.</p> <p>3. Inadequate supporting infrastructure</p> <p>4. Rapid technological changes and emerging technologies impacting the production, distribution and exhibition of creative works hence making regulation difficult.</p> <p>5. Changes in Government Policies governing the creative economy</p> <p>6. Inflationary pressures hence low purchasing power</p> <p>7. Stiff competition from other regional markets</p> <p>8. External shocks that limit social interactions that facilitate creativity</p>

<p>agreements</p> <ol style="list-style-type: none"><li>9. Creation of a registry of creative industries practitioners, infrastructure and locations</li><li>10. Investment in infrastructure to support the creative economy.</li><li>11. Circular economy – use of waste materials in new artistic creations and/or products.</li></ol>	
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### 3 CREATIVE ECONOMY POLICY OBJECTIVES, STATEMENTS AND STRATEGIES

This section discusses the policy objectives, strategies, interventions and measures aimed at empowering and harnessing the potential of the creative economy while contributing to the sustainable social and economic development of the country. The key priority areas for policy intervention are:

#### 3.1 Investing in the Creative Economy's Infrastructure

**Policy Statement:** The Government will invest in infrastructure through direct or indirect investment necessary for the growth and development of the creative economy in Kenya.

Infrastructure is required to spur growth of Kenya's creative economy and enhance its competitiveness. There is a need to invest in the necessary infrastructure that would allow for the creation, showcasing and distribution of creative works.

Investment in both physical and digital infrastructure would also enable the creatives to exploit the potential of the creative economy and enhance the capacity of the domestic market to attract foreign creatives. With technological advancements there has been the emergence of new creative media, digitally motivated, resulting in creative software, computer or video games, animation, and creative content.

Availability of mobile applications, digital technologies and access to internet connection enhances fast and affordable access to creative content. The policy proposes that the government should employ further interventions to address the digital divide. Digital infrastructure is a priority as established in the Digital Economy Masterplan and National ICT Policy Guidelines.

To respond to the need for infrastructure to support the growth and development of the creative industries, the following interventions will be employed:

- (a) Mainstreaming arts infrastructure (theatres, music halls, art galleries, film studio complexes etc.) into the infrastructure development programme at a National and County platform.
- (b) Establishment of Creative Works Development Hubs nationwide.
- (c) Development of a Creative Economy Information Systems and portal for identifying and showcasing creative talents.
- (d) Development of film and music production studio complexes.

#### 3.2 Enhancing Access to Funding and financing

**Policy Statement:** The Government's commitment to enhancing access to funding and incentives in the creative economy reflects its dedication to nurturing talent, fostering innovation and positioning Kenya as a global creative hub. Through these interventions, an environment where the creative industry can thrive and contribute significantly to our nation's cultural richness and economic prosperity will be created.

To achieve this objective, the government will undertake the following interventions:

- (a) Establish the Creative Economy Development Fund: In recognition of the creative economy's vital role, the Government will establish the Creative Economy Development Fund. This fund will serve as a dedicated resource to support the growth and development of the creative industry. It aims to address the previous shortcomings in government initiatives by providing sustained financial support to creative endeavors.
- (b) Provide appropriate finance: The Government will strengthen the financial landscape to facilitate access to finance to creatives. This includes IP backed finance.

### 3.3 Expanding Market Opportunities for the Kenyan Creative Economy

**Policy Statement:** The Government will empower the practitioners in the creative economy to exploit existing and emerging opportunities in the space to market their creative works digitally, locally, regionally and internationally.

The market for Kenyan creative works remains highly unexploited, occasioning the need to purposely promote the entire creative economy to benefit from the domestic and global market.

The growing domestic creative economy is proving to be a core economic growth driver capable of contributing to the nation's gross domestic product. This growth is powered by the increasing spending power of young Kenyans who are embracing the potential of the creative economy.

According to the Communications Authority, 33.3 million mobile broadband subscriptions were recorded in Kenya in the fourth quarter of 2022/23. In addition, 47.9 million mobile data subscriptions and 1.1 million fixed data subscriptions were recorded in the same period. The migration from analogue to digital TV broadcasting in 2015 resulted in an increase in the number television channels in Kenya. Currently, the country has a total of 334 Commercial Free to Air and nine (9) Community Free to Air TV channels.

Further, the roll-out and uptake of ICT services across the country have changed modes of creation, broadcasting and distribution of creative works. By 30th September 2022, Kenya had 62.8 million mobile phone devices connected to mobile networks, out of which 32.1 million were feature phones while 30.7 million were smart phone devices. Additionally, the country has witnessed the entry and proliferation of online video streaming platforms such as Baze, Showmax, Viusasa, Enta, Netflix, Hulu and Amazon Prime, and social media applications through which content can be accessed from any corner of the globe.

These developments present opportunities for distribution of Kenyan creative works through mobile broadband devices that account for 97.4 per cent of the total broadband subscriptions in Kenya.

The following are interventions for expanding the market opportunities for the Kenyan creative economy:

- (a) Support the creatives in creation and production phases.
- (b) Promote the awareness, acquisition and protection of Intellectual Property by creative industry practitioners in Kenya.
- (c) Establish and enhance exhibitions and awards as a tool for promoting awareness and recognition of Kenyan creative works.
- (d) Promote digital information platforms to increase access and distribution of Kenyan creative works.
- (e) Support and promote consumption of Kenyan creative products and works.
- (f) Promote the showcasing of branded Kenyan creative works in international exhibitions and awards.
- (g) Provide a framework for marketing branded Kenyan creative works through Kenya's Diplomatic Missions locally and abroad and international treaties and agreements to expand the market for the creative economy
- (h) Review the local content provisions established in various laws and strategies aimed at enhancing and promoting consumption of creative works.
- (i) Develop framework for the implementation and marketing of festivals on creative arts at the national and county level.
- (j) Promote Kenyan export of creative professionals, products talent and cultural assets in international markets.

#### 3.4 Providing a conducive Policy, Legislative and Institutional Environment

**Policy Statement:** The Government is committed to establishing a comprehensive and supportive policy, legislative, institutional, and regulatory framework to guide, support and nurture the growth and development of Kenya's creative economy. The Government is committed to fostering the growth of Kenya's creative economy through the development and implementation of a comprehensive Incentives Framework. This framework will be designed to facilitate and incentivize the creative industry's growth, ensuring it thrives and contributes significantly to the nation's economic and cultural development. The Government's commitment to providing a conducive policy, legislative and regulatory environment underscores its dedication to nurturing and advancing Kenya's creative economy.

Recognizing the profound impact of the policy, legal and regulatory environment on the creative industry, the Government aims to create an environment where both state and non-state actors are encouraged to participate actively in advancing the creative economy.

To achieve this objective, the following interventions will be implemented:

- (a) The roles and responsibilities of key state agencies involved in the creative economy will be clarified. This clarification aims to address any overlaps, duplication of efforts,

or incongruence within policy, legislative, and regulatory frameworks. Streamlining these roles will promote efficiency and effectiveness in supporting the creative industry.

- (b) Development of legislative proposals and regulations specific to various sectors within the Creative Economy. These tailored regulations will be anchored in this policy, ensuring that each sector receives the necessary legal and regulatory support to thrive.
- (c) Strengthening coordination will ensure that interventions outlined in the Kenya Creative Economy Development Policy are effectively implemented and institutions involved effectively coordinated. The Government will therefore develop and implement a coordination framework for the creative economy. Coordinated efforts will maximize the impact of these interventions, fostering the growth of the creative economy.
- (d) Promote the establishment, development and regulation of specialised industry associations.
- (e) Establishment of an integrated and structured civic education and awareness approach to educate stakeholders about laws and regulations relevant to the creative industry. This intervention aims to enhance understanding, compliance and adherence to legal and regulatory frameworks within the creative economy.
- (f) In response to evolving trends in the music industry, the Government will review and restructure the Collective Management Organizations (CMOs) to accommodate expanded responsibilities and meet the demands of the music industry.
- (g) Review and amend existing taxation policies related to creative industry equipment and inputs. This will create a more favorable environment for investment in the production and distribution infrastructure of creative works.
- (h) Reduce bureaucratic red tape that has hindered creative production. Streamlining processes, licensing and regulations will facilitate smoother operations within the industry, allowing creative professionals to focus on their craft.
- (i) Review and develop the incentive framework. This is aimed at fostering innovation, cultural richness, propel artistic entrepreneurship and encourage the emergence of innovative, sustainable, and impactful creative businesses in Kenya.
- (j) Enhance Awareness and Access to Incentives: To ensure that local creatives are well-informed about available incentives, the Government will facilitate awareness campaigns and provide assistance in accessing these incentives to make incentives more accessible and beneficial to creative entrepreneurs
- (k) Ensure gender responsiveness in formulation and implementation of policies and legislation on the creative economy.

### 3.5 Enhancing understanding of Intellectual Property Rights (IPRs)

**Policy Statement:** The Government is committed to improving awareness and understanding of Intellectual Property (IP) laws and regulations among practitioners within Kenya's creative economy. The Government recognizes the critical role that intellectual property plays to creative industries and aim to equip practitioners with the knowledge and resources they need to protect their rights effectively.

To achieve this objective, the following interventions will be implemented:

- (a) The Government will develop and implement comprehensive awareness programs on Intellectual Property laws and regulations tailored to practitioners within the creative economy. These programs will empower creative professionals with the knowledge needed to safeguard their intellectual property.
- (b) The Government will enhance the resources and capacity of institutions responsible for registering and protecting Intellectual Property rights within the creative economy. This will ensure that these institutions are better equipped to serve and support creative practitioners in safeguarding their intellectual property.
- (c) The Government will integrate Intellectual Property Rights (IPR) awareness into the education system. By incorporating IP education into formal and informal learning environments, we aim to cultivate a culture of IP awareness and protection from an early stage.
- (d) To further empower creative practitioners, the Government will establish mechanisms to support the valuation of IP assets within creative works. This will enable practitioners to better assess the worth of their creations and make informed decisions regarding IP protection and monetization.
- (e) The Government will establish a structured framework to promote revenue sharing and royalties within the creative industry. This framework will facilitate collaboration in the creation, production, and distribution of creative works, ensuring that creators receive fair compensation for their contributions.

### 3.6 Creative Economy Data, statistics and studies

**Policy Statement:** The Government is committed to streamlining and facilitating the collection, collation, and dissemination of data on the creative economy. Recognizing the creative economy's rapid growth and its significant contributions to employment, income generation, and innovation, the Government aims to harness data to inform government decisions and measure the developmental impact. Streamlining data collection and promoting comprehensive research, will enable the Government make informed decisions, measure the impact of creative initiatives, and drive the growth and development of Kenya's creative industries.

To achieve this objective, the following interventions will be implemented:

- (a) The Government will establish a comprehensive sector statistics plan dedicated to the creative economy. This plan will outline methodologies, data sources, and timelines for data collection, ensuring that data is collected systematically and consistently.
- (b) The Government will implement regular surveys specific to the creative industry. These surveys will gather essential data on various aspects of the creative economy, including economic indicators, employment trends, and market dynamics.

- (c) Informed policy implementation requires a deep understanding of creative industries. To achieve this, the Government will undertake research initiatives focused on the creative economy. These research efforts will provide valuable insights to guide policy formulation and implementation.
- (d) Enhancing data management and archiving practices will be a priority. The Government will develop efficient systems to organize and maintain creative industry data, ensuring its accessibility for analysis and policymaking.
- (e) To capture the diverse creative initiatives, programs, and works, the Government will promote documentation within the creative industry. This will involve archiving and cataloging creative projects, making them accessible for research, promotion, and historical reference.

### 3.7 Building the Creative Economy's Entrepreneurial Skills to Enhance Capacity

**Policy Statement:** The Government is committed to supporting the development and implementation of creative and entrepreneurial education, skills development, and professional programs aimed at building the capacity of practitioners within the creative economy. It recognizes that the creative economy offers limitless opportunities for entrepreneurs who embrace innovation, imagination, and artistic expression. To thrive in an ever-changing landscape shaped by technology and shifting consumer behaviors, entrepreneurs within the creative economy must continually develop their skills and capabilities.

Utilizing knowledge and skills enhances the efficiency, adaptability and responsiveness of industry practitioners to evolving market requirements and conditions. The creative economy thrives on a constant influx of creative and self-motivated individuals capable of managing complex portfolios and generating new ideas consistently. The ability to sustain continuous creativity is fundamental to the ongoing success of many creative ventures.

Higher education institutions play a pivotal role in supporting and strengthening the growth of the creative economy. They have the potential to address entrepreneurship both within and outside the curriculum, preparing future generations of creative entrepreneurs.

To build the capacity of practitioners in the creative economy, the following interventions will be implemented:

- (a) The Government will conduct a comprehensive skills gap analysis within the creative economy to identify areas where capacity-building efforts are most needed.
- (b) The Government will provide holistic, demand-driven, and well-structured capacity-building programs across all areas of the creative industry's operations, tailored to the specific needs of practitioners.
- (c) The Government will integrate the unique needs of creative professionals into capacity-building programs to ensure they receive relevant and effective training.
- (d) The Government will strengthen the capacity of institutions within the creative economy to support skills development initiatives effectively.



- (e) The Government will promote extra-curricular activities for both school and out-of-school youth to nurture creative talent and entrepreneurial skills from an early age.
- (f) The Government will enhance Institutes of higher learning to provide relevant capacity-building programs addressing capacity gaps within Kenya's creative ecosystem.
- (g) The Government will develop and implement a framework to facilitate the identification and nurturing of creative talent at both the county and national levels.

### 3.8 Environmental Sustainability

**Policy Statement:** The Government will develop guidelines and incentives to promote environmental conservation in the creative economy.

Environmental sustainability is critical to the growth and development of the creative economy in Kenya. The production process of most creative works can lead to wastage and pollution to the environment which therefore requires legislative framework, investment and effort in its management.

The following interventions will be used to enhance environmental sustainability within Kenya's creative economy.

- (a) Develop a circular economy framework to support reuse and recycling.
- (b) Develop standards for environmentally friendly/green creative products and creative infrastructure.

## 4 POLICY COORDINATION AND IMPLEMENTATION

### 4.1 Approaches for Implementing the Policy

The coordination and implementation of the Policy objectives, priority areas, programmes, projects and activities by all stakeholders shall be based on the following fundamental approaches as guiding philosophy:

#### 4.1.1 Rights-based Approach

The Constitution of Kenya provides that the State shall take measures, including affirmative action programmes, to ensure that all Kenyans— (a) access relevant education and training; (b) have opportunities to associate, be represented and participate in all spheres of life; (c) access employment; and (d) are protected from exploitation. The Policy therefore holds that all organs and agencies of the state have a responsibility to deliver specified rights to creatives.

#### 4.1.2 Creatives Mainstreaming

The needs, aspirations, opportunities and challenges facing the creatives are concerns for the whole society. The Policy therefore aims at ensuring that creatives issues are reflected in all sectors of national development, at both the national and county levels, within the public sector, private sector and society at large.

#### 4.1.3 Professional Approach

Noting the uniqueness of Creatives work and workers involved in Creatives related activities, the Policy holds that the activities will be conducted within a framework that upholds ethical practice, coherent competency and maintain professionalism throughout their work.

#### 4.1.4 Coordinated Approach

The Policy interventions during the implementation of this Policy cut across various sectors and will be undertaken simultaneously by multiple partners and stakeholders. The Policy shall ensure adequately coordinated approach to enable proper targeting, prioritization, pooling of resources and monitoring of impact of the various interventions. All stakeholders will therefore align their activities with the coordination guidelines to be developed.

#### 4.1.5 Evidence Based and knowledge Sharing Approach

This Policy holds that all stakeholders will, in designing and implementing Creatives programmes, projects and activities, endeavor to act based on evidence-based strategies. In addition, this Policy holds that stakeholders will work to establish a baseline data bank on all areas of focus to set a foundation for measuring impact.

#### 4.1.6 Creatives Oriented (Co-creation)

This policy emphasizes that the creatives will be placed at the core of all efforts undertaken in

advancement of Creatives development. Projects, programmes and activities shall be informed and propelled by Creatives. This Policy therefore adopts the principle of co-creation and anticipates that the Creatives will be co-creators of solutions and actively engaged as “solvers” where projects and programmes are initiated by Creatives and decision making is shared among Creatives and the stakeholders.

#### 4.1.7 Sustainable Development

This Policy upholds the approach of continuous investment in the development of improved services and opportunities for long term impact and development.

#### 4.1.8 Stakeholder Collaborations

All relevant state actors will promote and facilitate collaborations among stakeholders with common interests and goals that may arise during the policy's implementation.

#### 4.1.9 Monitoring and Evaluation

Implement monitoring and evaluation mechanisms in accordance with this policy.

### 4.2 Coordination of the Policy Implementation

The Ministry responsible for Creatives development shall oversee the overall coordination of the Policy implementation and ensure requisite resource mobilization, coordinate, and involve stakeholders and coordinate monitoring, evaluation, and impact assessment. The Ministry shall ensure establishment of an overarching legal and institutional framework for implementation of Creatives programs and activities in the country. Effective coordination of the Policy is a priority not only to the National Government but also to County Governments and non-state actors who are committed to supporting the Creatives harness their potential while shaping their own lives and future and promoting their active economic involvement at National, County, Sub-national levels including Sub-counties, Ward and Communities.

The Policy implementation process shall include development of an implementation plan detailing strategy, activities, target group, performance indicators, responsibility holders, timelines and resource requirement (both financial and non-financial). The implementation will be undertaken through a collaborative framework involving relevant government MDAs, County Governments, Non-Government Organizations or Public Benefit Organizations, private sectors, Faith Based organizations (FBOs), Creatives organizations, community-based organizations (CBOs) and all other stakeholders involved in Creatives development. The implementation plan shall be reviewed and set targets assessed on an annual basis.

#### 4.3 Roles of stakeholders

There are many actors involved in Creatives activities in the country. Improved coordination requires that the responsibilities, mandate and roles of each actor and stakeholder be established and monitored by the Ministry/Ministries in charge of Creatives. Enhanced coordination will be made possible through a defined coordination structure. The structure will include:

- i. **National level:** Creatives activities will be coordinated by the Ministry/Ministries in charge of Creatives development.
- ii. **Sectoral level:** Various ministries, departments, and agencies (MDA's) will ensure the mainstreaming and coordination of Creatives priority areas in their respective sectors.
- iii. **County level:** County Governments shall mainstream Creatives priority areas in their plans and programmes.

#### 4.3.1 Roles of State Actors

The Policy gives cognizance to the constitutional roles of three arms of government, i.e. the Executive, Legislature and Judiciary; and the two levels of Government. Broadly, the three arms of government and two levels of Government will continue to play a critical role as key institutions supporting the activities of the Creatives across the whole country.

The Ministry in charge of Creatives development will ensure the full implementation of this Policy. In addition, it will provide the overall national coordination of sectoral and non-state actors initiatives geared towards the implementation of activities identified in the Policy. Further, the Ministry with support from stakeholders will undertake civic education on the Policy, research, monitoring, evaluation and annual reporting on Status of Creatives in the Country. The Ministry in charge of Creatives development will also ensure periodic review of this Policy to ensure its effective implementation. Other state actors, including Ministries/Departments, state agencies, and semi-autonomous state agencies shall mainstream Creatives issues into their policies, strategies and activities.

#### 4.3.2 Roles of Non-State Actors

Non-state actors include a wide array of entities across the formal and informal sectors and constitute an important category of employers. It shall therefore be important that they embrace the interventions that promote diversity in their workplaces. Non-state actors shall be involved in advocacy, resource mobilization for Creatives activities, training, sensitization and monitoring. They shall also ensure equity in Creatives employment practices and participate in implementing the Creatives Policy and strategies.

Among the non-state actors in the formal sector are the private companies, development partners, civil society and charitable foundations involved in Creatives activities. Civil society includes Non-Government Organizations (NGO's), faith-based organizations, Community-Based Organizations (CBO's), the print and electronic media, among others. These formal sector operators form an important channel through which interventions targeting Creatives shall be supported. Further, private sector investors and entrepreneurs will ensure mainstreaming of Creatives in their employment and investment interventions. The print and electronic media will play an important role in promoting and informing public on various interventions targeting Creatives by both formal and non-formal institutions.

The Policy provides for role of local communities in key government policies aimed at Creatives empowerment and development. The bottom-up approach that enables the communities to identify interventions targeting Creatives shall be adopted. Communities shall

also ensure provision of safe spaces for Creatives participation; and peaceful co-existence. Important groups in Creatives interventions include Creatives groups, women groups, men groups, community opinion leaders who shall also play a critical role in instilling values among the Creatives. The table below presents a detailed account of specific roles of the various actors involved in Creatives issues the country.

Stakeholder	Roles in Creative Interventions
<b>State Actors</b>	
<b>Executive – Public Service</b>	
At the National level, this includes the entire public service	<ul style="list-style-type: none"> <li>(i) Ensure the full implementation of the Constitution (2010), with emphasis on continuing civic education for optimal people participation and mainstreaming of creatives issues in development agenda;</li> <li>(ii) Provide visionary leadership for all development interventions, e.g. <i>Kenya Vision 2030</i> and its successive Medium Term Plans while prioritising creatives issues;</li> <li>(iii) Ensure implementation of the Policy, starting with its entrenchment and mainstreaming into all national policies, strategies and interventions;</li> <li>(iv) Ensure equitable employment and deployment in public service while giving special attention to the creatives, women, marginalized communities and minorities, including people with special needs;</li> <li>(v) Uphold the rule of law, and support effective public resource utilization while creating conducive environment for private sector development and job creation;</li> <li>(vi) Facilitate the development and operationalization of creatives development hubs across the Counties with a focus on reaching creative in rural areas to promote inclusivity;</li> <li>(vii) In collaboration with MDAs and other public and private partners undertake capacity development programs for the creatives;</li> <li>(viii) Develop appropriate monitoring and evaluation frameworks for the Policy possibly linked to the Planning Ministry’s National Integrated Monitoring and Evaluation framework;</li> <li>(ix) Enforce compliance with applicable content quotas; and</li> <li>(x) Implement the findings of the monitoring and evaluation work through cross-sectoral and multiagency approach.</li> </ul>
At the County level,	<ul style="list-style-type: none"> <li>(i) Develop strategies and enact county assembly legislation that reflects the needs of the county and its entire population, including the creatives, marginalised groups and minorities;</li> <li>(ii) Develop an integrated county development plan reflecting the priority needs of the diverse categories of the creatives, including the marginalised and minority groups;</li> </ul>

	<ul style="list-style-type: none"> <li>(iii) Integrate Creatives initiatives in all county departments, their plans and strategies;</li> <li>(iv) Design and conduct effective civic education on issues affecting the creatives.</li> </ul>
County Assemblies	<ul style="list-style-type: none"> <li>(i) Adopting national legislation that affect the creatives;</li> <li>(ii) Ensure the County Assembly reflects the diversity of the county and that they address creatives issues;</li> <li>(iii) Ensure that laws and other county level frameworks, including employment, promote inclusion; and</li> <li>(iv) Monitor and evaluate the performance of the County Executive to ensure it promotes equitable development while mainstreaming the creatives issues.</li> </ul>
Private Sector	
The formal private sector generates majority of the opportunities for creatives engagement. The operations cover productive and services sectors such as manufacturing industry and services. Through its umbrella bodies, such as the FKE, KAM and, KEPISA, and COTU it works closely with government in policy- development; and is a major employer.	<ul style="list-style-type: none"> <li>(i) Create opportunities for creatives engagement;</li> <li>(ii) Develop specific mechanisms for mainstreaming creatives issues and for monitoring adherence to agreed goals;</li> <li>(iii) Espouse recruitment practices that enable the entire creatives in Kenyan labour market to feel represented; and wherever feasible, target creatives, women, persons with disabilities, marginalised groups and minorities;</li> <li>(iv) Mainstream creatives issues spelt out in the Policy in the design and implementation of targeted corporate social responsibility for creatives; and,</li> <li>(v) Offer skills and partnerships to creatives groups as a means of enabling them to enter into mainstream economic activity.</li> </ul>
Development Partners: Bilateral and Multi-lateral	
Development partners support public investment spending across all Sectors through financing projects, and/or technical assistance.	<ul style="list-style-type: none"> <li>(i) Support the country to implement the Policy;</li> <li>(ii) Assist in monitoring and evaluation of performance regarding policy interventions; and,</li> <li>(iii) Diversify focus to non-traditional areas that can open up hitherto marginalised parts of the country while opening opportunities for creatives.</li> </ul>
Civil Society	<ul style="list-style-type: none"> <li>(i) Continue its work of mobilisation and sensitisation on the Policy;</li> <li>(ii) Continue to support community- and faith- based organisations working on creatives issues;</li> <li>(iii) Continue to monitor all arms of the government on matters affecting the creatives;</li> <li>(iv) Rationalize interventions to focus on the needy areas and special interest groups including the creatives; and,</li> <li>(v) Establish and strengthen referral mechanisms for creatives with drug and substance abuse problems.</li> </ul>

	<ul style="list-style-type: none"> <li>(vi) Espousing the provisions of the Constitution in their activities;</li> <li>(vii) Applying the religious approach to uphold morals and values among the creatives;</li> <li>(viii) Providing creatives with role models;</li> <li>(ix) Establish partnerships with Faith Based Organisations (FBOs) and Community Based Organisations (CBOs) to institute programs targeting physical, mental and spiritual wellness of creatives; and</li> <li>(x) Championing the rights of the voiceless creatives and participating in capacity building initiatives that promote creatives development, empowerment and socio-economic engagement.</li> </ul>
Community Based Organizations	<ul style="list-style-type: none"> <li>(i) Espouse the national values and principles of transformative leadership contained in the Constitution;</li> <li>(ii) Assist in mobilising citizens to support creatives industry initiatives; and</li> <li>(iii) Champion a revamped system of community leaders that also promotes representation across various age groups.</li> </ul>
<b>State Agencies</b>	
Statutory bodies, SAGAs, constitutional commissions, and independent offices	<ul style="list-style-type: none"> <li>(i) Statutory bodies, SAGAs, constitutional commissions, and independent offices shall:</li> <li>(ii) Ensure equitable employment across all diversities such as gender, age, ethnicity and persons with special needs;</li> <li>(iii) Promote mainstreaming of creatives interventions in the institutional strategies;</li> <li>(iv) In collaboration with other public and private partners undertake capacity development programs for the creatives; and</li> <li>(v) Promote research in creatives issues to support implementation of the Policy with evidence.</li> </ul>
Judiciary	<ul style="list-style-type: none"> <li>(i) The Judiciary shall ensure respect for the rule of law in the creative industries across the country;</li> <li>(ii) Improving the accessibility of judicial services by the creatives;</li> <li>(iii) Conducting civic education to make judicial processes more user-friendly for the creatives; and</li> <li>(iv) Promoting effective and widespread frameworks for alternative dispute resolution.</li> </ul>
Legislature	<ul style="list-style-type: none"> <li>(i) Oversee the full and timely implementation of the Constitution and ultimately provisions targeting creatives;</li> <li>(ii) Ensuring the Executive at National and County levels espouses equity as a basis for national development; and</li> <li>(iii) Ensure the timely passage of any bills arising from the adoption of the Policy.</li> </ul>

Public	Participate in policy formulation process and to provide feedback on areas of policy improvement.
Media	(i) To disseminate information on creative economic policy and initiatives (ii) Medium for awareness creation
Academia	(i) Provide complimentary data and information on creative policy formulation and reviews; (ii) For capacity building initiatives in the creative industries

This policy shall be implemented by both National and County Governments, and Non-State actors. It is expected that the Ministry which has the oversight role in the implementation, will map and collate a database on Stakeholders supporting and facilitating creatives initiatives, activities, and programs across the Country. Further, the Ministry together with the thematic working groups will institutionalize roles of each stakeholder in the Country and formulate a calendar of events every year. The Ministry will expect that all Stakeholders will account for and report on their specific activities on a regular basis.



## 5 MONITORING AND EVALUATION

The Creative Industries Development Policy M&E framework will be guided by the National Monitoring and Evaluation Policy and other relevant policies.

The National Monitoring and Evaluation Policy provides for the roles and responsibilities of all state and non-state institutions in the implementation of public projects and programmes by enhancing accountability, efficiency, effectiveness, transparency, and utility.

For the Ministry to effectively monitor and evaluate the status of implementation of the policy, the following interventions will be put in place:

- (a) Build human and institutional capacity within the relevant institutions to effectively undertake monitoring and evaluation.
- (b) Establish a sector-wide monitoring and evaluation framework and plans to ensure policy interventions are achieved.
- (c) Undertake monitoring through continuous data and information collection during the policy implementation period.

The data and information will inform the quarterly and annual reports which will be amalgamated at the Ministerial level and presented to the Principal Secretary of the State Department for Planning to inform policy decisions.

Data and information will be presented in annual reports which are made accessible to the stakeholders. Reports relating to sectoral and sub-sectoral issues including those relating to lessons learnt will also aid in the monitoring and evaluation aspects of this policy.

The assessment of the policy will be undertaken annually to gauge the implementation progress. The impact evaluation of the policy will be undertaken after every three years to analyse the extent to which the objectives have been achieved.

This policy shall be reviewed every five (5) years or as need arises in order to address emerging issues.

## **6 RESOURCE MOBILIZATION AND FINANCING FOR CREATIVE INDUSTRIES DEVELOPMENT POLICY**

Resources and support required for implementation of this policy shall be mobilized from both public and non-state actors with twin objective of strengthening their support and commitment as identified by the Policy.

The interventions and initiatives identified in this Policy shall be supported through mobilization of monetary and non-monetary resources from National Government, County Governments, private sector, development partners, Non-Government Organizations (NGOs), communities and individuals, among other stakeholders.

All funding sources and strategies will be required to balance the short- and long-term goals. A sector wide approach shall be adopted at national and county levels in planning, budgeting, programming, implementing, monitoring, and evaluating creatives initiatives.

The Policy implementation mechanism will be operationalized through annual action plans detailing policy priorities, key actions, indicators, timelines, responsibility, and estimated budgets. The Government shall allocate adequate resources in the annual budget to creatives programmes and activities as contained in the Medium-Term Plan IV.

## **7 COMMUNICATION, PUBLICITY AND INFORMATION**

The Ministry in charge of creatives in National and County Governments shall develop mechanisms using formal and informal channels, print and electronic media in developing a robust and multi- faceted communication strategy for the Policy and the programme activities to all relevant stakeholders. This will also include capacity building of creatives organizations on the Policy and the roles in implementation, monitoring and evaluation and impact assessment.

The Ministry shall facilitate the communication of results for creatives interventions through quarterly reports and biannual sector reviews.

The Ministry shall develop an Annual Presidential Report on The Status of Creatives in the Country.