

**CHALLENGES FACING THE IMPLEMENTATION OF POLICIES IN THE CULTURE
SECTOR IN KENYA**

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DECLARATION

I declare that this thesis is my own original work and has not been presented anywhere else for a degree

Signature_____Date_____
Daniel Chege Ndua

This thesis has been submitted with my approval as the university supervisor

Signature_____Date_____
DR. W. K .Subbo

Dedication

This study is dedicated to the perpetual memory of the late Mrs. Gladys Wangeci Gatheru who until her demise was the Director of Culture. In life, Mrs. Gatheru gave much to many and expected little in return. It is unfortunate that she died before I could pay back even a little for the much I received from her. May God rest her soul in eternal peace.

Abstract

The study was designed to explore the challenges facing the implementation of policies in the culture sector of Kenya with specific objective of the study being; to investigate the context within which the policies in the culture sector were implemented and who the actor were. The other objective of the study was to examine the challenges that faced the implementation of policies in the culture sector.

The research reviewed literature related to policy development and implementation. Among the major themes that were reviewed included literature on government policies, policy formulation, policy implementation and policy coordination. The review established that while various studies had been undertaken in the area of policy and policy implementation, no study had explored the challenges facing the implementation of policies in the culture sector in Kenya. No study had taken into consideration the process or contingents of policy development and implementation, the context of policy formulation and implementation, the actors involved at various levels of policy development and implementation, the policy content and their interrelation and influence on each other which is a research gap that this study sought to address.

The study made use of the policy analysis framework which focus on the interrelation and influence of the context, content, process and the actors in the policy development and implementation as precursor of policy success or failure.

The study was carried out at the ministry of state for National Heritage and Culture, Ministry of Tourism and the Kenya Copyright Board and was conducted using cross sectional, exploratory and descriptive methods. The study used qualitative methods of data collection. It also used the non probability sampling designs through which agencies in the identified institutions were

purposively sampled. The agencies were sampled due to their role in policy implementation in the sector under study.

The study made use of both secondary and primary data. Secondary data was drawn from perusal of acts and policy from selected institutions. In-depth interviews were used to collect information from CEDS and County Cultural Officers who are responsible for policy implementation in their respective agencies. The data collected was qualitatively analyzed.

The study found out that the actors in the sector operated within their respective legal and institutional framework. Each institution or agency operated independent of each other though their tasks and responsibilities are generally similar. The study also established that the sector acts and policies duplicated and overlapped each other and thus pulled efforts in different direction. The study established that other challenges in the sector included limited awareness of act and policies within the sector, inadequate sector funding and inadequate human resource to manage the sector among others.

The study made recommendations on how to improve the overall operations of the sector. These recommendations included among others, the need to establish a coordinating agency or mechanism that spells out the roles of various actors and linkages, need to work on sector acts and policies with a view to remove duplication and overlaps as well as need for further research on the sector in order to establish its actual worth and contribution to economy.

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ACRONYMS

CEOs-----Chief Executive Officers

GDP-----Gross Domestic Product

GOK -----Government of Kenya

IEC-----Information, Education and Communication

KIPPRA-----Kenya Institute of Public Policy Research Analysis

KNADS-----Kenya National Archives and Documentation Services

NGOs----- Non-Governmental organizations

NGOs-----Non Governmental Organizations

NPCH ----- National Policy on Culture and Heritage

NTPK-----National Policy on Traditional Knowledge

NTP-----National Tourism Policy

UN -----United Nations

UNESCO----- United Nations Educational, Scientific and Cultural Organization

UNICEF-----United Nations Children and Education Fund

CHAPTER ONE

1.0 Background to the study

1.1 Introduction

Kenya has a rich cultural heritage that is the source of national pride and which forms part of the country's history. The country's cultural heritage includes traditional literature, traditional arts and crafts, music, visual arts, ceremonies, traditional beliefs, traditional architecture associated with particular sites as well as forms of traditional knowledge related to traditional medicine and traditional medicine practices, agriculture, forest management and conservation as well as sustainable use of biological diversity (KIPPRA, 2012).

Cultural heritage also includes communities' natural endowments as well as things that are passed on from one generation to another. These ranges from historical monuments and museum collections to geographical heritage (physical features such as forests, mountains, lakes and rivers) as well as other natural resources such as nation's fauna and flora. The heritage is informed by value systems and constitutes the stock of endowment and resources commonly known and held dearly by cultural groups. Often cultural and natural heritage overlap particularly in cases where groups use natural heritage for cultural expression and articulation (KIPPRA, 2012, NPCH 2008)

Some of Kenya's heritage is recognized as great landmarks because of their attractive features and cultural importance. These land mark features include the Old Lamu Town and Mount Kenya which have been recognized by UNESCO as world heritage sites. The Lamu archipelago is famous for its scenic sea ports, historical sites and monuments, and reserves as well as many other landforms which are associated with some ethnic customs and folklore (UNESCO, 1972).

The report on the role of culture and heritage in economic development in Kenya by the Kenya Institute of Public Research and Analysis (KIPPRA) of 2012 observes that there is an increasing global gain in the cultural and creative sector. Most developing countries, Kenya included, however, are not yet able to harness their cultural heritage and creative capacity for their development. In Africa, the share of global trade in culture and creative products remains marginal at 1% and 11 % for the cultural services (UN, 2008).

The report further observes that in spite of the abundance of creativity, talent, cultural and natural heritage there is continued dismal performance in the sector which is attributed to the inability to exploit the sector for economic gains as a result of weakness and duplication in domestic policies, unavailability of data relevant for the sector as well as lack of documentation and information gaps (KILLICK, 1981, KIPPRA, 2012).

Although matters of development of culture have been handled by one or other ministry since independence and that issues of cultural development have been carried in several development plans, the profile on the culture sector has been rather minimal and inconsequential. According to Kenya Institute of Public Research draft report of 2011 and the 7th National Development Plan 1994 to 1996 on resource mobilization for sustainable development, the cultural sector received credit for its contribution to tourism industry. The development plan mentioned museums, snake parks and historical sites as a major tourism attraction. In particular, the plan identified the role of culture and heritage in national development and highlighted specified measures to develop the sector. Even though the 7th Development Plan did not consider the full potential of culture

and heritage, it at least gave the best consideration on the role of culture and heritage as having potential for development than previous plans (KIPPRA, 2012; GOK, 1994).

The 8th National Development Plan (1997-2001) whose theme was rapid industrialization for sustainable development was silent on the role of culture and heritage in national development with only mention being the conservation of natural and cultural resources as attraction to the tourist (GOK, 1997;KIPPRA, 2012).

Although the department of culture was formed in 1980 through a presidential directive with the responsibility of coordinating all culture activities in the country as well as overseeing the promotion of cultural cooperation with regional and international communities, the department has largely remained invisible and has been shifted from one ministry to another therefore underscoring its weak recognition relative to other vital ministries such as Finance, Planning and Education (KIPPRA, 2012).

Further, although the Ministry of National Heritage and Culture got a clear mandate from the Presidential circular No 1/2008 of May 2008 on the organization of government with its specified role including the implementation of the National Policy on Culture and Heritage, promotion of culture and development of fine arts, creative and performing arts among others, It is noted that there are serious challenges such as inadequate resources both finances and human, inadequate cultural infrastructure and serious duplication of functions with other government organs (KILLICK, 1981, GOK, 2008, KIPPRA, 2012).

1.2 Statement of problem

The constitution of Kenya 2010 recognizes culture as the foundation of the nation and as the cumulative civilization of the people and the nation. The Policies in the culture sector on the

other hand spells out the government commitment to the development of the cultures of the people of Kenya through program support, human resources development and infrastructure development within a given time. Through these policies, the government also makes financial commitment for the support of the growth of the sector (GOK2010,KIPPRA, 2012; NPCH, 2009).

Despite the commitment and support of the government towards the sector, the study conducted in the sector reveal that the implementation of policies in the culture sector continues to face major challenges. Whereas the Presidential Circular No 1 of 2008 on the organizational of government gives the mandate of the implementation of culture program to the ministry in charge of heritage and culture, there seem to be a proliferation of players in the culture sector who have continued to work without any form of coordination leading to lack of centralized approach, duplication and unnecessary negative competition in policy and program implementation. There are also duplication of policies in various government ministries and parastatals which appear to have development of culture as their objective. This has created challenges in the implementation of policies where all and sundry seem to be playing an implementation role without proper coordination (KIPPRA, 2012).

This study therefore answered the following research questions.

- a) In which context are the policies within the culture sector implemented, who are the actors?
- b) What are the challenges facing the implementation of policies within the culture sector?

1.3 Objectives of the study

1.3.1 General objective

To explore the challenges facing the implementation of the policies in the culture sector.

1.3.2 Specific objectives

- a) To identify the context within which the policies in the culture sector are implemented and who the actors are.
- b) To identify challenges facing the implementation of the policies in the culture sector

1.4 Justification of study

Issues of policy development and implementation are central in the way the government plans, allocates roles and finances to various actors and sectors as well as guides the overall coordination and implementation of activities geared toward the achievement of the desired policy objective. This study made inquiry on the challenges facing the implementation of the policies within the culture sector. The findings of the study will be useful to the government, policy makers, planners and other interested parties, when it comes to developing policies and plans aimed for the cultural sector in future.

Limited studies have been carried out on the operations of the culture sector in Kenya particularly on policy implementation. The study therefore is expected to contribute to a better understanding of the policy implementation in the culture sector which will be useful not only to planners but also to other parties interested in the development and harnessing of the sector. It is also expected that the study will contribute to knowledge on how challenges facing policy implementation in the sector can be overcome.

1.5 Scope and limitation of the study

This study covered policies within the culture sector. These included culture related policies in the Ministry of State for National Heritage and Culture, Ministry of Tourism and Kenya Copyright Board. There was fear that where duplication of effort and bureaucratic infighting may exist, the desire of the existing agencies to protect their turf, jobs and constituencies could override reason to give correct answers by respondents. Where such situation existed, it was unlikely that the agencies gave correct information for fear of jeopardizing their positions. This therefore would have affected the reliability of the findings. To counter this fear, the respondents were assured that the research was purely for academic purpose and would not be used for any other purpose. The data was also collected from various sector players in different geographical locations which was useful in cross-checking and verifying the correctness of the information received.

The researcher works in the Department of Culture which is one of the agencies being explored. Knowledge of the working of the department and other agencies within the culture sector could result in biasness of the information received and therefore lower level of information reliability. To ensure neutrality and objectivity and hence the reliability of the findings, the researcher engaged the service of research assistant in collecting data from agencies where likelihood of bias could have occurred if the researcher was to personally collect information. This was done for the purpose of data collection from the Department of Culture, the Permanent Presidential Music Commission and Kenya Cultural Centre.

CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Introduction

This part presents literature on acts and policy within the culture sector. The major themes include literature on government policies, policy formulation, policy implementation and policy coordination.

2.2 Government Policies

A policy is a government decisions or executive order to institute change or modify behaviour to achieve objective targeted through particular programs designed to realize the desired objective or goal (Ilchman and Uphoff, 1983). Mazmanian and Sabatier (1989) on the other hand, refer to policy implementation as the translation of policy prescriptions to goals and actions that address procedures, capacity and behaviour need to initiate and sustain the policy intended objectives. Policy implementation is the operationalization of policy into program, projects, activities and outputs. Mazmanian and Sabatier also argue that policy implementation refers to the process of converting financial, material, technical and human input into outputs (Mazmanian and Sabatier, 1989).

What emerges from the studies on policy is that policy formulation and implementation are interdependent and that policy initiators should consider them in combination. Implementation of policy should involve a process of interaction between organizations whose members may have different values, perspectives and priorities from each other. Successful policy implementation involves not just a common agenda and long term joint commitment across different agencies

and actors but a degree of transparency about the model of cooperation and commitments spanning from different decision making and management system. If policy is to be successfully implemented then those who have a responsibility for its implementation should be involved in its design (Hogwood and Gunn, 1984).

2.2.1 Over view on policy implementation

Since the 1970s, studies on policy implementation have been plenty and have, to a large extent tried to explain policy implementation gaps. Though the issue of policy failure has been of great interest to social scientists, it has not been so to policymakers who often equate proposing a policy to its effective disposal (Dunsire, 1978).

‘Down-top’ versus ‘up-bottom’ perspectives on policy and action are at the heart of discourses on policy implementation. Barrett and Fudge (1981) note that policy implementation challenge, failure or gaps in implementation can occur when policy is imposed from the centre with no thought given to how it might be perceived or received at the local level. They argue that it is not a case of bottom-up approach to policy and action being preferred to top down but that balance between the two is necessary.

Policy failure can occur as a result of bad execution or as a result of the policy being bad. Ineffective implementation or barriers that make it difficult for a policy to be implemented are seen by policy makers as bad execution. The other reason that is commonly advanced to explain policy implementation failure is when the policy itself is defective in the sense of its being based on inadequate information, poor reasoning or unrealistic assumptions (Pfeffer, 1992).

It is more likely that what happens at implementation stage will influence the actual policy outcome in a way that might not have been anticipated or foreseen. Conversely, the likelihood of

a successful outcome (as desired by policy initiator) will be increased if thought is given at the policy design stage to the potential problem of implementation. There is need for policy audit to identify possible implementation problems or challenges and success (Dunsire,1978).

Challenges of policy implementation at times arise due to inability to look at the outcomes and analysis of strength and weaknesses of different system. Such ability points out at what works and what policies can actually deliver results. It also interrogates whether policies are consistent with the country's objectives and priorities taking into account the institutional settings and arrangements, systems internal coherence while checking that policies are not pulling in opposite direction and canceling each other out (Deborah, 2008).

Lipsky (1980) argues that policy implementation emphasizes on successful detailing of policy from levels of intent (as expressed in law, statutes and or executive orders) through structuring of action (allocation of procedures and operational responsibilities) to the levels of generating policy inputs, outputs and impacts .

Challenges or problems in policy implementation occur when the desired results or the targeted benefits are not achieved. Whenever factors that are crucial in policy implementation are missing, there is bound to be implementation problem. Edward III(1980) points at crucial factors in policy implementation as being; communication, resources, disposition or attitude, and bureaucratic structures in which all these four factors operate simultaneously and interact with each other to aid or hinder policy implementation.

Policy implementation involves translating the goals and objectives of the policy into operating, ongoing program. To achieve this state, the process needs three crucial elements, namely:

- Creation of agency or assignment of responsibility to an agency to implement a policy;

- Translation of policy goals into operational rules and development of guidelines and effecting of programs; and
- Coordination of resources and personnel to achieve intended policy goal (UNESCO, 2009).

The way the implementers exercise their discretion, however, depends to a large extent, on their disposition towards the policy. The levels of success will depend on how the implementers see the policies as affecting their organizational or personal interest. Where a policy is likely to result in a loss by the implementer, the attitude or disposition to implement the policy will be affected adversely while the attitude or disposition will be positive where policy is favourable (Makinde, 2003).

Making people accept and implement policies is easier if they feel that they are part of the decision-making process. This is at the heart of change management. If the stakeholders are not brought along, no matter how good the ideas are, no matter how good a process is, the course will be lost. Thoughtful communication to stakeholders which includes being open to feedback is not only important but crucial (Sullivan, 2005).

Deborah (2008) notes that designing good policies is not enough and that countries need to go beyond good policy designing to successful implementation. To effect successful implementation, policymakers need to build genuine consensus among all stakeholders so that they all work towards a common purpose as opposed to heading in different direction. To do this, all stakeholders have to be brought on board. Making change happens and pursuit of common purpose can cause some upheaval and therefore need for all to get convinced that the efforts pay off will be large.

2.2.2 Policy formulation

Other challenges that face policy implementation include formulation of policies that are not forward- looking, policies that do not take into account global trends and practices, policies not taking into consideration local economy, demographic challenges, globalization and technological advances as well as urbanization and climatic changes. (Tan *et al*, 2010).

Perception of culture as open and implementable by all affects the formulation and implementation of policies. The process of policy formulation and implementation requires research and persistency. Lack of placing adequate value on culture discourages the use of resources for formulation and implementation of related policies (Tan *et al*, 2010).

There can be sharp distinction between formulating a policy and policy implementation. Despite implicit awareness that such distinctions exist, the assumption in government is that once the government has produced policies, it up to those working at the periphery to implement it. Failure of policy implementation is therefore regarded as being a result of bad execution and not a bad policy (Pfeffer, 1992).

Lack of involvement in policy development is a serious challenge to policy implementation. Policy document are usually prepared by bureaucrats with little or no input from the implementer and other stakeholders who will be impacted either negatively or positively by the policy. At times, policy instruments are prepared and stakeholders asked to provide comments on the draft regulation or policy document. This makes it difficult for the stakeholders to own both the policy and the implementation process (Spratt, 2009).

2.2 .3 Challenges to policy implementation

Some of the policy implementation barriers in Kenya include intersecting and or conflicting policies. National policies are often done in broad and general language that is not always supported by operational or local policies guideline. Programmes envisaged by the National policies are often vertical and do not coordinate with other relevant programmes. Spratt points at reproductive health, maternal and immunization are some of the traditional health programme which are often vertically implemented and without coordination with other relevant programmes such as HIV, tuberculosis, child health and immunization and have unresolved policy conflict or inconsistency that can be resolved easily (Spratt, 2009).

Lack of policy clarity and consistency of policy objectives are among the major challenges or barriers to policy implementation. Policy objectives are often broad and tend to be expressed in relatively vague terms, encompassing ill-defined attitudinal and behavioural targets. Because of their vagueness, policies as well as their objectives exhibit a surface consistency since they are not sufficiently detailed to point where inconsistencies might exist. The more general the language used to express the policy objective, the easier it is for groups with diverse and conflicting interest to support it. This raises major challenge to achieving policy objectives (Mazmanian and Sabatier, 1989).

Policy implementation cuts across the functional and sector divisions of many African ministry systems which is a factor that further complicates institutional placement of policy. Where institutional placement of policies is the case, ministries and departments share and compete for responsibilities and authority on the implementation, with the result of this being duplication of effort, bureaucratic infighting, insufficient technical expertise in any single agency, and over

burdening of clients trying to access to services. Falloux and Rochegude, (1988) therefore argue for a policy implementation process that capitalizes upon the strength of existing institutional arrangement where various actors can act in a guided manner to achieve results.

Weaver (2010) argues that where duplication of effort and bureaucratic infighting exists, the desire of the existing agencies and their political patrons is to protect their ‘turf’, jobs and constituencies. He notes that this sometimes leads to allocation of responsibilities for programme implementation that reflects realities of the distribution of political power more than what is required for efficient and effective administration. Weaver further observes that programme structures that require multiple approvals by agencies with very different objectives may lead to stalemate and inaction while poor coordination mechanisms between multiple implementing agencies may lead to breakdowns and or delay in programme delivery, bureaucratic ‘runarounds’, poor services delivery and cost overruns(Weaver,2010).

Provincial governments, service providers, mass organizations, media, communities and those directly impacted on by the policy play only a peripheral role in policy formulation. For implementation purpose however, these actors take centre stage. This raises challenges such as programme planning, management, scale up, communication and advocacy in policy implementation process where people need to first learn on the policy. The support of policy formulation and implementation processes by these institutions particularly the community is key to the success of policy implementation, supervision, monitoring and review mechanism (Spratt, 2009).

2.2.4 Policies coordination challenges

The major challenge in policy implementation particularly in developing countries is the widening gap between the intentions and the results. This scenario provokes memories of ‘good’ ideas that did not work and places the blame on the policy formulators and administration teams (Hanadle, 1979).

Policy implementation often turns out to be the graveyard of policy where the intentions of the designers of policies are often undermined by a constellation of powerful forces of politics and administration in cooperation of the people. Little attention is paid to the subject of policy implementation by policy decision makers who often take it for granted that once policy is adapted by government, it will be implemented and the desired goals achieved (Egonmwan, 1971).

The lapse in the follow-up to policy implementation results to poor implementation and gives rise to implementation gap and ultimately policy failure as a result of a sizeable gap between the policy decision and its implementation. The intended policy decisions and goals are either diluted or poorly achieved. Policy implementation gap arises when the policy makers fail to take into consideration the social, political, economic and administrative variables at the policy formulation stage. If a policy, for example, runs contrary to the manifesto of the government in power, such a policy may suffer at the implementation stage either in terms of lack of support, finance and overall implementation (Egonmwan, 1971; Hanadle, 1979).

Where policy is written in compliance with regulation, it is equally the responsibility of the executives in the organization to ensure that the law is followed. It is also noted that all forms of policy change and implementation drives need a top-down perspective, which could be as simple

as a sign off. Without such clear support and direction, others in the organization are simply not going to carry out such changes or even direct, which lead to eventual lack of policy implementation (Kielstra, 2010).

At the practical level, those in leadership or top hierarchy are also best placed to provide clarity and direction required for success. While people might be going in more or less same way, they will without leadership be at various degrees of the compass. Besides giving leadership, those at the top of hierarchy should be willing to take risks and not punish reasonable failure, decide on priorities and also be willing to put a plug where necessary rather than continue to work on something that is not working. Although change ought to come from leadership, in too many organizations, the challenge of policy implementation is of the leadership itself (Kielstra, 2010).

The underlying problem of policy implementation is not repeated failures on individual policy programs, but that too many organizations do not integrate implementation of policies into their strategies. Organizations are reactive as opposed to being pro-active and anticipating how to roll out the policy implementation within already existing initiatives. Instead of planning outside existing strategies, policy formulation should be inbuilt within existing interventions (Kielstra, 2010).

Institutional separation within the public sector between elected officials who decide on policy and the appointed ones who carry out policy decisions may at times impede the process of policy implementation. When policy formulators and policy implementers are not in agreement, the latter have the ability to sabotage the policy implementation effort. Clear directives from the policy makers and active involvement of senior management (policy implementers) as well as the stakeholders through planning are key to success of policy implementation (Kielstra, 2010).

Policy implementation issues may not just arise within or among the implementing agencies, but also from “political masters’ of those agencies (political executives and legislators) where politicians may intervene in agency decision making for political reason either before the agency make decision or by overturning decisions by the agency. Policy and programmatic implementation arrangement that suffer from political interference pose both the challenge of content and goal (Weaver, 2010).

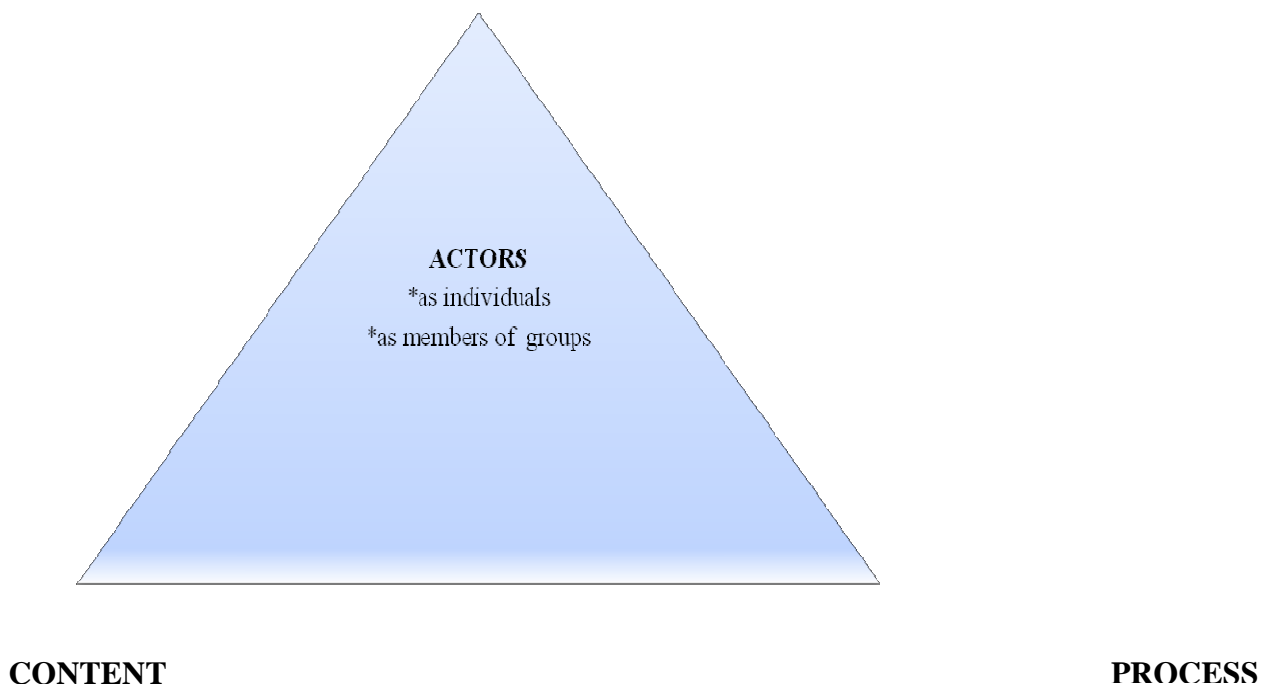
It should be noted that while there exist a body of literature on challenges facing implementation of policies in Kenya, however, no study has been undertaken on the challenges facing the implementation of policies in the culture sector which the study seeks to address.

2.3 Theoretical framework

2.3.1 Policy Analysis Framework/ approach

Paul (1989) as quoted in Gill and Gilson (1994;358) defines policy analysis framework or approach as the task of analyzing and evaluating public policy options in the context of given goals for choices by policy makers or other relevant actors. The policy analysis approach has also been viewed as a new paradigm of thinking that is used for analyzing complex sets of interrelationships and understanding of factors that influence the effectiveness of policy. The policy analysis framework seeks to understand the context or situation within which the policy is formulated, the process or contingents of policy development and implementation, the actors involved at various levels of policy development and implementation as well as the policy content or what the policy aims at achieving and their interrelationship and influence on each other (Gill and Gilson, 1994).

The framework can be represented diagrammatically as shown below:



The policy analysis framework observes that in real life, actors are influenced either as individuals or members of an interest group. The actors in turn influence the context in which they live and work at both macro-government and micro-institutional levels. How issues get on the policy agenda and how they fare once on the agenda is affected by actors, their positions in power structure, their values and expectations. The content of the policy ends up reflecting some or all of the above dimensions. This therefore call for inclusive analysis of the content of policy, the actors, the context and other dimensions of policy formulation and implementation which make the difference between effective and ineffective policy choice and implementation (Gill and Gilson, 1994)

The policy analysis framework is similar to those characterized by incrementalist and rational school of policy making. The incremental or descriptive approach whose main proponent is Lindblom (1959) was concerned with analyzing what happened in organization's decision making. The approach favoured a process of bargaining between interest groups in the process of policy making. The rational approach on the other hand is associated with Simon (1957).The approach offers a prescriptive and ideal model of how policy ought to be undertaken, providing a way of improving the effectiveness of policy making by identifying values and goals before making policy choices and settling for the best options based on comprehensive information about the cost and consequences of each.

The policy analysis approach however goes beyond the incrementalists and the rational approaches in that besides addressing the concerns of both approaches, it is also centrally concerned with the behaviour of the actor in formulating and implementing policy and the context within which policies are promulgated. The approach is not developed in social vacuum

but is an outcome of complex social, political and economic interactions and therefore offers a broader framework for thinking. (Gill and Gilson, 1994)

According to Gill and Gilson (1994), the policy analysis framework can be traced to 1980s when many aid agencies began to admit that years of experience with donor aid had shown that technical solutions were often necessary but not sufficient to sustain policy outcome especially in poor countries. They note that while there were observable decreases in infant mortality rates arising from increase in levels of immunization as well as other developments as a result of donor aid, the gains came at the same time with growing social inequality, poor quality of life and health care as well as worsening living conditions. They also note that it had become clear that the effectiveness of programs was influenced by values and culture, accountability, morale and communication as well as other factors and that such other factor had been neglected in the belief that better techniques and donor aid could tackle the challenges of effective program implementation. This led to acceptance that new analytic frameworks or approaches which offered better and more complete explanation of the policy environment were needed.

In modern times, the framework has been used by policy makers and managers to analyze work environment while at the same time establishing if conditions and capacity exist for successfully implementing reforms. The framework has also been used by researchers and planners to identify actors who might be affected by particular policy, asses the strengths of policy and groups likely to be resistant to the policy and plan strategies to overcome opposition. Policy analysis framework has also been used by economists, political scientists, sociologists and public administrators in their various fields.

2.3.2 Relevance of the framework to this study

The challenges facing the implementation of policies within the culture arise from the content of the policies, policy formulation and implementation process, the actors and context within which the policies are implemented, all of which are crucial and inseparable for effective policy implementation. Given that implementation of policy is affected by the content, the process, the actors and context within which policy is implemented, the analysis of these factors and their interactions and relations is important in the understanding of the effective of policy implementation or failure. The critical role of policy content, actors, processes and context make policy implementation a dynamic process whose understanding requires analysis of complex social, economic and political interactions which policy analysis framework offers.

The policy analysis framework has been used in the past in the study and analysis of complex interactions that play important roles in effective policy implementation or whose failure to address can result policy failure. This therefore makes the framework relevant to the study.

2.3.3 Assumptions

The study makes the following assumptions;

- There is interrelation between the context within which policies are implemented, the actors and successful policy implementation or failure.
- There are challenges facing the implementation of policies in the culture sector of Kenya.

CHAPTER THREE

3.0 METHODOLOGY

3.1 Introduction

This section discusses the procedures and strategies that were followed in conducting the study. It gives description of the research site, the study design, unit of analysis, sampling techniques and sample size. The chapter also looks at methods of data collection, analysis and presentation.

3.2 Research site

The study was carried out in the Ministry of State for National Heritage and Culture, Ministry of Tourism and the Kenya Copyright Board. The sampled counties are represented in appendix III.

3.3 Research design

This study was conducted using cross-sectional, exploratory and descriptive methods. It utilized qualitative methods of data collection. The fieldwork was carried out in two phases. Phase one involved qualitative data collection from the various policy documents as well as Acts within the culture sector. The second phase of the study involved in-depth interviews with chief executives officers and county cultural officers within the ministries of State for National Heritage and Culture, Ministry of Tourism and Kenya Copy Right Board

3.4 Study population

The study population comprised the agencies implementing culture related Acts and Policies. These included the Ministry of State for National Heritage and Culture, Ministry of Tourism and Kenya Copyright Board.

3.5 Sample population

The sample size was made up of 8 key informants who were the chief executive officers of the agencies working in the culture sector who were selected based on their knowledge on policy implementation in the sector. The key informants were the Director General National Museums of Kenya, Director of Culture, Director Kenya Cultural centre, Director Permanent Presidential Music Commission, General Manager Bomas of Kenya, Chief Executive Officer of the Kenya Copyright Board, Director Kenya National Archives and Documentation Services and Director of Tourism. Owing to the fact that the Department of culture is a major actor in the implementation of the policies in the culture and heritage sector and that the department did not have county culture officers in all the 47 counties, purposive sampling was used to select all the 30 county culture officers who were deployed at the county offices. These officers were selected due to their central role in the implementation of policies within the sector.

3.6 Sampling procedure

The study used non-probability sampling designs, namely purposive sampling. The study identified the ministry of state for National Heritage and Culture from which the Departments of Culture, Permanent Presidential Music Commission, Kenya Cultural Centre, Kenya National Archives and Documentation Services and the National Museums of Kenya were sampled. In the Ministry of Tourism, Bomas of Kenya and Department of tourism were sampled. The Kenya Copyright Board was also sampled. These agencies were sampled because of their centrality in policy implementation in the sector under study.

3.7 Data collection methods

3.7.1 Secondary data source

These were drawn from thorough perusal of Acts and policies of the selected institutions. The review sought to establish the context within which the Acts and policies were implemented and who the actors were. The review also sought to establish whether the Acts and policies within the culture and heritage sector were complementary or duplicating and therefore pulling in different directions, as well as establish whether the roles of the various actors were delineated or overlapping and therefore causing challenges in the overall implementation of policies in the sector.

3.7.2 In-depth interviews

In-depth interview was used to collect information from CEOs and County cultural officers who are in charge of policy implementation in their respective agencies. In-depth interview guide (Appendix II) was used to collect information from the 8 CEOs on their knowledge of the challenges facing the implementation of policies as leaders in various agencies implementing culture related policies in the sector. In-depth interview guide (Appendix I) was also used to collect data from the 25 county cultural officers who play a key role in the implementation of the policies at the county level.

3.8 Data processing, analysis and presentation

The data was analyzed using qualitative method. For each data set, separate code sheet was created in attempt to establish and interpreted the pattern and relationships of observations. This involved thematic and descriptive approaches where direct quotations and selected comments

from informants were used to explain trends. The analyzed data was presented using thematic descriptions as well as tables and graphs.

3.9 Ethical considerations

The research received the required approval from the National Council for Science and Technology before the field work began. To receive informed consent of the respondents, the researcher explained the purpose, duration and potential use of the research results from the field beyond academic purposes; and any other research related information as might have been of interest to the respondents was duly clarified before any data collection. Respondents were also informed of their rights to disqualify themselves or withdraw at any stage of the study.

Anonymity, where requested and deemed right, was upheld throughout the study. This was to protect the identity of individuals who participated in the study. Privacy was assured and observed. In the write up, pseudonyms rather than the real names of informants and respondents were used to protect their identity. Confidentiality was also be observed. The researcher did not release information in a way that permits linking specific individuals to specific responses. Interest and respect in what the informants say was strictly adhered to.

3.10 Problems encountered in the field and their solution

The research was conducted between the Month of January and March 2013. During this time, the country was going through political campaign and regions in the country were balkanized along ethnic line and persuasion. There were genuine fears that the researcher could be viewed as representing political persuasions that were not popular in certain regions difficult. To address this concern, the researcher enrolled the service of a research assistant whom he trained and who accessed the regions he could not and collected data as required.

CHAPTER FOUR

4.0 Data analysis and presentation

4.1 Introduction

This chapter presents the analysis of both secondary and primary data collected both from the review of the Acts and policies within the culture sector and the conducted interviews. The research targeted 5 Acts and 4 policies for review. It also targeted all 30 cultural officers who were deployed in the counties across the country and 8 chief executive officers who headed various institutions in the culture sector. A total of 25 cultural officers representing 87% were interviewed. All the 8 chief executive officers of various institutions in the culture sector were also interviewed. The in-depth interviews and the perusal of acts and policies were meant to address the objectives of the study which was to establish the context in which these acts and policies were implemented and who the actors were as well as identify challenges facing the implementation of policies within the culture sector. Further, the perusal of the acts and policies was meant to establish whether the acts and policies were complementary, delineated or overlapping.

The study identified and studied 5 Acts of parliament and 4 policies of the various institutions within the culture sector and the context within which these Acts and Policies are implemented. The Acts and Policies studied included the National Museum and Heritage Act 2006 (Cap 216), The Public Archives Act 1965 (Cap 19), The Kenya Cultural Centre Act 1951 (Cap 218), The Kenya Copyright Act 2001 (Cap 130), National Policy on Tourism 2010, National Policy on Culture and Heritage 2008, The National Policy on Music 2010, National Policy on

Traditional knowledge , Genetic Resources and Traditional Cultural Expression 2009 and The Bomas of Kenya Limited Company Articles of Memorandum .

4.2 The Sector Actors

The study identified actors in the sector as including the National Museums of Kenya, Kenya National Archives and Documentation Services, Kenya Cultural Centre, Kenya Copyright Board, Department of Tourism, the Department of Culture, Permanent Presidential Music Commission and Bomas of Kenya. Other actors in the sector include groups and organizations involved in culture, municipal councils, organised community groups and individuals as well as communities in general.

4.3 Acts and Policies and their Implementation Context

4.3.1 The National Museums and Heritage Act

The National Museums of Kenya which is a major actor in the culture sector is established by the National Museums and Heritage Act 2006 Chapter 216 .Chapter 216 consolidates the laws relating to National Museums and Heritage to provide for the establishment, control, management and development of National Museums and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya.

Under the Act, the functions of the National Museums includes:-

- a) Serving as national repository for things of scientific, cultural, technological and human interest;

- b) Serving as places where research and dissemination of knowledge in all fields of scientific, cultural, technological and human interests are undertaken;
- c) Identifying, protecting, conserving and transmitting the cultural and natural heritage of Kenya; and
- d) Promoting cultural resource in the context of social and economic development.

To achieve this, the act establishes the board of governors of the National Museums of Kenya. It also establishes the position of the Director General of the Museums of Kenya whose occupant is responsible for the day to day management of the National Museums of Kenya.

4.3.2 The Public Archives Act Cap 19 of 1965

The Department of Kenya National Archives and Documentation Service (KNAIDS) which is an equally important actor in the culture sector is established by the Public Archives Act Cap 19 of 1965 and has under the act the mandate to among other things; take all practical steps for proper housing, control and preservation of all public archives and records as well as accepting and preserving private documents of national interest.

As a department, the Kenya National Archives and Documentation Services' roles are; to advice the public officers on good record management practices and related policy matters; to collect and preserve important public records and archives and to provide access to the records and archives, encouraging and promoting their use to the public offices and members of public in general.

To achieve the above, the Public Archives Act establishes the National Archives Advisory Council to give directions on the operations of the KNADS. The Act also establishes a Public Department in the name of Kenya National Archives and Documentation Services Department as a public department headed by a Director and with other staff as may be necessary for the purpose of implementing the Act.

4.3.3 The Copyright Act cap 130 of 2001

As a body that domiciles the Copyright Act cap 130 of 2001, the Kenya Copyright Board is an important actor in the culture sector. The Kenya Copyright Board is established by the copyright Act as a body corporate with a mandate to; direct, co-ordinate and oversee the implementation of laws , international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by the Act; license and supervise the activities of collective management societies as provided by the Act; devise promotion, introduction and training programs on copyright and related rights; organise legislation on copyright and related rights and proposing other arrangements that ensure its constant improvement and continued effectiveness.

Other roles under the mandate include; enlightening and informing the public on matters relating to copy right and related rights; maintaining an effective data bank on authors and their works; administrating on all matters of copy right and related rights in Kenya as provided under the Act.

To realise the objective of the Copyright Act, the Act establishes the position of Director General as the Chief Executive officer of the board. The Chief Executive officer is responsible for efficient day to day management of the affairs of the Board.

4.3.4 Kenya Cultural Centre Act Cap 218 of 1951

The Kenya Cultural Centre which is also an important institution and actor in the culture sector is established by the Kenya Cultural Centre Act, Cap 218 of 1951. Under the Act, the Kenya Cultural Centre consists of such societies, institutions and organizations of cultural, academic or philanthropic nature who may be appointed as constituent members of the Kenya cultural centre.

As a body corporate, the Kenya Cultural Centre has perpetual succession and common seal and may sue or be sued in its corporate name. The Act empowers the Kenya Cultural Centre to acquire and hold mortgage, charge, and lease or rent movable and immovable property and to sell, dispose of or otherwise deal with movable or immovable property. Under the Act, the objectives of the centre are listed as; the provision of a centre for use and enjoyment of the citizens of Kenya without distinction of race and creed; provision of space for performance of music, drama and dancing; provision of space for the exhibition of works of art and craft and provision of space for holding of meetings for discussion of matters of literary, historical, scientific or educational interest or importance and to provide for such purpose generally as may be approved by the council.

The interpretation of the legal mandate of the cultural centre by its strategic plan 2012-2015 places the centre at the level on a national public institution for the development and promotion of the country's culture in its diversity and as a focal centre for the implementation of national and international commitments in regard to culture. To achieve the above, the centre has responsibility to initiate, facilitate and support programs that showcase, affirm and engage different aspects of nations' culture by among other things; conceptualising and designing engagements in the nation on the constitutional imperatives of culture; conceptualising and

designing institutional policy for interfacing culture with other national priorities; reviewing national development plans and identifying strategies for engaging, supporting and facilitating cultural workers in every sector; establishing linkage with national planning agencies such as Vision 2030 secretariat and the culture sector planning committee.

4.4. Reviewed policies

The study reviewed the following policies; the National Policy on Traditional Knowledge, Genetic Resources, Traditional Cultural Expression; National Policy on Tourism; National Music Policy; National Policy on Culture and Heritage and Companies Act Cap 486 (Bomas of Kenya limited Company)

4.4.1 National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression 2009

The National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expression is administered by two agencies namely the National Council for Science and Technology and the Kenya Copyright Board. While Copyright Board handles the aspects of the policy related with traditional knowledge and the traditional cultural expressions, the National Council for Science and Technology is in charge of aspects on genetic resources.

The policy defines Traditional knowledge as a body of knowledge vital to day to day life of local communities that is derived through generation of living in close contact with nature. Traditional Cultural expressions on the other hand are defined as complex array of tangible and intangible heritage which include architecture, musical performance equipments, verbal expressions, narratives, musical expressions, plays, ceremonies and rituals among other things (NPTK 2009)

The policy on Traditional Knowledge and Traditional cultural expressions provide a national framework for recognition, preservation, protection and promotion of sustainable use of Knowledge and Traditional Cultural expressions. The Policy also aims at facilitating the mainstreaming of Traditional Knowledge and traditional cultural expressions into national planning and decision making processes at all levels (NPTK 2009)

Other objectives of the policy include; promoting the preservation, protection and development of traditional knowledge, genetic resources and traditional cultural expressions for multiple application and use; promotion and fostering of documentation, use and dissemination of traditional knowledge, genetic resources and traditional cultural expressions and establishment of mechanisms to acknowledge, protect and benefit the sources and custodians; promoting the protection of traditional knowledge associated with conservation and sustainable use of biological diversity and equitable sharing of the accrued benefits ; and enhancing of collaboration and partnership in the generation, access to and utilization of traditional knowledge and traditional cultural expression.

4.4.2 National Policy on Tourism

The Ministry of Tourism is another major actor in the culture sector. According to the national policy on tourism, Kenya has great potential to grow its tourism industry to double its contribution to the Gross Domestic Product (GDP) from foreign exchange earnings by the year 2012. The policy notes that in the financial year 2007/2008, the sector contributed 10% of the GDP besides employing 9 % of the total workforce in the country both in formal and informal tourism sector and that this could be doubled by the year 2012 (NTP 2010)

To achieve the double growth however, the policy proposes to widen the focus of the tourism from the traditional tourism products such as wildlife, safari and beach tourism to include other niche products such as cultural, sports, conference, exhibitions and ecological tourism which are not only a major source of attraction but are also environmentally sustainable.(NTP2010)

The policy seeks to realise the following objectives which include ; providing a framework for integration of tourism sector consideration into various sector polices, national development plans and decision making processes; strengthening the sector's legal and institutional framework for effective coordination and management of tourism sector; ensuring adoption of sustainable tourism that enhances economic development, environmental sustainability and social justice; promoting and supporting the provision of incentives and other economic instruments to enhance investments in the sector and promoting and enhancing collaboration with other sector actors.

To achieve these objectives and to widen focus from traditional tourism and include other niche products as focus of tourism, the Ministry of Tourism has developed several strategic plans which includes, sports, Conference tourism, Agro- Tourism, Eco-Tourism and Culture and heritage Strategic plans. The cultural tourism strategic plan supports activities in Cultural tourism which the plan refers to as visitations by tourists for satisfaction of desire for diverse range of experiences to one or more cultural attractions which includes ;festivals or fairs (music, dance, comedy, visual arts, multi-arts and heritage);performing arts or concerts (theatre, opera, ballet and classical and contemporary music);Museum or art galleries; historic or heritage buildings, sites, monuments; art and craft workshops or studio; and traditional sites and cultural displays

The plan refers to Heritage Tourism on the other hand as visitation by tourists for satisfaction or expedition to, physical, cultural evidences, peculiar and significant to a community and which represents important demonstrations of its culture including; built heritage (residential, commercial, educational); structures; fences, stone walls and gates dikes, paths and roads, architectural elements, trees, gardens, orchards, archaeological sites, street features, fountains etc.

To accomplish the above, the Tourism policy envisages a close working relationship with the Ministry in charge of National Heritage and Culture, other line ministries, Bi-lateral and Multi-lateral Agencies, Communities and other stake-holders in the sector.

The policy also proposes to incorporate tourism consideration in all sectors of economy .More specifically; the policy envisages that the ministry of tourism would provide leadership in ensuring that all sector policies, plans and development processes mainstream tourism consideration.

The policy commits to among other things; establish an inter-ministerial committee on tourism to provide a platform for identifying and integrating tourism consideration into relevant sector and cross-sector policies, development plans and budgetary processes, enhance coordination among Ministries and other agencies, strengthen mechanism for coordinating and harmonising the development and implementation of the Integrated Tourism sector plans; strengthen and facilitate the Ministry of Tourism engagement with actors in the tourism sector.

4.4.3 National Music Policy

The Permanent Presidential Music Commission is a major Actor in the implementation of the National Music Policy .The objectives of the National Music Policy are spelt out as; facilitating the creation of a legislative framework that promotes the growth and development of music; articulating the rights and obligations of the players in the music industry; spearheading the preservation and development of indigenous and other music styles; supporting the process of music education and trainings at all levels; facilitating the harnessing of creative and economic potential within the music industry and promoting effective music management and use for national development.

To achieve the above, the policy proposes the establishment of the National Music Board as a body responsible for music industry development and coordination. The board has responsibility to among other things; implement the national music policy; provide policy advice to the government; identify, nurture and promote music talent in the country; support bodies that initiate research on music heritage of Kenya; encourage and coordinate the study of Kenyan music as a way of promoting the development of Kenya's cultural heritage and spearheading the promotion of Kenyan music locally and internationally.

As part of the implementation strategies for the National Policy on Music, the policy proposes to realign the education sector policies to be in line with the music policy with a view to; provide for learning of music at all level of education; diversify the learning and training of music at tertiary level; review curriculum to include the learning of music from tender age to tertiary level; open talent schools and centres of excellence where the talented youth can access training on music; and support art education and performances at county and community level;

Further, the policy makes commitments to; facilitate music education and training at all levels of learning; create a plan for music education through practical oriented music curriculum, develop relevant learning materials for music and monitoring and evaluation of the learning process at all levels of education; create standards to guide educators, including guide in evaluating music and performance, reading music and notations, singing and playing instrumentals, composition and arrangement of music; and facilitate research and documentation in the area of music.

4.4.4 National Policy on Culture and Heritage

The department of culture is the main actor in the implementation of the National Policy on Culture and Heritage. The objectives of the policy include; ensuring the fullest possible expression of the culture and heritage of the people of Kenya in all its facets, accessing of all cultures to means of expression and dissemination; accessing all cultures and art, to scientific and technological knowledge including digital forms and placing culture and heritage at the centre stage of development through their integration in policies and development plans.

To achieve this, the policy encourages the participation of Kenyans in the development and promotion of culture while enhancing cultural exchange with other countries. The policy also defines major components of Kenya's culture and heritage, identifies major institutions and their roles in culture and heritage development as well as maps out operation strategies, resources, approaches and administrative practices necessary for cultural renaissance and sustainable development.

The policy defines major components of Culture and Heritage as constituting important context within which the department operates and offers guidance on the implementation. The major components within which the policy is implemented include; culture, heritage and national

cohesion; culture, heritage and sustainable development; culture, heritage and economy; culture and environment; culture, heritage and democracy; culture and international cooperation; culture, information and transfer of technology.

Other components defined by the policy as important contexts within which the National Policy on Culture and Heritage operates includes areas of; tangible cultural heritage (craft, dress, design, visual art, health and medicine, food and drinks, historical sites, monuments, physical environment); intangible cultural heritage (performing arts, games and recreation, languages, literature); cultural industry (publishing, industry, cinema, audio-visual industry, multi-media industry, recorded music industry); culture and the family; protection of community rights; culture, heroes and heroines; media (print and electronic media);culture and education and cultural tourism.

To achieve the above, the policy states that the ministry in charge of culture and heritage has the overall responsibility on policy implementation as well as other cultural activities in the country. Further, the policy proposes establishment of National Council of Culture and Heritage as an advisory body to the ministry. The National Council on Culture also has the overall advisory role on all aspects of culture and cultural activities in the country. Beside these, the policy also proposes the establishment of a national endowment fund to ensure sufficient financial support for cultural activities in the country.

The policy commits to ensure appropriate legislations that integrate key actors dealing with culture sector for successful implementation of the policy. In particular, the policy identifies several ministries as important actors for the purpose of its implementation in an integrated approach through use of a common action plan. These include ministries of Education, Youth

Affair, Planning and Development, Finance, Culture and Heritage, Foreign Affairs, Information and Broadcasting, Local Government, Tourism Trade and Industry, Environment and Agriculture.

4.4.5 Companies Act Cap 486 (Bomas of Kenya Limited Company)

Bomas of Kenya which is a semi -autonomous government agent under the ministry of tourism and which is also incorporated under the companies Act as a limited liability company referred to as the Bomas of Kenya Limited is also an important actor in the culture sector. The corporate mandate/objectives of the Bomas of Kenya are listed as: promotion of cultural tourism products development which are built on strength and identified opportunities which are appropriate for target market; harnessing and promoting Kenya's cultural heritage so as to enhance national integration and pride; strengthening Bomas of Kenya as an artistic and culturally rich destination through identification and promotion of culturally rich tourism products;

Other corporate mandate of Bomas of Kenya includes facilitating development opportunities and linkages that integrate artistic, cultural and tourism sector through communication and networking; building of adequate capacity so as to enhance provision of quality and efficient services that promote the image of the organization; mobilizing and promoting of rational utilization of resources for effective implementation of Bomas of Kenya's programs and activities.

To achieve these, the Bomas of Kenya positions itself as a leading custodian of national culture and promoter of cultural tourism through preservation, maintenance and promotion of Kenya's natural diverse cultures for development and promotion of cultural tourism. It also sets out a strategic plan through which it seeks to achieve its objectives and realize its mandate.

4.5 Overlaps in Acts and Policies, duplications, delineations and sector policy complementarities.

Even though each Act and Policy ought to delineate or clearly spell out what it aims to achieve within the sector, a thorough perusal of Acts and Policies in the sector reveal that while some institutions have clearly specified roles, there are also overlaps between most of the institutions and actors. The perusal of the acts and policies also revealed that while some Acts and Policies in the sector address areas or objectives not addressed by the other Acts and Policies and are therefore complementing in the overall understanding and policy implementation in the sector, there are other Acts and Policies that are overlapping and duplicating and therefore contribute to the challenges facing the implementation of policies in the sector.

4.5.1 Acts and policies overlaps

The overlaps in the Acts and policies within the sector can be demonstrated in the following ways. From the review of the Acts and Policies, it becomes clear that;

The role of the National museums of Kenya as “a national repository of things scientific, cultural, technological and of human interest” overlaps with the National Archive’s role of “taking all practical steps for proper housing, control and preservation of all public archives and records”. Things scientific, cultural, technological and of human interest also forms part of the National Archives and records. The role of the two institutions as national repository of things scientific, cultural, technological and human interest and proper housing control and preservation of public archives and records overlap with each other.

The research role of the National Museum of Kenya where Museum is seen as “a place where research and dissemination of knowledge in all fields of scientific, cultural, technological and of

human interest”, is in overlap with Permanent presidential Music Commission and the Department of Culture both of which also undertakes “ to facilitate research and documentation in area of music”

The Department of Culture through the National Policy on Culture and Heritage is mandated to access all cultures to means of expression and dissemination in order to make them known to Kenyans and the community of nations. This role overlaps with the National Museums of Kenya’s role of identifying, protecting and transmitting the Cultural and Natural Heritage of Kenya to the people.

The role of the National Museums of Kenya in promoting cultural resources in the context of social and economic development also overlaps with that of the National Policy on Traditional Knowledge, Genetic resources and Traditional Cultural Expressions which seeks to promote, protect, document, use and disseminate traditional Knowledge, Genetic Resources and Traditional Cultural Expressions while acknowledging and benefiting the source and custodian through sharing of accrued benefits. The same role overlaps with the objectives of National Policy on Tourism whose overall aim is improved contribution to GDP and development through widening the focus on tourism from Wildlife Safari and Beach Tourism to include other niche products such as cultural, sports, ecological and conference tourism. The same overlap is found in the National Policy on Culture and Heritage and the National Music Policy. The National policy on Culture and Heritage places Culture and Heritage at the centre of development by seeking to integrate culture and heritage into other policies and development plans while the National Policy on Music makes commitment to facilitate the harnessing of creative and economic potential within the music industry for economic development.

While the Cultural Centre Act provides for space for performance of Music, drama and dance, the National Policy on Tourism through its strategic plan on cultural tourism provides for visitation by tourists to festivals where Music, Dance and comedies are conducted. Both the Act and the Policy also provides for exhibition of works of Art and Craft.

Both the National Policy on Culture and Heritage and the National Music Policy have overlapping roles on the development of performing arts. According to the National Policy on Culture and Heritage, performing arts refers to Music, drama, dance and recitals (Narratives, history and poetry) .The policy also makes commitment to create and support an enabling environment in which performing arts will thrive. The policy makes commitment to promote the development of performing arts through the Kenya Music and Cultural Festival, as well as promote and encourage research in all aspects of performing arts. The National Music Policy also makes commitment to develop a vibrant and productive music sector by facilitating capacity building of various organizations within the centre. Other commitments by the National Policy on Music include facilitating of Music education and training, developing of curriculum and relevant learning materials as well as facilitating research in areas of music. The areas of performing arts and music, education and training basically overlap with those of the National Policy on Culture and Heritage.

The mandate of the National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions largely overlap with the intangible and tangible sections of the National Policy on Culture and Heritage. Both policies are in agreement on the definition and content of traditional knowledge, genetic resources and traditional cultural expressions. Both policies also make commitments that are common due to the overlaps. These commitments include;

1. Commitment to enhance support, promote the cultural heritage by encouraging preservation, protection, development and dissemination of traditional knowledge and tangible culture;
2. Commitment to promote legal and institutional framework to support the integration of various aspects of traditional knowledge, genetic resources and traditional cultural expressions in national development planning processes

4.5.2. Delineated roles of Acts and policies

The Acts and policies implementation context reveal that the mandate of the National Archives and Documentation Services in accepting, preserving public records and archives as well as providing access to the records and archives through encouraging and promoting their use to the public offices and the public in general is a role that is specific of the Department of the National Archives and Documentation Services. Through this role, the National Archives and Documentation services department complements the other actors in the culture sector through preservation and access of public records and archives.

The Copyright Board's role in enforcing Copyright Act is also clearly delineated. The Copyright Act clearly delineates its roles, functions and actors therein. It therefore complements the policy on Music, National Policy on Culture and Heritage and the National Policy on Traditional Knowledge, Genetic Resources and Traditional cultural expressions by spelling out the rights and remedies of various players such as authors of music, owners of genetic resources and other rights under copyright and other intellectual property rights.

The Kenya Cultural Centre also has properly delineated roles and therefore plays a complementary role in the culture sector. Although the activities of the cultural centre overlaps

with those of other players in the sector, due to the centre's involvement in activities such as performing and visual arts which are not covered by the Centre's Act, the Cultural Centre Act clearly spells out the mandate of the centre as one of provision of space for;

- Enjoyment of the citizen of Kenya without distinction of race and creed;
- Performance of Music, Drama and dance
- Exhibition of works of arts and craft
- Holding meetings for discussion of matters of literary, historical, scientific or educational interest or importance

By provision of space for activities for other actors in the sector such as performing arts, visual arts, exhibitionists etc. the cultural centre compliments the role of other actors in the sector such as music performers, producers, authors of literary works, historians etc.

Bomas of Kenya as a limited company plays a complementary role within the sector by providing space for promotion of tourism products and as a culturally rich destination for cultural tourism products. Further, its role compliments the other sector players by being a centre that facilitates development opportunities and linkages that integrate artistic, cultural and tourism through networking with the various sector players;

The National Policy on Tourism also has several delineated roles that complement the policies of other actors and roles in the sector. These include; the provision of policy framework for integration of tourism considerations in other sector policies and national development plans; ensuring sustainable tourism; and Promotion and support of incentives and other economic instruments to enhance investments in tourism sector;

Though these roles are specific to Ministry of tourism, their effective implementation compliments the entire culture sector through a harmonized approach and planning of tourism matters by all sector plans. The roles also support the development of sustainable tourism market that ensure the culture sector progress and development.

The mandate of facilitating the creation of legislative framework that promotes the growth and development of music, the spearheading of preservation and development of indigenous and other music styles and the promotion of effective music management and use for national development are clearly delineated roles of the Permanent Presidential Music Commission that not only complement efforts by the Kenya Copyright Board to protect copyright and other rights through development of music and identification of various right holders, but also complements the sector through harnessing and promotion of music for national development through effective management of music.

The National Policy on Culture and Heritage also has specified or delineated roles whose effective implementation leads to the overall complementarities with other actors or players within the sector. These includes actions and guidance on implementation of the National policy on Culture and Heritage under various broad areas including; culture, heritage and national cohesion; culture and environment; culture heritage and democracy; culture and international corporation; culture, information and transfer of technology.

Other delineated roles of National policy on Culture and Heritage which also lead to overall complementarities in the sector include the defined roles and guide under cultural industry, culture and family, culture and protection community rights, culture, heroes and heroines, culture and media (print and electronic) and Culture and education

Through its activities and guidance on the implementation of policy under the broad areas, the department of culture plays a complementary role in the sector.

4.5.3 Duplications in Acts and Policy

The study found that there are several areas of duplication in Acts and policies within the culture sector which have tended to cause various actors in the sector to pull in different directions. Some of the glaring duplications found by the study are discussed below;

The National Museums of Kenya as well as the National Archives and Documentation Services keep records and archives of national importance and values. Though the role is duplicated, both the players continue to justify their activities under their enabling Acts.

The National Museums of Kenya, the Department of Culture and the permanent Presidential Music Commission are all involved in research and dissemination. While the Museum has mandate under its establishing Act to conduct research and disseminate knowledge in all fields of scientific, cultural, technological and human interest. The department of Culture through the National policy on Culture and heritage also undertakes to establish capacity building programs including cultural research. It also has mandate under the policy to conduct research on music and music education. The Permanent Presidential Music Commission also has mandate to document, archive and research on music. The three sector players therefore duplicate each other on the research component

While the National Museums of Kenya is mandated by its Act to identify, protect, conserve and transmit or disseminate cultural and natural heritage, the National Policy on Culture and Heritage and the National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural

expression also gives the Department of Culture and the Copyright Board respectively mandate to fulfil the same obligation thus duplicating the efforts of the three institutions.

The National Policy on Culture and Heritage and the National Music policy also duplicate each other in the matters of performing arts. The National Policy on Culture and Heritage refers to performing arts as Music, drama, dance and recitals and make policy commitment to create an enabling environment in which performing arts will thrive. These includes improvement of legislation to enhance protection of artist, development of talents in performing arts, encouraging research in all aspects of performing arts and promotion and use as well as teaching of music and dance in all learning institutions. The National Policy on Music on the other hand makes commitments to development a vibrant and productive Music sector by facilitating capacity building of various organizations within music industry, putting up structures that combat piracy, facilitating music education and training in all levels of education. All these policy commitments are implied in the National Policy on Culture and heritage and are therefore duplicated.

The efforts of National Policy on Culture and heritage are also in duplication with the strategic plan on cultural tourism by ministry of tourism. Both the policy on tourism and the national policy on culture and heritage give mandate on the coordination and implementation of cultural tourism to their respective ministries. The strategic plans for each ministry further state what each ministry will do to promote cultural tourism. As part of promotion of cultural tourism, the National Policy on Culture and Heritage endeavours to; encourage public, private individuals and institutions to establish and maintain networks that promote cultural tourism, ensure cultural products and services are not exploited or corrupted, assist public, private, individual institutions and communities in organizing, managing and marketing cultural products, festivals and services, promote authentic cultural experiences and launch high value cultural projects and

festivals; partner with stakeholders to develop criteria to satisfy cultural homes (home stays) in each community that provides tourist with cultural experiences and to enable local communities to participate meaningfully in tourism industries.

The Ministry of Tourism on the other hand has beside the promotion of home stays, has such other programs as promotion of festivals or fairs, visitation to museums or art galleries, visitations to historic or heritage buildings, sites and monuments and other places of cultural significance which makes the policies of the two institutions duplicating.

Another duplication that can be cited is one between the role of the Kenya Cultural Centre and the Department of culture. While the implementation of the strategic plan of the Kenya Cultural Centre Act places the Cultural Centre at the level of the National institution responsible for development of the country's culture and the implementation of National and international cultural commitments. This role is in duplication with the role of the Department of Culture which in the National Policy on Culture and Heritage has a role of coordinating all cultural activities as well as developing and implementing of regional and international cultural exchanges and agreements including bilateral and multilateral agreements.

4.6 Policy implementation challenges Interview conducted with Chief Executive Officers of agencies within the culture sector and the county culture officers (cultural officers) identified the challenges facing the implementation of policies as including:

4.6.1 Policy awareness

The interview sought to ascertain whether the respondents (Cultural Officers), who are among the major implementers of the policies in the culture sector are aware of the various policies within the sector. 84% of the respondents admitted awareness of the policies in the sector. 4

respondents indicated that they were not aware of the policies. While 84% (21 respondents) indicated that they were aware of policies within the culture sector, only 14 of them were able to list some of the policies within the culture sector. It was also noted that about 58% could not enumerate the various policies by their names.

The policies awareness as indicated by the respondents is represented in table 4.1

Table 4.6.1 Sector policies mentioned

Policy	Frequency	%of respondents mentioning
National Policy on Culture and Heritage	13	35.0
The National Music Policy	7	18.9
The Copyright Act	4	10.8
National Museums and Heritage Act	4	10.8
Kenya cultural centre Act	3	8.1
National Policy on Tourism	4	10.8
National Policy on Traditional Knowledge, Genetic resources and Traditional Cultural Expressions	1	2.7
National Archives Act	1	2.7
Total	37	100

Source: Researcher's Data 2013

Out of the 8 CEOs interviewed, 7 stated that they were aware of the acts and policies in the sector. The National Policy on Culture and Heritage, Museum and Heritage Act 2006, National Tourism Policy, National Music policy, Cultural Centre Act, National Library Service Act, National Records Policy, National policy on Traditional Knowledge, genetic Resources and Traditional Cultural expression and Public Archives Act were mentioned as acts and policies within the sector. A probe for details however established that all the CEOs only knew in details of Acts and Policies of their respective institutions with scanty levels of information about the other Acts and Policies.

The interview also sought to establish how the county cultural officers got to know of the Acts and policies. In response, 57% indicated that the sources of awareness were departmental circulars and verbal mentioning of the policies during their respective departmental meetings. 48% indicated they had read the document either in hard or in soft copies which were accessible in the ministry's website. 38% of the respondents had acquired the knowledge of the policies in the course of their work including personal initiatives and pursuit for knowledge. A further 24% indicated they participated in the various policies formulation fora, while 24% were informed by colleagues at the workplace and or colleagues from sister departments.

In response by the chief executive officers to question on whether or not their staff was aware of policies within the culture sector, half of the CEOs admitted that their staff was aware of the policies. Three of the CEOs admitted that their staff was not aware of the policies within the sector. In one institution, the respondent did not know whether the staff was aware or not.

Responses from CEOs on whether they had conducted awareness creation on the policies and the Acts for the staff indicated that only 3 CEOs had carried out awareness drive. 1 CEO stated that such awareness had been created through the public service week, while 2 of the CEOs had not conducted any awareness for their staff. 1 CEO indicated that there was indirect awareness creation for their staff mostly on need basis while one institution did not respond to the question.

On policy awareness amongst the staff, 6 CEOs indicated that their staff was aware of policies. They however indicated that they were mostly aware of their institutional policies since they rarely interacted with other policies. On whether other stakeholders were aware of the Policies and Acts in the sector, the CEOs from 4 institutions who had acknowledged their staff awareness on policies indicated that the stakeholders were not aware of the policies.

On further probe on awareness, the cultural officers were asked to state what the policies within the sector are meant to achieve. Out of the 25 cultural officers interviewed, 13 indicated that it is from the policies that they drew their activities and programs and that the policies are used as working tools for management, planning and monitoring and evaluation. The 12 other respondents indicated that the policies are meant to preserve, promote and conserve culture for national development. 4 respondents indicated the aims of policy as being one of provision of operational boundaries, another 4 respondents referred to policies as standards of operation while 5 other respondents viewed policies as tools for awareness creation.

4.6.2 Participation in policy development.

On officers' participation in policy development, 76% of the respondents (cultural officers) indicated that they were not involved in policy formulation, 24% were involved at the policy formulation either through workshops or had been asked to identify stakeholders for participation in policy formulation workshops.

The respondents were also asked to indicate whether the stakeholders were involved in policy formulation. 12 respondents indicated that the stakeholders were involved through seminars and in some cases their views were sought prior to the workshop. 7 other respondents indicated that the stakeholders were not involved at all. The other 6 respondents were not sure of the stakeholders' participation in the formulation of policies.

The CEOs were also asked to indicate whether they were involved in the policy formulation and all the 8 indicated their involvement at both the level of conception of the policy idea and at the policy formulation level. The CEOs however acknowledged only being fully involved in policy formulation for their institutions and "small representation here and there when it comes to formulation or development of policies of other sector players or actors".

4.6.3 Policies relevance, consistency and clarity.

On the question as to whether policies in the sector were relevant, consistent and clear, 84% of the cultural officers who responded to the question indicated that the policies were relevant, consistent and clear since they addressed issues that are cultural in the best way possible. The

rest were not in a position to assess any of the policies since they were not aware of the policies. 3 respondents however stated that the policies needed to be simplified and whenever possible be translated into Kiswahili for ease of understanding.

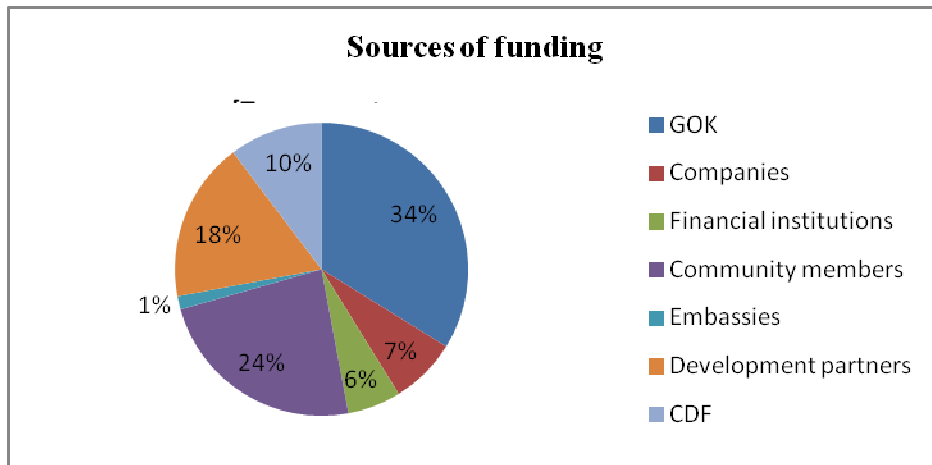
In response to the question on whether the policies clearly spells out the role of the stake holders in the implementation, 56% indicated that the policies clearly spell out the roles of all stakeholders in the implementation of the policies. Some of the stakeholders mentioned included government agencies, groups and individuals as well as communities. 44% indicated that the policies do not clearly spell out the roles of the various stakeholders in the policies formulation and their implementation.

The CEOs were also required to assess the policies in terms of relevance, consistency and clarity. While all the interviewed CEOs were not in a position to assess all the policies within the culture sector, they indicated that they had no problems with the sector policies; they however stated that their respective policies were relevant, clear and consistent. Three out of the eight interviewed CEOs stated that the policies need to be harmonised so as to realize a coordinated approach in their implementation.

4.6.4 Funding

The interview sought to establish the sources of funding for the implementation of policies within the culture sector. The responses from the cultural officers are shown in table 4.2

Chart 4.3.4.1



Source: Researcher’s Data 2013

The respondents stated that funds from the government are meant for recurrent and development expenditures. These funds are meant either for day to day running of offices and program coordination or for development purposes. The financial institutions indicated as sources of funding includes banks and other financial institutions who are often approached by officers and or communities for support of cultural activities or programs .The development partners refers to NGOs and other United bodies such as UNICEF and UNESCO who at time support the community in implementation of cultural programmes. The respondents further indicated that support from the organizations such as the ones named above are advanced when such organizations and partners have personal interest that they would want carried through organized programmes. Such support were said to be inconsistent and sporadic and therefore unreliable.

The CEOs on the other hand indicated that the government of Kenya was the main source of funding for the policies implementation and other cultural programs. According to the CEOs other sources of funding include development partners, the communities, and contributions from local artists as well as well-wishers.

On further probe on challenges associated with the sources of funding. Eighty four percent (Cultural officers) indicated that the funding in the sector especially government funding was inadequate .Fifty six per cent referred to late disbursement of funds from government as a major challenge. A further 24% traced funding problems to the bureaucratic and sectarian interests within the government which focussed less on the culture sector.

On the CEOs response on the levels of funding for the implementation of policies, all the CEOs indicated that there was inadequate funding across the sector. Bomas of Kenya however indicated that with proper planning and prioritization, the level of funding was satisfactory.

Probing further on funding, the researcher sought to find out the projected expenditure against the approved expenditure in the department of culture in the last three financial years. In the financial year 2010/2011, the projected expenditure for the department of culture was Ksh.103,544,680 while the approved expenditure was Ksh. 68,585,238 which reflected a 33.76% underfunding. In the financial year 2011/2012, the department had a projected expenditure of Ksh.145,268,500 against an approved expenditure of Ksh.86,151,758 which reflected an underfunding of about 40.69% in the year 2012/2013, the department had an approved expenditure of Ksh.82,040,958 while its projected expenditure was Ksh.176,090,146 which represent 53.41% underfunding.

4.6.5 Role in Policy implementation

On the policy implementation cultural officers were asked to state what their roles in the policy implementation were, 48% of the respondents indicated their roles as one of conservation, preservation and promotion of culture. Forty per cent stated sensitization and mobilization of communities and resources as their roles towards the implementation of the policies. Administrative duties including day to day running of offices, linking the government and the stakeholders' effort as well as offering advice to both the government and the stakeholders on matters involving policies was mentioned by 36% of the respondents as being their role. Thirty two percent of the respondents mentioned awareness creation, dissemination and interpretation of policies to the stakeholders as constituting their role towards policy implementation, while another 32% stated that advising and capacity building of stakeholders constituted their role in policy implementation. A further 32% indicated that festivals, workshops and cultural days as organized by the cultural officers go a long way in the implementation of the policies and that the organization of these programs constituted their roles.

The CEOs on their part saw their role in policy implementation as being the provision of the necessary education on policies, research on policies, documentation and dissemination of policy related information, preservation and enhancement of cultural products for tourism.

4.6.6 Policy implementation Capacity

The interview sought to find out from the respondent (cultural officers) whether or not they had the requisite capacities to implement the policies in the sector. To this, 44 % of the respondents interviewed indicated that they had the requisite capacity to implement policies in the culture sector. 48% stated that they did not have the required capacity to implement policies and that they required further induction through “tailor-made short courses, further capacity building and training through workshops and seminars” to enable them effectively implement policies. The officers also made a case for more focused training and specialization to enable them deal with specialized cultural issues. Eight percent of the respondents indicated that though they did not have required capacity to implement policies within the sector, they however had basic capacity to perform their duties as officers.

Some proposals made for the kind of trainings required included; community and resource mobilization, training on resource management, training on policy analysis and training on project management, monitoring and evaluation.

4.6.7 Policy implementation committees.

In response to the question on whether there were implementations or working committees to support implementation of policies at various levels, the cultural officers indicated that such committees existed. These committees included the District Culture Development committee, the Provincial culture development committee and various other committees in charge of specific culture areas such as language committees, visual arts committees, Performing arts committees,

herbal medicine committees etc. The officers however noted that these committees needed to be strengthened through proper training and adequate funding. One of the respondents observed that: ‘ Since policies form an integral part of institutional capacities, there is need to put into place a policy implementation secretariat from the central government, down through the department and to the local level’

4.6.8 Physical amenities and infrastructure

On the physical amenities and infrastructure, the respondents observed that there is need for equipping offices with adequate amenities such as office space, furniture, computer and other accessories as well as means of transport to ease effort in policy implementation. While 2 out of the 25 officers interviewed stated they had adequate physical amenities required to ease effort in policy implementation, the rest of the officers indicated that they did not have the necessary amenities such as furniture, computers and other accessories as well as means of transport. All officers interviewed indicated that other infrastructure such as cultural centre, galleries, exhibition spaces among others were in great shortage and this impeded policy implementation effort.

On amenities and infrastructure, the CEOs interviewed indicated that they did not have sufficient infrastructure to support policy implementation, 25% indicated the infrastructure at national level was good and nearly sufficient, they however pointed at the need for proper investment in infrastructure at the local level. The kind of infrastructure needed was suggested as; adequate offices with adequate space ;adequate office furniture, computers and other accessories; cultural centres, galleries, exhibition spaces; archives storage facilities; transport ;infrastructure and or mechanisms to track piracy and communication facilities such as telephone, fax etc.

4.6.9 Linkages with stakeholders

On the question on linkages with stakeholders, 92% of the cultural officers indicated that Despite existence of various stakeholder committees that coordinate and disseminate the objectives and the implementation of the policy at the grassroots/community level, such committees did not have adequate human and financial resources to ensure proper linkage and coordination of programmes and activities at their level. To improve on the management of such committees, there is need to establish proper communication channels between the committees and the department. There was also need for the committees to benchmark with other organizations or with other countries where such committees were in use or operated.

The CEOs of three institutions indicated that they had a structured way of dealing with the stakeholders. The National Museums of Kenya for example has structured forms that are filled by those interested in research. There are also laid down procedures that govern collections as per the National Museums and Heritage Act. The Permanent Presidential Commission on the hand dealt with individuals and organized groups through written agreements for purposes of music recording while the Ministry of Tourism indicated that they had various tourism development committees that took care of various interests such as tour, hoteliers, travel etc. other CEOs stated that they did not have any structured linkages with stakeholders

4.6.10 Human Resource

All the officers interviewed indicated that their workload far much surpasses their human resource capacity. They described their situations as ‘hectic, tedious, overwhelming and one of chronic understaffing’ .While officers at former provincial level (provincial Directors of culture) had some support staff under them, nearly all of the officers serving in various counties

indicated they operated without support staff and that in nearly all cases, they were the only staff in the entire county.

Table 4.6.10 represents a summary of the human resource level and the administrative coverage

Table 4.6.10

Province	Number of officers	Districts Covered
Nairobi	1	8
Central	4	34
North Eastern	1	22
Eastern	5	56
Rift Valley	8	88
Nyanza	6	42
Western	3	40
Coast	3	26
Totals	30	316

Source: Researcher

On the Responses from the CEO on human resource deployment versus the workload shows that only 1 out of the 8 CEOs interviewed admitted to having adequate human resource level necessary for the support of policy implementation. The same CEO however indicated he/she would require more human resource to fully function in the devolved government structure. The other 7 CEOs indicated that their staff was overworked hence hampering efforts to effectively implement the policies.

4.6.11 Policy implementation time frame

On the issue of policy implementation time-frame, only 15 of the respondents (cultural officers) responded to the question .4 out of the 15 that responded to the question on time-frame, stated that the time-frame allocated for the implementation of the policies was inadequate. The other 9

respondents indicated that time-frame was limited by other factors such as inadequate human resource, inadequate and late disbursement of funds as well as inadequate physical amenities and infrastructure. The other 2 indicated that the policies were open ended and did not require any time frame and that performance contracting ensured delivery of service in time and thus the implementation of policies.

4.6.12 Administrative challenges

In response to the question on the Challenges the CEOs faced in the implementation of policies in the sector, all the 8 CEOs were in agreement on some of the challenges they faced. These challenges included; unclear boundaries and roles for implementers and stakeholders thus leading to duplication of roles or lack of common ground which often leads to pulling in different directions.

Inadequate human resource deployment, low financial allocation and inadequate support infrastructure to implement the policies which results to poor service delivery, lack of cordial working relationship between the various sector players leading to suspicion between players and defence of their own constituencies as well as viewing of other players as interfering or invading their space were seen as challenges

The other challenges included the uneasy and suspicious working relationship between policy implementers and the other stakeholders (i.e. Artists and other players in the field). The artists particularly think that the policy implementing agencies are pursuing their own agenda and do not have their interests at heart which led to lack of policy implementation support.

Poor coordination between the various institutions implementing the policies was also seen as a challenge. This challenge arose as a result of each agency or institution implementing its own policies without consideration on what the other agencies or actors within the sector were doing.

The other challenges facing the implementation policies in the culture sector as identified by the CEOs include; inadequate awareness on policies , poor mobilization strategies as well as inadequate information, education and communication materials (IECs) for sensitization on the sector ;

General lack of readership amongst the population contributing to ignorance on the policy documents; high taxation of items and instruments used for various cultural activities (guitar, piano, violin); proliferation of briefcase associations, NGOs and individual actors pursuing selfish interests thus leading to lack of unified approach among the sector players and lengthy legislation processes which often lead to policy commitments and proposals being overtaken by events as a result of new emerging issues or concerns.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS & RECOMMENDATIONS

5.1 Introduction

This chapter provides a summary of the study and conclusions. The researcher then presents recommendations both for the research as well as for the policy and practice.

5.2 Summary

In summary, both secondary data (analysis of Acts and Policy documents) and primary data (in-depth interview) were used to generate information regarding the challenges facing implementation of policies within the culture sector. The study used the policy analysis framework. The policy analysis framework seeks to understand the context or situation within which policies are formulated, the process or the environment of policy development and implementation, the actors involved at various levels of policy development and implementation, the content or what the policy aims at achieving and their interrelationship and influence on each other in policy implementation success and or failure. The aim of the study was to establish the challenges facing implementation of policies within the culture sector. The discussions and presentations were guided by the general objective of the study which was to explore the challenges facing the implementation of the policies in the culture sector.

The objective of the study was further guided by the following specific objectives:

- 3 To identify the context within which the policies in the culture sector are implemented and who the actors are.
- 4 To identify challenges facing the implementation of the policies in the culture sector

5.3 Context and actors in the implementation of the policies within the culture sector

Under objective one, the research established that actors (government agencies) within the sector includes; The National Museums of Kenya, Kenya National archives and Documentation Services, Kenya Cultural Centre, Kenya Copyright Board, Department of Tourism, Department of culture, Permanent Presidential Music commission and the Bomas of Kenya. Other actors include groups and organizations involved in culture, Municipal Councils, organized community groups and individuals as well as the communities in general.

The context within which policies within the culture sector are implemented is one in which institutions and actors within the sector operate within their respective legal and institutional framework. Each institution operates independently of each other and in furtherance of its own mandate even though their tasks and responsibilities are generally similar.

5.4 Challenges facing the implementation of the policies within the culture sector

Under objective two, the research established that there are various challenges facing the implementation of Acts and policies within the culture sector. These challenges will be discussed under two levels. The first level will address the overlaps and duplications in the Acts and policies and the challenges they cause in the implementation of Acts and Policies in the sector. The second level will look at the other challenges facing the implementation of the policies in the culture sector.

5.4.1 Overlaps in Acts and policies

The study identified areas of overlaps in the Acts and Policies in the culture sector, these include; The role of the National Museums of Kenya as “a national repository of things scientific, cultural, technological and of human interest” overlaps with the National Archives and

Documentation service's role of " taking all practical steps for proper housing, control and preservation of all public archives and records".

The research mandate of the National Museums of Kenya also overlaps with the role of the Department of Culture and Permanent presidential Music Commission, both of who also undertake "to facilitate research and documentation in the area of culture and music."

The role of dissemination of information on culture is one that overlaps between National Museums of Kenya and the Department of Culture.

The role of promoting cultural resources in the context of social and economic development by the National Museums of Kenya also overlaps with that of the Copyright Board of Kenya which domiciles the National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, Ministry of Tourism, Department of Culture and Permanent Presidential Music Commission all of who have a role of promoting cultural resources in the context of social and economic development.

The Cultural Centre's role of Provision of space for arts and culture is shared with the Ministry of Tourism whose policy also mandates it to provide space for Music ,dance and drama as part of cultural Tourism.

The National Policy on Culture and Heritage overlaps with and the National Music Policy in the entire area of development of performing arts with the policies of the two institutions mandating them to develop performing arts.

The mandate of the National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions largely overlaps with the intangible and tangible sections of the National Policy on Culture and Heritage.

5.4.2 The areas of duplication in Acts and policies within the sector

Both the National Museums of Kenya, the National Archives and documentation services duplicate each other in the role of keeping records and archives of national importance and values.

The mandate of The National Museums of Kenya, the Department of Culture and the Permanent Presidential Music Commission also duplicate in respect to their research role with each institution claiming role in research.

The mandate of the National Museums of Kenya to identify, protect, conserve and transmit or disseminate cultural and natural heritage, duplicates with that of the Department of Culture and the Copyright Board. In its mandate as the board that domiciles the National Policy on Traditional knowledge, Genetic Resources and Traditional Cultural Expression, the board has a role to identify, protect, conserve, transmit and disseminate cultural and natural heritage. Likewise, under the National policy on Culture and Heritage, the Department of Culture has a role in identifying, protecting, conserving and transmitting cultural and natural heritage. The three institutions therefore duplicate each other in this respect.

The National Policy on Culture and Heritage duplicates with National Music policy on the entire area of development of Music performing arts.

The efforts of National Policy on Culture and Heritage on the coordination and implementation of cultural tourism are in duplication with the efforts by Ministry of Tourism as spelt out in the strategic plan on Cultural Tourism.

The Kenya Cultural centre Act and the National Policy on Culture and Heritage duplicates each other on the role of developing the country's culture and the implementation of National and international cultural commitments with each institution claiming the mandate to implement the national and international cultural commitments.

The overlaps results to similar mandates and responsibilities being placed in more than one institution or similar assignments being undertaken by more than one actor. This has led to not only serious duplication of efforts but also unnecessary competition among institutions and generally to ineffective policy implementation process within the sector.

The Acts and Policies within the sector also duplicate each other in many respects leading to tuff wars with institutions competing to implement similar programs and activities and thus pulling policy implementation efforts in different directions.

5.5 Other challenges facing the implementation of Acts and Policies in the culture sector;

5.5.1 Limited Policy awareness.

Lack of awareness on the Acts and Policies in the sector is one of the major challenges facing the implementation of the policies in the sector. 58% of the cultural officers interviewed indicated could not enumerate policies within the sector. The awareness levels on Acts and Polices within the sector by both the cultural officers and the CEOs were generally low with various actors and the CEOs mainly focusing on their institutional Acts and Policies. The sector stakeholder's awareness levels on Acts and Policies were equally low. This situation is compounded by lack of

formal systems to create awareness of Policies and Acts within the agencies and among the stakeholders.

5.5.2 Inadequate participation in policy development.

The other challenge facing policy implementation in the culture sector is inadequate participation by stakeholders in policy development. Beside the involvement of the CEOs in policy development, the other policy implementers such as the cultural officers as well as other stakeholders had little or no involvement in Policy formulation and development. The policies are seen as being formulated or developed at the top and cascaded to the bottom for implementation. Lack of involvement in formulation and development led to low levels of policy ownership, apathy and thus low levels of implementation.

5.5.3 Lack of clarity of roles in policy implementation process.

Lack of clarity of roles for various players and stakeholders in policy implementation also constitute a challenge. In as much as players within the various government agencies stated what their role in the policy implementation were, these roles were on overall not clear and were different according to different respondents. The sector Acts and Policies do not also clearly spell out the role of stakeholders in implementation.

The roles of the various players in policy implementation were seen to be unclear. Responses drawn from county cultural officers (cultural officers) indicated that some saw their roles in policy implementation as being related to conservation, preservation and promotion of culture. Others stated that sensitization and mobilization of communities and resources was their role in policy implementation. Others still saw their roles as day to day running of offices, linking the government and stakeholder's effort and advising both the government and stakeholders on matters of policy. Awareness creation, dissemination and interpretation of policies to

stakeholders, building stakeholders capacity and organization of festivals was also seen as a role played by cultural officers in policy implementation.

The role of the CEOs in policy implementation was indicated as being the provision of necessary education on policy, research on policies, documentation and dissemination of policy related information and the preservation and enhancement of cultural products for tourism promotion.

The role of various actors and stakeholders in the policies is not spelt out. On overall, the role of various stakeholders in policy implementation remains unclear given the various responses from the actors in the sector

5.5.4 Inadequate funding

The sector also suffers from funding challenges. While the Government budget remains the main source of funding for the sector, there are several challenges associated with government funding of the sector source .These include; inadequate funding, late disbursement of funds from the treasury and bureaucratic red tapes and preferences of other sectors in comparison to the Culture sector. The funding from other sources such as banks, NGOs and other bodies such as United Nations are not only low in their funding, but also based on vested interest. Beside, these funding are sporadic and generally unreliable.

On average, the department of culture suffered and underfunding of 42.62% between 2010 and 2013.

5.5.5 Inadequate capacity development

Inadequate development of requisite capacity for policy implementation constitutes a challenge for policy implementation. With more than half of the respondents admitting that they did not have the capacity to implement policies and that their knowledge of Acts and Policies within the sector was limited, there is need for requisite skill and capacity development in the sector to

enable effective policy implementation. In the mean time, inadequate capacity for policy implementation continues to be a challenge in the sector.

Some of the capacities required for effective policy implementation include community and resource mobilization, capacity development in policy analysis, capacity development in resource mobilization and capacity development on project management, monitoring and evaluation.

5.5.6 Weak policy implementation committees

Even though there are various working committees particularly under the department of culture (District culture development committees, provincial culture committees, performing arts committees, visual arts committees, languages committee etc) which are meant to create linkage in the implementation of policies and coordination of other cultural activities between the department and the communities, such committees have continued to work without proper training and proper support to enable them to operate effectively which affects their effectiveness in policy implementation. To make these committees effective, there is need to build their capacity through training and benchmarking with other organization or countries where such committees have been used to enhance policy implementation and coordination of cultural activities at community level.

5.5.7 Inadequate amenities and infrastructure

Inadequate amenities and infrastructure are also a major challenge towards overall policy implementation in the sector. The sector continues to suffer from chronic shortage of office space as well as other necessary facilities such as furniture, computers, other accessories as well as means of transport.

The challenge of infrastructure is more acute for agencies such as Copyright Board whose operations are centralized in Nairobi and without any support infrastructure outside Nairobi. Permanent Presidential Music Commission has office space only in Nairobi and Nakuru, the Kenya National Archives and Documentation Services which has regional archives and records centre in Nairobi, Kakamega, Kisumu, Mombasa and Nakuru that take care of archives and records from the entire country. Department of culture has 30 officers out of the required 47 in the counties while the Kenya Cultural Centre operates only in Nairobi. Beside the office space, the sector lacks crucial support infrastructure such as cultural centres, galleries exhibition spaces and adequate archives storage facilities.

This is coupled with inadequate human resource deployment in the culture sector. Officers in the sector (particularly cultural officers) operate without facilities such as computers and their accessories, means of communication and means of transport which affect the overall performance towards implementation of policies. While some officers have been able to establish regional offices to serve far ranged places, many other officers coordinate far stations without the benefit of basic facilities such as office.

5.5.8 Inadequate linkages with stakeholders

On the linkages between policy implementing agencies (particularly the department of culture) and the stakeholders in policy implementation, it was established that although the department uses committees at the community level to coordinate and disseminate the objectives of the department and to implement policy, there are inadequate human and financial resources to ensure proper linkages and coordination of programs and activities at the community level.

5.5.9 Inadequate human resource

The sector generally suffers from serious under-deployment of staff leading to serious challenge in policy implementation. Of all the CEOs interviewed, only 1 CEO acknowledge to having adequate staff. The rest of the CEO made a case for more staff, particularly the technical staff if their respective policies and sector policies in general were to be implemented. A more focus on staff deployment shows that The Permanent Presidential Music Commission is the most affected in terms of staffing with the entire population (technical staff) being only six. Beside the 5 officers in Nairobi, the commission has only one other officer in Nakuru. The Department of Culture is also seriously affected by low staffing levels with a total of 30 county officers (cultural officers) taking care of 47 counties with a total distribution of 316 Districts. This has led to a situation where on average; one county culture officer is responsible for about 10 former districts without support staff in many of the districts and thus making it nearly impossible to make any meaningful impact in policy implementation. In all cases, the workload surpasses the ability of the officers to effectively and efficiently undertake.

Inadequate human resource has been partly attributed to the poor scheme of service for the workers in the sector particularly officers in the Department of Culture. The poor scheme of service in the sector has led to a high turnover of officers due to un-attractive career progression.

5.5.10 inadequate time frame for policy implementation

The time within which policies within the sector are supposed to be implemented is also a challenge due to its inadequacy. Beside the challenge of time the situation is compounded by other related challenges such as inadequate human resource, inadequate and late disbursement of funds as well as limitation of support infrastructure in policy implementation. There is also the

challenge of lack of clear work plans with clear time frame within which the policies are to be implemented.

5.5.11 Unease relations and uncoordinated sector approach

Other challenges in policy implementation in the sector include lack of cordial working relationship between the various sector players. Between the various sector agencies, there exists unnecessary competition and conflict of interest, which result in lack of focused and integrated effort in policy implementation. There is also lack of coordination between various institutions implementing policies leading to actors working without due consideration of what other actors in the sector are doing.

There is also the challenge of uneasy and suspicious working relationship between policy implementers at agencies level on one hand and other stakeholders on the other hand. Some stakeholders particularly the artists view the policy implementers as pursuing their own agenda and personal interest. This has contributed to apathy among artist and communities towards policies and their implementation effort.

5.6 Conclusion

The study concludes that the process of policy formulation and development in the culture sector of Kenya takes place at the top or at the bureaucratic level and thereafter policies are cascaded to the bottom for implementation. The policy formulation and development process excludes major actors who are important at the implementation stage. This leads to lack or low levels of ownership of policy development process and ownership of the policy itself by actors or

implementers down the ladder. As a result this has contributed to apathy towards the policies and their implementation.

The study also concludes that the Acts and Policies in the sector are implemented in the context where each agency and actor in the sector operates within their respective legal and or policy institutional framework, independent of each other and focussed on the furtherance of their specific mandates and objectives and without any coordination of efforts in policy implementation. The sector therefore remains divided which is a major challenge towards policy implementation in the sector.

It can also be concluded that as a result of duplication in the content of some of the Acts and Policies, there are overlaps between various institutions in the sector. These overlaps have led to similar mandates and responsibilities being placed in more than one institution. As a result this has led to not only turf wars and institutions and actors pulling in different directions, but also to duplication of efforts resulting to serious challenges when it comes to actual implementation of policy.

The actors in the culture sector operate at different levels which includes the policy makers who operate at bureaucracy level, agencies implementing policies at various levels and the stakeholders particularly at grassroots level. It can be concluded that with each agency operating within their legal and policy framework, there is little or no convergence on the broader sector policy understanding and implementation which leads to challenges in policy implementation.

The cultural officers who are critical actors in the sector are highly demotivated due to poor scheme of service and other working conditions. Other stakeholders particularly at community level continue to work without proper knowledge of the policies and with little support from

government agencies working with them. This contributes to challenges facing the implementation of policies in the sector.

The study makes conclusion that the above listed challenges coupled with other challenges such as low awareness levels on Acts and Policies in the sector, low funding levels for the sector programmes and activities are some of the challenges facing the implementation of policies in the sector. The study also concludes that the sector suffers from low skills and capacity required for policy implementation. There is also lack of adequate physical amenities and infrastructure to support programs and activities in policy implementation, low and inadequate human resource deployment and lack of sector coordination, all of which present challenges to implementation of policies in the culture sector of Kenya.

5.7 Recommendations

Although Kenya has abundance of creativity, talent, cultural and natural heritage which can be exploited for social and economic development, there is continued dismal performance in the sector which is attributed to inability to exploit the sector for economic gains as a result of

weakness and duplication in domestic policies as well as other challenges that face the sector.

The researcher therefore recommends the following;

- The recommends a review on the sector Acts and Policies with the view to remove duplications and overlaps so as to enhance productivity by all sector players and actors.
- As an important socio-economic sector, the study recommends that the sector should be given its due attention through among other things; conducting research to establish the full worth of the sector and its contribution to social and economic development. The research finding should be used to address the sector and put in place appropriate interventions that enables the sector to play its role in social and economic development;
- The study identified the need to increase funding and establish sustainable sources for such funding in order to enhance the support and growth of the sector;
- The study found that amenities and infrastructure in the sector were inadequate and therefore incapable of supporting the growth of the sector and thus recommends the development of sector amenities and infrastructure including developing sector capacity to enable it compete with other sectors of the economy;
- There was need identified for development of requisite human resource to ensure effective and efficient service delivery including policy implementation and;
- Need to bring all institutions and actors working in the sector under one roof and to clearly delineate the role of each actor. This can be done through the establishment of a coordinating agency or mechanism that clearly spells out the role of various institutions, actors and their linkages.

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Appendix I: Questionnaire guide for county cultural officers

Introduction to survey questions

I am Daniel Chege Ndua a MA Student in Development Anthropology at University of Nairobi. I am carrying out a research on the challenges facing the implementation of policies in the culture sector in Kenya. You have been selected to participate in this research as officers in charge of culture and heritage in your respective counties. All the information given in this study will be kept in the strictest confidence and your identity will be kept confidential throughout the study and dissemination of the report. Please note that your participation in the study is voluntary and that you will be free to withdraw from the study any time you feel uncomfortable. Please answer frankly. Where choices are given tick the options which match your answers. Otherwise, write out the information asked for in the blank space after the question. If you have any question please do channel them to chegendua2005@yahoo.com.

Thank you in advance for your cooperation.

To indicate your consent, please sign and stamp below

Signature _____ Date _____ Official stamp _____

Demographic Profile of the Respondents

Name

Age

Sex

Level of education

Name of Institution

Position in the organization

Duration in the;

- i. Organization
- ii. Current position

1. What are the key responsibilities attached to you current position
2. Are you aware of the policies in the culture sector?
3. If yes please list them

4. How did you know about the policies
5. On overall, what are the policies within the sector meant to achieve?
6. How are you involved in the policy formulation process?(probe for involvement)
7. How are other stakeholders involved in the formulation process?
8. What is your overall assessment of the policies you have indicated above(probe for clarity, consistency, relevance and reasons for the response)
9. Do the policies in the sector clearly spell out the roles of the various stakeholders in their implementation?(probe answers given)
10. What are your roles in the implementation of the policies within the sector?
11. what are the sources of finance for the implementation of policies within the sector?
12. What are the challenges associated with the funding?
13. Beside state agencies, are there other stake holders/actors involved in the implementation of policies in the culture sector(provide details)
14. What is the role of these stakeholders and their level of involvement in policy implementation?
15. What structures do you require for effective implementation of policies within the sector. Probe for the following;
 - i. Working implementation committee
 - ii. Adequate physical amenities
 - iii. Proper linkages with stakeholders
 - iv. Proper management structures
 - v. Proper funding mechanism
16. Do you have requisite capacity to implement policies within the culture sector? (probe for details on the answers)
17. How do you compare your workload with the available human resource in relation to the implementation of the policies in the sector?
18. How do the policy(ies) implementation relate to the time-frame given?
19. In your operations do policies and actor's roles within the sector overlap with each other? (If yes please indicate which policies, what roles and how?)
20. What are your suggestions on ways to improve implementation of the policies in the sector.

Appendix II: Questionnaire guide for Chief Executive Officers

I am Daniel Chege Ndua a MA Student in Development Anthropology at University of Nairobi. I am carrying out a research on the challenges facing the implementation of policies in the culture sector in Kenya. You have been selected to participate in this research as key informant in your capacity as the chief executive officer of your organization. All the information given in this study will be kept in the strict confidence and your identity will be kept confidential throughout the study and dissemination of the report. Please note that your participation in the study is voluntary and that you will be free to withdraw from the study any time you feel uncomfortable. Kindly respond to the questions frankly.

Thank you in advance for your cooperation.

To indicate your consent, please sign and stamp below

Signature _____ Date _____ Official stamp _____

Demographic profile of the respondents.

Name

Age

Sex

Level of education

Name of Institution

Position in the organization

Duration in the;

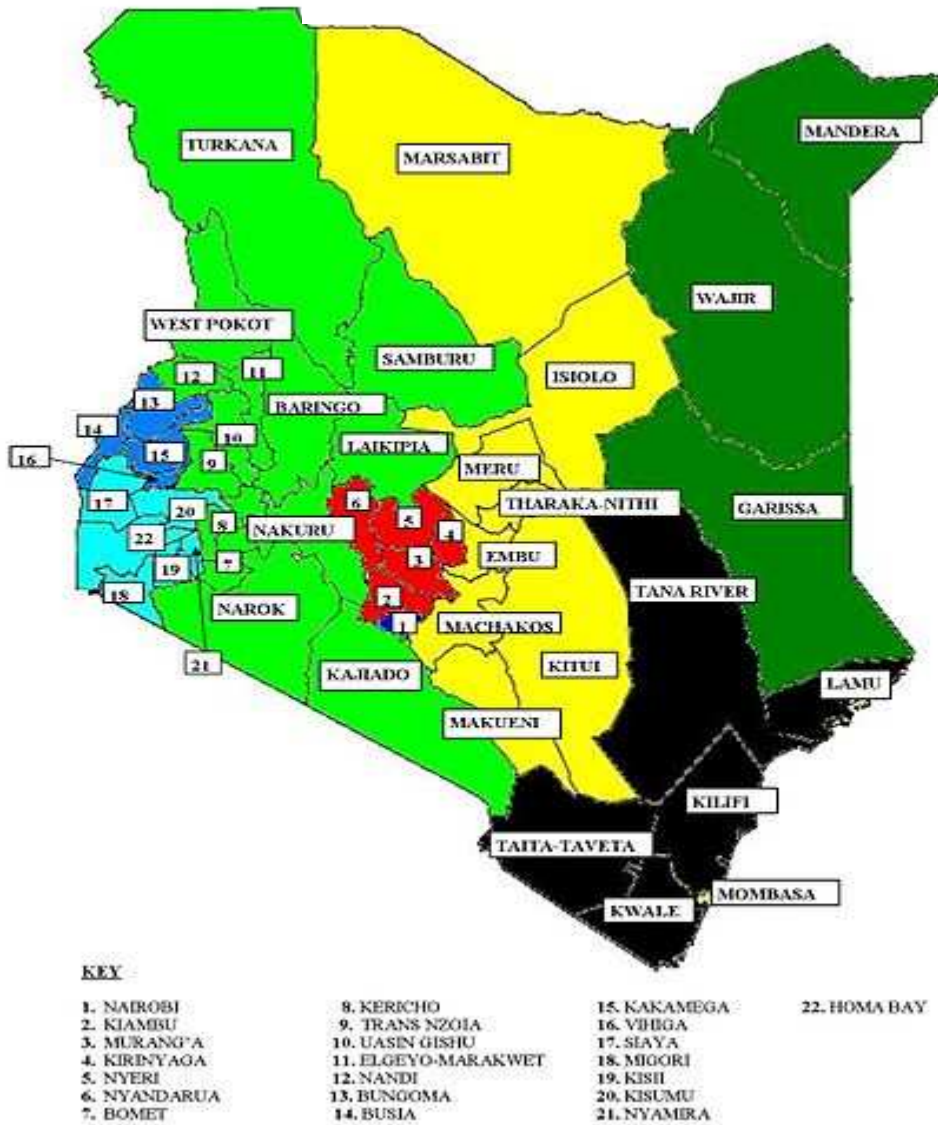
- i. Organization
- ii. Current position

1. What are the key responsibilities attached to you current position
2. Are you aware of various policies in the culture and sector? Briefly explain which ones and their content.
3. Is your institution involved in the process of policy formulation?
4. Is your institution involved in the implementation of any of the policies? Which ones
5. Are your staff aware of the policies within the sector?

6. Are other stakeholders/actors aware of the policies within the sector?
7. Has there been any awareness creation on the sector policies within the department and with other stakeholders? (probe for the frequency and level)
8. What is the role of your organization in the implementation of culture policies within the sector?
9. What is your overall assessment of the policies within the culture sector?(probe for clarity, consistency, relevance and reasons for the response)
10. What is your human resource deployment level? How does it compare with your workload? Do you have adequate human resource capacity to implement policies in the sector?
11. Do you have sufficient infrastructures to support the implementation of the policies? Mention the infrastructure required.
12. What are the sources of finance for the implementation of policies within the sector?
13. What is the level of funding for the implementation of the policies?
14. Are there challenges you face in implementing the policies in the culture sector? What would you say are the causes of these challenges?
15. In what ways can the identified challenges be addressed?

THANK YOU

APPENDIX III: Counties of Kenya



Key: Sampled counties

Mombasa, Kwale, Kilifi, Garissa, Meru, Embu, Kitui, Makweni, Nyandarua, Nyeri, Kirinyaga, Muran'ga, Kiambu, Uasin-Gishu, Nakuru, Narok, Bomet, Vihiga, Kakamega, Bungoma, Siaya, Busia, Migori, Kisii, Kisumu, Homa-Bay, Isiolo, Nandi, Baringo, Nairobi

Map generated by Kimemia Maina 2011