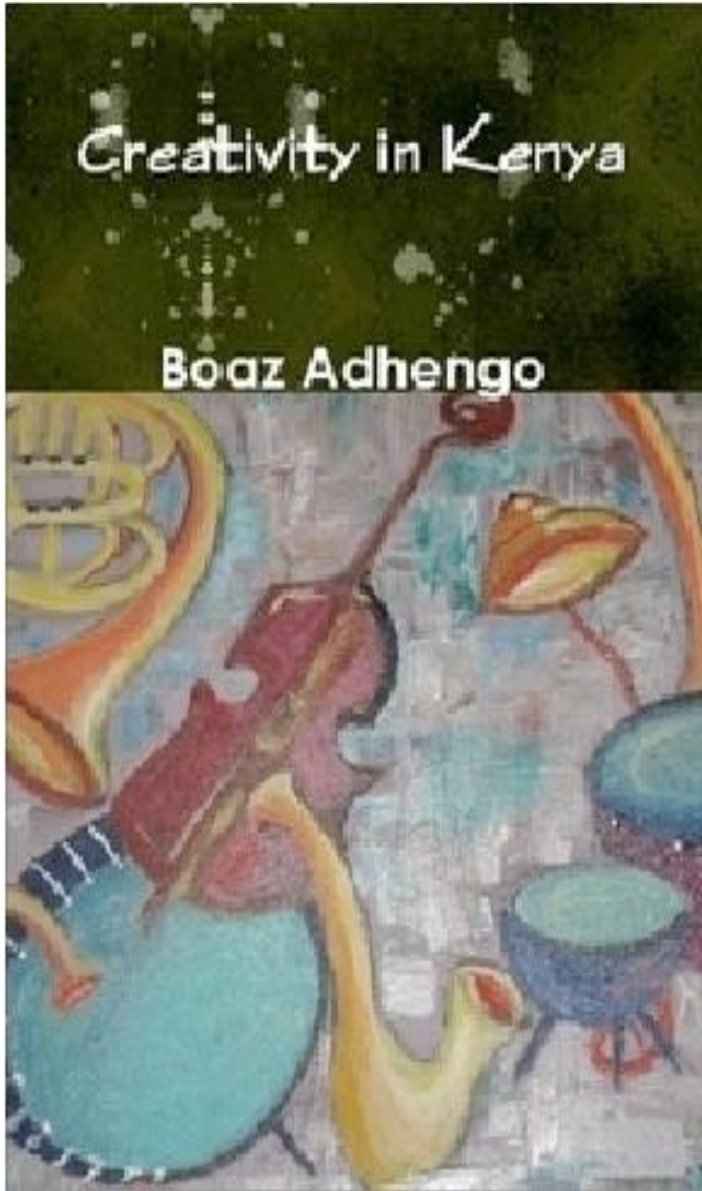


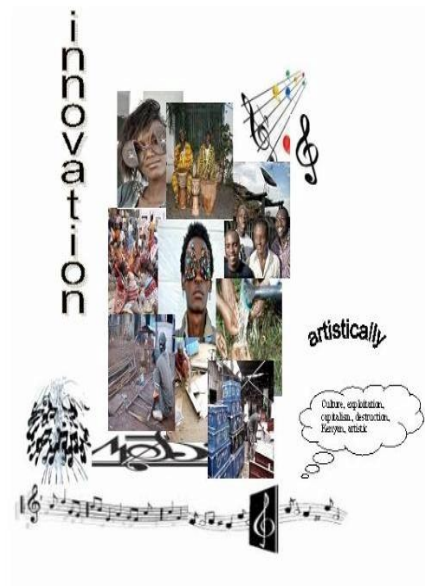
Creativity in Kenya

Boaz Adhengo





CREATIVITY IN KENYA:
Economic, Technological, Educational, Cultural and Expressional
"Voices of the Unknown"



Authored by Boaz Adhengo



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List of acronyms

ADD	Attention Deficit Disorder
ARIPO	Africa Regional Industrial Property Organisation
B.C.	Before Christ
B.J.	Balozi Journal
C.O.T.U	Central Organisation of Trade Unions
DFID	Department of International Development
EEIU	Eco Ethics International Union
GDP	Gross Domestic Product
GNP	Gross National Product
GoK	Government of Kenya
HDR	Human Development Report
IARF	International Association for Religious Freedom
IPRs	Intellectual Property Rights
JAF	Jahwar Amber Arts Fund
MCSK	Music Copyright Society of Kenya
MDGs	Millennium Development Goals
MIT	Massachusetts Institute of Technology
NGO	Non Governmental Organisation
PRONA	Project Nabuur
PRSP	Poverty Reduction Strategy Paper
UNCTAD	United Nations Committee for Trade and Development
UNDP	United Nation Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation
U.K.	United Kingdom
U.S.I.U.	United States International University

Table of Contents

♣	Preface	<i>i</i>
I	Culture of Development	<i>1</i>
II	Musical Imagination	<i>14</i>
III	The Enterprise	<i>21</i>
IV	Kenyan Technologies	<i>29</i>
V	The Economy of Creativity	<i>40</i>
VI	Provoking Art Policy	<i>48</i>
VII	Conclusion	<i>57</i>
ö	Appendix _____	

Preface

This work owes its existence largely to the diligent efforts of PRONA in its involvement within the creative economy sector of Kenya. A process combining both science and religion in its cultural enterprise of hope for the poor communities using domestic poverty alleviation strategies; in due sense of capacity building and capitalizing on the community talents as an economic pivot point, especially when analysis of basic income structures is the case. The literature represented herein is a documented achievement of understanding the need assessments so conducted, besides being an advocacy channel on information sharing within creativity.

A look at Kenya's cultural industry is promising yet unrealistic, with the government proud of the increasing profit margins that remain illusionary to the local communities from whom the production originates. Perhaps the value addition as practiced by the government is exploitative; capitalistic if termed the Marxist way, perhaps the value addition process is not properly networked on its chain flow components. The people contribute to the national wealth -- which is increasingly enjoyed by a few -- with no mechanism on tapping the economic gains to the standards of their cultural livelihoods; they become eroded of their traditional ways upon discovery that they can also enjoy the wealth of their creation. They are dissatisfied with their own cultures and eye for the entrepreneur relation as practiced by the patriarchal bourgeoisie. Exploitation begets exploitation, a country where the governments exploit their citizens and the citizens' strife to exploit their governments. Democracy loses meaning as those in power fail to let go their own selfish interests; they enter into those positions as elected, turn greedy and dictatorial with enjoyments of the time. Poverty alleviation remains a slogan as aid dependency becomes the norm of the day. Creativity is just another informal way of conscious expression in a chanced monetary society, where moods vary and the elite reflections give no room for traditional innovative themes. It is a globalised world where remedies from western academia are seen as the best swallow on any economic outlook, be it creatively analysed or otherwise.

The concept of innovation is applicable closely to everything, in as far human development is a problem. Creativity is just a way to fit into the world, like a strategy for the survival in this time

of evolution. This is not to ascent this book a religious debate, as evoking the questions of evolution¹ tends to diffuse religious concepts of morality; though discussing elements of innovative freedom and freedom of conscious cannot go unnoticed of the religious concepts relating to such arguments. Where the traditions and superstitious privileges hinder our stretch of imagination, thus stemming our capacities to be creative or rather innovative. We must however understand that when considering development, one might be forced to eventually forego his moral inclinations; we must be creative beyond our cultural limitations in benefit of this thing globalization.

Creativity in itself has relative connotations; depending greatly on the cultural limitations, the religious dogma and the strand of civilization a society is in possession of at any given time. In example, creativity in the western world is driven through technological advancements; in the third world, it is driven and limited by our own superstitious inclinations. Simply put, we are as creative as our belief system, and to some, blasphemic is an acceptable description of our creativity.

Scientists have argued in line with genetics of some attention deficit disorder genes as seen in humans. Perhaps in lieu of the ecological space or rather, the vicious cycle of poverty that relates to disease and environment in a constant bonding -- environment holds the economic strata for development, and if it is poorly exploited we will talk of poverty; low living standards due to unrealized potentials of the environment lead to communal poverty which in many a times result to death due to diseases related to poverty (diet, sanitation e.t.c.) or lack of mechanism to enjoy livelihood despite having talents or the power of imagination -- hinders the dynamic accumulation of such traits inclined to the gene.

That attention Deficit Disorder (ADD) may have evolved because it increases creativity and inventiveness of the population. The condition has a genetic basis and is estimated to exist in less than 5% of the Kenyan population² who export their inventions abroad, not by their own liking,

¹ While Darwin's Theory of Evolution is a relatively young archetype, the evolutionary worldview itself is as old as antiquity. Ancient Greek philosophers such as Anaximander postulated the development from non – life and the evolutionary descent of man from an animal. Charles Darwin simply brought something new to the old philosophy –plausible mechanism called natural selection, which acts to preserve and accumulate minor advantageous genetic mutation.

² Because this is a high percentage of a defect, many modern theories in population genetics suggest a positive factor related to ADD. This are being highly enthusiastic, energetic, goal oriented and good at trouble –shooting.

but as a result of the global exploitation they suffer due to inapplicable patent offices. Being ADD means you see things other people miss. When you see a peach you see a piece of fruit.

Creativity doesn't mean the ability to finger pain. The highly creative individual has the ability to take disparate pieces of information and join them in completely new ways. Entrepreneurs, research scientists and engineers, trouble-shooter and inventors all depend on creativity, as do artists. These fields are often suggested as good occupations for people with the ADD gene. Highly creative people are a bit eccentric or different, and are characterized as the 'artist type', 'absent minded professor' or the 'computer hacker'.

In general, creative people appear to have weaker braking mechanisms in their brain as compared to normal people. Researchers in creativity hypothesize that this weak breaking mechanism allows many spontaneous and unchecked thoughts to collide over time, resulting in creative thought. Creativity is simply a neurological defect, if you were to understand it from this evolutionary perspective; whereas not all creatives have the ADD gene.

Modern theories of evolution embrace the concept of selective pressures on populations rather than individuals. A trait that may be bad for an individual might be good for the population overall. For example, some individuals who have ADD will become criminals, but if a few brilliant ADD inventors change the course of history and increase the fitness of the population, the ADD genes will be favoured. By the time a child comes of age two or three, few adults can match his creativity level of spontaneous inventiveness. There must be something about the way children are wired to foster such creativity. They also learn primarily on exploratory-intuitive level because they have so much to learn; these traits in adults are what are referred to as ADD traits. Eventually, they grow and lose most of that excess energy and restlessness; they will have longer attention spans, be less impulsive and be less creative. This is the tradeoff for being normal.

Normal adults buy books on creativity and long for the ability to see the world through the lenses of a child. Many ADD people never completely lose their creative ability as they grow. That child-like mentality for new experiences remains. These people are often described as immature other than creatives, but the two go hand in hand.

Now if you are Mother Nature, and had to devise a simple way to increase the creativity of the population so that they could, for instance, design better weapons and eradicate their neighbours, how would you do it? Darwin would say easy! The braking mechanism in the brain which allows people to focus narrowly on uninspiring topics would less be developed than normal. And this is what researches seem to be finding in brains of both creatives and ADD individuals. Of course, every adaptation is a tradeoff; you can't increase inventiveness without decreasing some other ability³.

My purpose of writing this book is to explore ways in which communities of art, design and innovation are merging and influencing each other in the world of material culture to create great new products. What makes products great? What is the role of design firms in creativity and innovation, and how is the role changing? What accounts for the success of creative industries? How are the processes of design and innovation changing? What strategies might result in more inspired design and innovation?

This book reports the results of a study undertaken to explore these and other questions, which included interviews with operators of nearly 100 creative industry companies in Kenya. I have looked broadly at contributions to advancing innovation and creativity in several types of products, including music, consumer electronics, devices for personal mobility and others.

Manufacturers are responding to changes in technology and market demands by trying to introduce new products into the market more rapidly. They struggle with new and converging technologies that create opportunities for developing entire new product categories and with the entry of new type of competitors. Large firms enjoy great resources in technology and science, but these resources seem to be growing more available and open to all. Smaller groups and organizations derive greater innovative capability from the widening variety of sophisticated creative resources available, such as computer-aided-design, simulation and visualization techniques.

Nowadays a book such as this is not complete until it becomes a nucleus of a living website, a forum for supplementary materials, reactions, discussions, questions and answers -- who knows

³ Brian, Lisa J., A Parents Guide to Attention Deficit Disorders (Bantam Double Publishing Group, 1991)

what the future may bring? I hope that www.projectnabuur.org the website of Project Nabuur Capital for Religious Freedom, Biodiversity and Culture will come to fill that role, and am grateful to my wife Rukia Abubakar for the artistry, professionalism and sheer hard work that she is putting into it. Above all, she has coaxed me through all my hesitations and self-doubts, not just with moral support and witty suggestions for improvements, but by reading the entire book aloud to me, at two stages of its development, so I could apprehend how it could seem to a reader other than myself.

Of also great inspiration has been Joy Mboya of the GoDown Arts Center who inspired my thoughts through the *Arterial Reading Papers*, especially in looking at the documentations made by Mike Van Graan. Most of the information twined is meant to be a resonance progress to the buildup of artistic civil society forums. Am thankful for such an opportunity to participate closely and ultimately have an avenue of influencing the cultural policy of Kenya through a discursive ventilation of my sincere thoughts.

Many thanks to Aga Khan University Faculty of Arts and Sciences for facilitating my research through my consultative role to the Digital, Expressive and Business for the Arts Program. Of specific influence was Ms. Yvonne Adhiambo who gave me insight and resourceful provocation to even make a blind step into this neglected area of research. It is such adventures that result to important documents as seen in this book, which apparently is the first of its kind for creative economy of Africa.



The Culture of Development?

It is the mark of the cultured man that he is aware of the fact that equality is an ethical and not biological principle. As the soil, however rich it may be, cannot be productive without cultivation, so the mind without culture can never produce good fruit. If art is to nourish the roots of our culture, society must set the artist free to follow his vision wherever it takes him

John F. Kennedy

Of the fifty countries ranked at the bottom of Human Development Index that measures literacy, education, life expectancy and quality of life, thirty nine (39) are on the African continent. What is the relationship between development, human rights and democracy if the African country rated highest on the Human Development Index is Libya, with no democracy, a poor human rights record but an average life expectancy of 77? What is the relationship between economic growth, democracy and development if South Africa being the largest economy in the African continent, with a vibrant electoral democracy now has the largest gap between the rich and the poor, the highest levels of unemployment in its history and a declining life expectancy? Of what use is governments' accountability when Kenya still ranks top ten in the world's most corrupt systems of governance?

The Human Development Report⁴ states that people are the real wealth of a nation; that the basic purpose of development is to enlarge people's choices; that the objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives. However, the link between culture and development is almost always considered in terms of the culture of the supposed beneficiaries of development, and the extent to which their values, ideas, beliefs, customs and traditions facilitate or hinder development. The contributions of cultural industries to national or even global development are not usually considered, especially within the African continent where they receive mundane emphasis, forgetting that the creative industry is income

⁴ Their definition of development is used in the 1998 Cultural Diversity Report, available at <http://hdr.undp.org/en/reports/global/hdr2010/papers>

generating on its own --including job creation and product development for export -- an issue that can be corrected if development was to be defined within the contemporary context.

According to UNCTAD's Creative Economy Report 2008, Africa's contribution to world trade in cultural goods and services is less than 1% of such trade. Many would urge African governments to invest in the creative industries because of the success of these industries in the so-called developed or western world in the last 25 years, with the key motivation being creative industries as potentially significant drivers of the economy. However, creative industries in order to survive and flourish require significant local, regional and international markets. How sustainable are creative industries in Africa where most people live on less two dollars (\$2) a day? How globalised are African ideas when most innovations are geared towards subsistence, survival and self-sustainability of individuals? There is need for Africa to emancipate itself from studies done by the western nations on its own behalf, where their problems are branded and solutions are forthcoming from without. There is need for the African governments to do their own internal analysis, to promote innovation and creativity from within, most importantly, recognize those efforts that strive to create ideas and products that could add up to the gross domestic product of the nation. Some scholars observe that the best strategy to enable creativity is within the ability of the state to tax its citizenry and the ability of the state to recognize originality, through patents and related copyrights. In Africa, it is only a handful of countries that would display their documented cultural policies (about 10) with most ministries ignorant of the purpose creativity could play within livelihood developments. This is the sole reason why Kenya needs a cultural policy that not only protects the artist but also empowers those practitioners whom it attempts to define.

As at the time of this publication, the Kenya policy on Culture and National Heritage is wanting; broadly in its implementation strategies and widely in its coherent definitions. At a glance it touches on the basic components that are laudable at an international level, though, on interpretation within the eyes of the cultural industry itself, there is no cohesion of the economic strata within which progress has to be measured. These issues will not be delved into in this book as they are already published elsewhere, but remain important to ignite a thought of action.

The range of capabilities that individuals can have, and the choices that can help to expand them, are potentially infinite and vary by individual. More so, public policy is about setting priorities in recognition that (a) these capabilities must be universally valued and (b) they must be basic to life, in the sense that their absence would foreclose many other choices.

This the sole importance of value addition process in mapping creative diversity for choice orientation, where the individual needs and pleasurable wants of artistic practices/performance are met at considerable costs which reflect positively to their living standards.

The three broad categories⁵ of artistic practice that have relevance to cultural dimension of development are:

- The arts practiced for their own sake and in their own right as a creative means through which a society or community reflects on itself, and is challenged to move on or is affirmed in where they are,
- The arts utilized for overt development purposes or for socially good ends such as the use of theatre to spread health messages, or to promote inter cultural dialogue,
- The creative industries where the primary drivers are the generation of profit and other economic benefits through the arts.

These three forms of artistic practice are not mutually exclusive, neither are they part of a hierarchy. They are all relevant, but emphasis and application will depend on the context, thus cannot simply be applied in one size fits all fashion. Problems arise when one is emphasized at the expense of others or when they are setup as being in tension with each other⁶.

For many years, the notion of cultural dimensions of development -- that culture is integral to development, that cultural development and planning must be incorporated into and cut across other sectors such as economic, social and human development -- has been recognized internationally and within Africa. Global structures of inequities and the lack of public sector

⁵ Adopted from Mike Van Graan's analysis of Human Development through Culture (2009).

⁶ The reality for many artists in the western world, is that one performs in a play at night (art for its own sake); the next morning one participates in a theater for development project, teaching people about family planning (instrumentalisation of theatre), and in the afternoon the artist takes part in a piece of corporate theatre (selling products of creative industries).

support for the arts on the continent create dependency and with it, conditions for passive acceptance of art, rather than rigorous engagement with cultural discourse. Many have eluded the dilemma by putting blame on the colonial events of the 19th century, expressing belief that the western world is to blame for the widespread dissatisfaction of African aesthetics.

We must agree that without being colonized, we could still be highly traditional, potently religious and callously superstitious. Our art today could have been regarded as blasphemous attitudes in those societies of that time. The colonial effect brought with it critical thinking, it brought with it strategic expression and introduced the notion of the self; with the element of native subjugation adding up to academic unison and peaceful freedom of innovative resilience within our own ecosystems. Understand that the state is not merely the product of a more complex society; it is specific historical response to the needs of a ruling class to maintain its wealth, power and privilege. Great works of art, immense achievements in scholarship and fine architecture may be created by such states, but in all hitherto existing societies, on whatever continent, the emergence of a ruling class has been at the expense of the majority of society, destroying such creative freedoms where they have been seen to sprout.

On the contrary, Adhengo amongst other African philosophers have consistently argued that colonialism did not bring civilization; it introduced the ethical problem of greed and subjugation; where the collective responsibility of the individual towards his community was greatly diminished, eroded of relevance and missed out-in-point. Civilization already existed in certain portions of Africa; it was not universal, but also, not individual. The African understood his aesthetics of development within the space-time challenges that his dynasty brought with time. The comfort was religion to which competitive relations were never understood to be possible; creativity was seen as a blessing from the various gods and each piece of art judged according to the naturalism of events associated to its creation.

Consider ancient Egypt; it was an ancient civilization of eastern North Africa, concentrated along the lower reaches of the Nile River in what is now the modern country of Egypt. The civilization coalesced around 3150 BC⁷ with the political unification of Upper and Lower Egypt under the

⁷ Only after 664 BC are dates secure. See Egypt chronology for details available at www.digitalegypt.ucl.ac.uk/chronology/index.html

first pharaoh, and it developed over the next three millennia⁸. Egypt was conquered by a succession of foreign powers in this late period, and the rule of the pharaohs officially ended in 31 BC when the early Roman Empire conquered Egypt and made it a province. The Romans adapted to the many Egyptian ways despite exportation of these discoveries back to Europe where the principle of universalism pioneered trade at a global level. There was the concept of time, mathematics, medicine and even religion in this ancient Egypt. Perhaps, what was missing was the defensive will of barbaric war as introduced by these Romans; there was societal classification and continuous superstitious appreciation of the various arts that existed. It is this art that measured their civilization and maintained an order of events as gathered from the public interpretations of the message represented in such works of art. Ultimately, art brought culture from where discipline and moral inclinations were made dynamic in this judgmental Egypt.

This book comes at a time of instability -- with the new pressures of climate change and meeting the MDGs; the immediate uncertainties about economic stability; new strains of global security; and ever-changing configuration of political leaders -- thus, it should be analysed by how well it can inspire and steer future art related policies. It must be seen as a resonance for progress.

In what ways will our culture propel our national development? In what ways will our ethics bring positive impact to the global systems? How much in control are we from external influences of cultural erosion?

Development is a state in which things are improving; the result of developing and in terms of culture, it has to be looked at a futurist angle of sustenance, reinvention and continuous production.

Sustainable development is a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for future generations. This concept ties together concern for the carrying capacity of natural systems with the social challenges facing humanity, a concept that many organizations, including EEIU⁹, has tried to address.

⁸ Its history occurred in a series of stable kingdoms, separated by periods of relative instability known as intermediate periods.

⁹ Eco Ethics International Union

Otto Kinne¹⁰ insists that humanity can only survive with a new concept of ethics, the one which forecloses with sustainability. It is all about rethinking our economics within frameworks that promote our heritage as much as protecting the heritage of others. The advocates of colonialism were driven by industrialization, with a culture of technological advancements. They thought beyond their internal resources and had to cope with their own levels of reflection by exploring other fields to which their sophistication could be applied. Africa just offered the correct spot for this, a land where everything was abundant and sustainability was not a norm; where exploitation was the missing ingredient for extended boundaries. The way forth was to introduce organization within the entire Sahara populace, to enlighten them of the notion of development as opposed to survival, to share other forms of aesthetics that had liberal meanings as opposed to symbols of power and wealth. This must have been a mixed mentality of confusion to the naïve African who in early stages was amused but later paralyzed within the structures that embedded his own voluntary thought process in learning new models of life. He was not at peace with himself; he fought his own psyche in counter-thinking the colonial innovation or creative processes. Battles of loss for his superstitions were of even greater confusion; often resulting to even sophisticated traditional ways of appeasing god through those acts that we now know were senseless.

The earliest evidence we have for religious faith in Africa is from Egypt, whereby the people of 3000 BC were already worshiping *Isis*, *Osiris*, *Ra* and the *Amen*. It is this religion that defined their culture and artistic expressions. However, it is this art viewed within the styles of a particular time and place that reflected the changing cultural and political attitudes; the development of the African people was greatly influenced religiously. Even today's religion still plays a great role in what Africans think, despite institutions of higher education.

For many years, liberal inquiry into the arts has been prohibited due to the sacred interpretations of certain artifacts; including curtailment to liberal creativity (innovative freedom). This still happens in the contemporary world. A case in scenario is the 2006 protest by the religious groups about the pornographic sculptures at the Nairobi Law Courts. They claimed that these structures were left by the colonial governments who had an agenda for the destruction of African cultures; that the sculptures had Masonic significance in the architecture and positioning

¹⁰ EEIU Bronchure, 2002

of central buildings in the city. This unguided propaganda on such artistic nuances are what must be thwarted through the advocacy for a secular state, where religion no longer influences the policy process. Only in that time can creative freedom lead to better innovations that must be of benefit in this continent of poverty.

We must understand that the purpose of holiness is not to protect us from our world, its purpose is to change the way we live in the world, not for our own sake but that of others¹¹. Perhaps this is why Europe saw it fit to use religion as a subjugation force, something that united them back to their colonies in a way that was not clear to the subjugated. This is because they were seen to worship the same God, united through the scriptures and competing for similar resources elsewhere. For this reason, Africa was in need of enlightenment, an avenue for measure of global progress and diversity of the will.

The UNDP elaborates that human development is a process of enlarging people's choices. The most critical ones are to lead a long and healthy life, to be educated and to enjoy a decent standard of living. Additional choices include political freedom, guaranteed human rights and self respect -- what Adam Smith called the ability to mix with others without being ashamed to appear in public¹². Human development brings together the production and distribution of commodities and the expansion and use of human capabilities¹³. It also focuses on choices -- on what people should have, be and to be able to ensure their own livelihood -- and capacities. Human development is, moreover, concerned not only with satisfaction of basic needs but also human development as a participatory and dynamic process. The three components of human development are: capabilities, process freedoms and principles of justice. Things that the colonial government suppressed within their innovative structures of successive mechanisms to hinder their generic availability. A concept that borders to neocolonialism or rather, the utopia post-modernity envisaged as post-neocolonial structures developed by African renaissance through creativity as granted by fair economic models.

¹¹ Jean Chittister available at www.csec.org accessed on July 25, 2010

¹² UNDP 1990: 10

¹³ Sabina Alkire, Human Development Research Paper 2010/01, "Human Development: Definitions, Critiques, and Related Concepts, UNDP

Philosophy in Africa has a rich and varied history, dating from pre-dynastic Egypt, continuing through the birth of Christianity and Islam. Arguably, central to the ancients was the conception of 'ma'at' which roughly translated to justice, truth or simply that which is right. It is African philosophy through Egypt that gave rise to Greek philosophy which in turn brought civilization to the European continent and ultimately revolutionized the time-space continuum due to increased intellectual competitiveness as obtained from scarce resources within a sexually increased population from natural religions (Catholicism).

Today's African intellectual and cultural map clearly excludes the inhabitants at the northern fringes of Africa. When we talk of Africa, what immediately comes to mind is the black Sahara.

In following up the heuristic leads of the term *Africana* as intending African and African-descended peoples throughout the African continent and the African Diaspora, one immediately confronts challenges to identifying the objects of investigation. An important consequence of such studies will be to compel more intensive and explicit ethnohistorical, ethnophilosophical reconceptualisations of what heretofore has been categorized as colonial civilization or rather western philosophy.

Frantz Fanon¹⁴ argued that the human self is given a personality through the act of recognition: Ways of seeing, thinking, of doing things in the form of customs and traditions; all of which depend on the way others direct their subtle gaze upon our very being, upon those things that mean everything to us; upon our different culturally and psychological nuanced ways. We are therefore children of geography and history, born to a given race, a given region, at a particular time, in a particular place. The black person is not only burdened by geography, history, time and place, he or she is most particularly saddled with the heavy weight of difference, the difference exacted by the idea of race. The black person needs to free himself from inferiority complex, which the gaze and the brutality of colonial subjugation have inflicted on his soul so as to be able to enjoy the dialect of innovative interdependence in witness of creative collaborations.

The subjugated African is kept dangling in the air, suspended between a yearning for recognition and an internalized self-hatred for belonging to a species of humanity condemned to suffer,

¹⁴ He was born in Martinique in 1925 and died in 1961 at the tender age of 36 due to leukemia. He is regarded by many as one of the greatest revolutionary thinkers of the twentieth century.

chosen for annihilation, with the blessing of religious leaders and the Gospels themselves. Fanon unsparingly and unsentimentally exposes the bible, the church, the religious leaders, and the modern academy for participating in the humiliation of blacks by way of slavery and colonization. He advocated for the consciousness of the self by the Africans as a people, which he distinguishes from nationalism. That the African must first learn how to appreciate himself and in so doing, develop a national culture which in turn builds national consciousness. Thus, in this regard, nationalism can be both an ideology with specific constituent of ideas and a set of sentiments, loyalties and emotional predispositions. It can sometimes be preoccupied with the defense or revival of culture, rather than with fidelity to the state. Outside Africa, nationalism emerged in the course of development and maturation of the European nation-state¹⁵.

Among the former European imperial powers, the French are still pre-eminent cultural nationalists, though combined with fidelity to the state.

Cultural nationalism in France profoundly affected their colonial policies, and gave rise to such goals as the assimilation of colonized. Hence, the defense of French cultural influence has also affected its foreign policy more broadly, complete with readiness to invest considerable resources in the propagation and teaching of the French language from Senegal to Saigon¹⁶.

Frantz Fanon was convinced that anti-colonial violence was a healing experience for the colonial freedom fighter. At the individual level, violence is a cleansing force. It frees the native (African) from his inferiority complex, from his despair and inaction¹⁷. That only through cultural nationalism could a collective effort on fighting the colonial rule be effective; a process that collects unity and creates spiritual inspiration through the gorged beliefs as rekindled by those who plant the revolution (cultural resistance is rooted in the indigenous values and symbolism of the resistance movement, often the African traditional religion).

Based on this notion of cultural nationalism, we must remember that traditional knowledge¹⁸ refers to long standing traditions and practices of certain regional, indigenous or local

¹⁵ For many European and later African nationalists, no distinction was made between loyalty to the state as a system of authority (vertical allegiance) and loyalty to the nation as a fellowship of community (horizontal allegiance)

¹⁶ An emphasis of how the Alliance Francoise Centers are widespread throughout Africa

¹⁷ The crucifixion was violence in the ultimate sense – redemption by the king of kings. The son of God was killed – so that human beings might live.

¹⁸ Also known as indigenous knowledge, traditional environmental knowledge or local knowledge

communities. Recently, traditional knowledge has been drawn into the debate relating access to medicine, access to food, the need for poverty alleviation, and related issues that affect the livelihoods and welfare of people worldwide. It has been argued that traditional knowledge is an important source of health security, food security and livelihood security for the world's poor. Thus the benefits of sharing and actively disseminating traditional knowledge outweigh the benefits of protection and recognition of ownership. It is in such basic volitions that cultural resistance persists at an intellectual level thereby killing dynamic thought on creativity and innovative ecosystems. Components of our culture for which we cannot claim rights for as individuals make no sense on holding to when information sharing is highly regarded as a norm, as a route for human development, as a strategy for a sustainable planet.

On the contrary, the concept of intangible cultural heritage emerged in the 1990s as a counterpart to the World Heritage that focuses mainly on tangible aspects of culture. In 2001, UNESCO made a survey among states and NGOs to try to agree on a definition and a convention was adopted in 2003 for its protection¹⁹. Intangible cultural Heritage means the practices, representations, expressions, knowledge, skills -- as well as the instruments, objects, artifacts and cultural spaces associated therewith -- that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage (transmitted from generation to generation is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history) provides them with a sense of identity and continuity, thereby promoting respect for cultural diversity and human creativity. These are issues closely related to what we have termed as innovative nationalism, a way to reclaim what the colonial process took out of our perception and protect our findings through participation in venture markets that recognize the African resource as provided by African creatives.

The interdependence between environment and culture influences the manner in which communities harness resources and enrich the quality of their lives²⁰. Traditional knowledge becomes an attribute of societies with historical continuity in resource use practices. It typically distinguishes one community from another, brings the element of specialty and conservation as

¹⁹ Definitions of Intangible Cultural Heritage available at <https://www.unesco.org/culture/ich/doc/src/00078-EN.pdf>

²⁰ Kenya Policy on Culture and Heritage, 2009

best understood by a people. It would be difficult for Kenya to speak of its traditional knowledge as this is not a single concept, nor is it a tangible artifact that can be monumental. With the amalgam of communities, it is only logical to speak of communal traditional knowledge's, since individuals grow within their communities from whence they preserve their ethnic affiliation amongst other practices. It is custom that knowledge and resources have been used and transmitted together; knowledge as derived from biological resources and landscapes, through spiritual beliefs and rituals .e.g. from sacred plants, forests and mountains; understood as tangible and intangible cultural heritage.

African culture remains meaningless, unless it plays full part in the political and social liberation struggle, and in the rehabilitation and unification efforts (understanding that there is no limit to the cultural development of a people). This is why issues of culture are also issues of human rights. They trace back from lack of proper policies, colonial dilemmas as much as globalization; all viewed differently on different meanings. There is need for human rights protection in Africa, simply because they have been perceived as western concept to be treated as alien to the African cultural heritage. Human right is a concept of universal dignity which all human beings yearn for, irrespective of their race, ethnicity, nationality, religion or culture. How to devise a system of politics that, while being responsive to the developments of modern world, will reflect the best traditional thinking about human rights (and other values) is one of the profoundest challenges facing modern Africa. Human rights are the rights possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity. They give all people moral claims on the behavior of individuals and on the design of social arrangements – and are universal, inalienable and indivisible²¹. A good beginning is to be informed about traditional life and thought as a foundational basis to understanding such expressive deficiencies.

Art²² is commonly conceptualized as that which is created by humans to reflect and express the sense of life; a notion greater than culture yet inherently related (though others would love to view culture as greater than art). Based on this, the world conference on cultural policies held in Mexico City in 1982 adopted the celebrated broad definition of culture which defines culture as

²¹ UNDP 2000: 16

²² Human endeavor thought to be aesthetic and have meaning beyond simple description. Includes music, dance, sculpture, painting, drawing, stitchery, weaving, poetry, and writing, woodworking e.t.c. a medium of expression where the individual and culture come together.

‘...the whole complex of distinctive spiritual, material, intellectual and emotional features that characterizes a society or social group. That it includes not only arts and letters, but also modes of life, the fundamental rights of human being, value systems, traditions and beliefs. It is diverse and dynamic.

Human development is therefore part of culture in its wider being. We cannot adequately speak of culture without social implications to the fundamental rights of the individual persons. Culture cuts across a myriad of issues, which brings the big question of religion. This research has explicitly exempted, if not dissociated religion to issues of culture though recognized that religious freedom might lead to creative freedom in spaces of expression where provided.

The 1982 definition of culture as adopted by nation states was highly wanting, full of gaps and prawn to interpretations, all of which steer uncomfortable reactions to those who wish to perceive them differently. Though the African person is best understood within his religious orientations, modernity brings politics into play. This means that the concept of ethics becomes relative; bad becomes good in special circumstances and perfect becomes an ambition within our quest. Conceptualizing culture within the realm of religion and perceiving it as such is to limit development and progress if not to hinder innovation. We cannot live in a world where blasphemous laws dictate our ability to think creatively. There is need to think greater than our ecosystems, just the very way the European nationalists thought and resulted into cultural exploration that brought them Africa as a colony. We cannot hold into the past and claim eroded; we must not delve into the negative effects of colonialism. To the extreme, we should see that its negativity has enabled our governments to think creatively and protectively, especially in this era of globalization. Remember that we live in a world of interdependency, where everything is interconnected and everything changes.

A look at Kenya’s cultural policy showcases how human development can best be promoted and realized through cultural involvement at a national level. The vision of the document is to attain unity within cultural diversity for sustainable development whereas its mission is to provide direction to a sustainable development in Kenya, enhancing in promotion of creative participation to all Kenyan people in their cultural life. This is how promising it is, yet very unrealistic.

Kenya's people are diverse with rich cultural heritage including but not limited to: 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 traditions -- medicine and traditional medical practices, agriculture, forest management and conservation, and sustainable use of biological diversity. Therefore, just as human rights, traditional knowledge and traditional cultural expressions are a body of knowledge vital to the day to day life of local communities derived through generations of living in close contact with nature.

We now have Vision 2030 that outsmarts the MDGs plan of action, recognizing the rural quest for development and the spontaneous Chinese action of aid to promising enterprises. Instead of jointly looking west, Kenya has learned to look Far East where its problems are understood and replicated in solutions that promise a continued existence of our culture in this world of chances. Traditional knowledge is increasingly being linked with medicinal research, and human development index has become fair to recognize that gross development product of many African countries increase without necessarily improving on the standards of living of their nationhood. The exploitation of the masses persists when creative economy is not understood by the vulnerable artist.

The way forward for cultural development is a cultural policy that responds to the civil needs as exposed by the union of artists who represent the communities at their traditional level.

Musical Imagination

Music is what feelings sound like. Music speaks what cannot be expressed, soothes the mind and gives it rest, heals the heart and makes it whole, flows from heaven to the soul.

Rukia Abubakar Adhengo

In 1995, a 60,000 year old bone fragment was found in Slovenia. This bone fragment had air-holes carved into its surface and today we could call it a flute. In the context of its study we could recognize this rudimentary instrument as part of the supply-side conditions necessary for the building of a successful music industry. Notwithstanding this chapter's focus on the music industry, what this small historical detail alerts us to is the fact that music has played a long-standing part in the development of human society.

Music is an essential component of life. At birthdays, marriages and other celebrations, music adds joy to the occasion. The music of the national anthem is integral to any national event. From the personal to the social, music is an indispensable feature of human interactivity. Music is also a form of historical record, through its engagement with the society thus holds the capacity to transform a societal community. More so, as an economic activity, music combines two characteristics that are critical to economic success in the late twentieth century: (a) it is a form of electronic information and is consequently easily distributed to the market. It is therefore an ideal export product that is not constrained by the high transport costs associated with the export of physical products; (b) it's a substantial proportion of revenue is derived from intellectual property rights. Accordingly, there are few Kenyan industries better placed to take advantage of global shifts towards knowledge-based, export oriented growth and that draws on local competencies as a source of competitive advantage, than the music industry.

Understanding globalization as a dynamic social force allows us to formulate strategies that straddle the divide between the vision necessary to inspire innovative action and the challenges posed by the existing position of the music industry in domestic, regional and global markets. Any commodity, (and for this case music) moves through a value chain from the point of

production to its sale in the market place. The value chain is simply all those elements of the production system through which the product passes from its design to its sale that is: beginnings→ production→ circulation→ delivery mechanisms→ audience reception/feedback.

The music industry is a complex agglomeration of different industries that produce a variety of musical products. These industries transcend a number of traditional sector boundaries²³. In the simplest scenario, the music industry includes:

- Creators: the musicians and composers who are the basis of the industry
- Agents: whose role is to represent musicians
- Record companies: who record and promote the work of musicians
- Retail industry: who vend and buy the music

At one time, the music industry in Kenya was the forefront of innovation and creativity, achieving a worldwide recognition in the 1960s with the introduction of a sound unique to Kenyan musicians that came to be known as *benga*²⁴. Through the 1960s and 1970s the Kenyan music industry thrived and produced some of the most beautiful artistic interpretations in the world. Popularity was not only for *benga* hits having roots in traditional tribal music, the religious based music also thrived with expert composers within the Congo performing in Kenya.

It must however be noted that as the political conditions deteriorated in the Congo during the 1970s, increasing number of Congolese bands began to appear in Nairobi nightspots. The Congolese bands often played rumba music, but one characteristic of this sound that remained with Kenyan music is the *cavacha*²⁵ rhythm, popularized by bands such as *Zaiko Langa Langa* and *Orchestra Shama*. During the same period, Swahili rumba bands also began to appear in Nairobi. A lot of the Swahili rumba was popularized by Tanzanian musicians and groups such as *Simba Wanyika*, *Les Wanyika* and *Super Wanyika Stars*. Kenyan music had a wide audience in Europe under the production of Virgin Records and the French label Afro Rhythms. Today, there is a mix of hip-hop blended with the times. Perhaps the most disturbing fact about the growing

²³ The music industry can be used to show how cultural industries are related, how the product produced by one creative is perfected or further developed by another, in a continuum.

²⁴ *Benga* is a Luo word, translated as something beautiful.

²⁵ The *cavacha* sound covers a number of rhythms, but is generally characterized by a fast paced rhythm played on the snare drum or a high hat.

trend in Kenyan music is the decision by the government to drop music education from its curriculum in 2000. As a consequence, appreciation of music among young pupils, particularly for traditional music, has been on a steady decline. The elimination of music education, and the declining knowledge regarding instrumentation and orchestration, has had a significant impact on accelerating the decline of traditional Kenyan music such as *benga* sound, where large instrumental pieces form the backbone of the music.

The quantitative growth indicates strength in the industries and institutions of the Kenyan music industry. Included in the industrial structure are a range of multinational and independent record companies; significant recording and manufacturing capabilities; an extensive retail and broadcast network and agencies for the collection of copyright revenues²⁶. In addition, a range of processes have contributed to the growth of the industry including:

- Promulgation of local content legislation, although this is relatively new and its effects are still yet to be realized;
- The growth in community radio broadcasting;
- Emergence of a variety of cultural exchange programs and industry development initiatives which have increased the synergy both between local musicians and between local and international musicians;
- Increasing organizational density facilitating a strengthening and articulation of interests and development projects in the music industry;
- Growth in the recording, marketing and sales of domestic repertoire.

The primary weakness facing this industry is the limited finances available for investment in the development and promotion of Kenyan artists. That is exacerbated by piracy and the lack of a coordinated strategy for the development of the industry. It is critical to improve the amount of finance available for investment if the Kenyan music industry is to take advantage of its present growth phase and industrial/institutional density. The aggregate growth of the music industry coupled with the increased popularity and exposure of local genres and the variety of initiatives underway to bolster the local music industry provide the foundations for potentially explosive

²⁶Music Copyright Society of Kenya

growth. This will depend on an appropriate degree of commitment and resources from the various role players.

The music industry does not fall easily into a neat sectoral definition as it traverses a wide range of industries from entertainment to manufacture to education and numerous others in between (composers; publishers; record companies; manufacturers of compact disks; broadcast, retail and entertainment sectors). An industry cannot achieve large-scale sustainable growth and create jobs on the strength of a single sector. This is particularly so in the music industry where all points in a song's journey from its birth in an artist's mind to its sale in a record store and its fighting on radio determines the strength of the final product. Noting that the music industry is one of the worlds' most thoroughly globalised, with a significant market that is expanding. In 1996, the total wholesale value of the global music industry was \$39.8 billion²⁷. In that same year, the global music industry grew by 4% in terms of the total volume of unit sales. 70% of that growth was located in less developed markets, with Latin America and Asia leading the way. Significant growth was also experienced in Africa and the Middle East with the market expanding by 119% between 1992 and 1996, albeit from a very small base. Notwithstanding the growth of less developed markets, 84% of the recording industry's value is located in three regions – North America, Europe and Japan. A closer look at the world's largest national markets reveals that only one country -- Brazil -- is in the developing world and the rest are located in middle to high income countries²⁸.

After the 2002 elections in Kenya, the 'Royal Media Services' popularly known for its Citizen Television, undertook to free the airwaves. The result was an array of radio stations representing nearly all the outspoken ethnicities in Kenya topped up with cultural nights at major events; notably *Mugithi*, *Ramogi*, *Pwani*, *Mulembe* amongst others. This initiative has had a significant impact on the music industry as it has resulted in an increased number of outlet points of delivering music to the market. More so, the narrower focus of these stations coupled with their geographical spread has meant that record companies are more able to meet their product to particular market segments (whether based on age, ethnicity, and literacy levels) besides promoting Kenyan music. From the forty four languages in Kenya, it is estimated that music is

²⁷ The Economist, 17th May 1997

²⁸ Market Tracking International (1998) The MBI World Report. London: Miller Freeman Entertainment.

made using over a quarter of the 40 regional languages. The most prominent language in which music is made is *Luo, Luhya, Kamba, Kikuyu* and more broadly based on Swahili (which is transforming to *Sheng* with more youthful involvement)

Yet, as at the time of this writing, the music industry in Kenya is facing a dire situation. It is estimated that appropriately 90% or possibly more of all music sold in Kenya is pirated²⁹. Thus the lost revenue (as both tax base for the government and a royalty and license fee for the musicians and other creators) deprives all of what is legally theirs.

An integrated value chain analysis of representative scenarios serves to delineate where the largest obstructions are in the current economic system that continues to prevent Kenyan musicians from enjoying the benefits of their talents and efforts, just as their colleagues in many other parts of the world do. No accurate market data is available on Kenya's music industry. However, given the popularity of music among Kenyans, there are a number of estimates.

According to a number of local music experts, the market size for music is anywhere between 10-32 million recordings per year³⁰. Of this amount, approximately 70% of the music sold in the pirated market is foreign and 30% local Kenyan music. While Ugandan reproduction companies also produce pirated foreign music, customly, most pirated foreign music originates in India, Pakistan and Dubai. Pirated products enter Kenya through the port of Mombasa or Dar es Salaam, Tanzania³¹. This study estimates that lost retail revenue, as a result of pirated music sales range from Ksh 1.28 – 4.75 billion (\$15.9 - \$59.4 million) per year.

There are a number of organizations registered for the protection of music in Kenya, but they are not united in their endeavors³², they are mostly business oriented, agents of entrepreneurial

²⁹ Upon release of an album, copies are sent by Kenyan agents to at least three different reproduction companies in Uganda, namely Lucine, Salie and Kasiwukira Studios. Within 2 – 4 weeks of an album's release, pirated copies are available in the streets of Nairobi and elsewhere.

³⁰ Of this amount, more than 90% is sold as pirated recordings. Given a population of 34 million people, it is estimated that one – third or 10 million people purchase music at least once a year. This is considered the lower range of consumption. The upper limit of the market size is calculated by the assumption that there are 8 – 10 individuals per household, which purchase at least 1 recording per month or 12 recordings per year. Assuming that there are 10 individuals per household, there are at least 3 million household. This leads us to the assumption that there are at least 36 million recordings purchased annually in Kenya.

³¹ The government describes these routes as '*panya*'

³² This is the main reason why intellectual property rights for the musicians continue to be abused, while young upcoming musicians in Kenya abuse the intellectual property rights of international artists, who may not have been heard in Kenya. The ability of original creativity in Kenyan music is losing touch with decrease in traditional production.

progress for those who put them in space and place. They are member based organizations, and as identified, the following are the common names you may encounter:

1. Music Copyright Society of Kenya --registered March 1983 as a company limited by guarantee.
2. Music Composers Association -- registered in 1989 under the societies act.
3. Kenya Association of Music Producers -- registered as a collective management organization
4. Kenya Music Industry Association -- registered under societies act
5. Kenya Union of Entertainment and Music Employees -- registered as a trade union.
6. Kenya Music Antipiracy Association-- registered as a not-for-profit society
7. Society of Performing Artists of Kenya -- registered as a not-for-profit since 1998
8. Baraza la Wazee wa Mziki -- is not registered, but a group of elderly musicians of the 1960s and 1970s, when Kenyan music first became known by worldwide audience.

All in all, the Kenyan music industry like any other economic segment has to develop a viable vision in a process that would reflect the aspirations and competencies of all music industry stakeholders. This is critical because it is only through participating in developing this vision that a stakeholder will be committed to its ambitions, thereby overcoming the lack of dialogue and cooperation between different sectors of the music industry.

Unlike book publishing, the physical sale of the music itself is not the core business; the central asset is the copyright.

What of the Luo Music and origins of *benga*?

Traditionally, music was the most widely practiced art in the Luo community. At any time of the day or night, some music was being made. Music was not made for its own sake, it was functional; to be used for ceremonial, religious, political or incidental purposes. The Luo music was shaped by the total way of life, lifestyles, and the patterns of individuals of this community, thus making its music unique from those of other Kenyan communities. This can be heard, seen and felt in their melodies, rhythms, mode of presentation and dancing styles, movements and

formations. The melodies in traditional Luo music were lyrical, with lot of vocal ornamentations that came out especially on events when music carried out an important message. Their rhythms were characterized by a lot of syncopation and acrostic beginning. These songs were usually presented in solo-response style although solo performances were there too in form of chants. Most of the Luo dances were introduced by these chants, for instance, *dudu* dance. These chants were recitatives with irregular rhythms and phrases which carried serious messages in them. Within the musicals were actions like *pakruok*, *sigalagala* which made the content elegant and graceful.

The Luo musical instruments range from percussion (drums, clappers, metal rings, *ongeng'o* or *gara*, shakers), strings (e.g. *nyatitit*, *orutu*), wind (*tung*, *asili*). Currently, the Luo are associated with the *benga* style of music. It is a style in which songs in *Dholuo*, Swahili and even English are sung to a live guitar riff. It originated in the 1960s with Luo musicians trying to adapt their tribal dance rhythms to western instruments. The guitar (acoustic, later electric) replaced the *nyatiti* as the string instrument. Today, *benga* is played by musicians of many tribes, and is no longer considered a Luo style.

Of good progress has been the introduction of dance to accompany *benga* music, with pure linkage to severe traditionalism through the rare instruments mentioned above, for instance, a typical Luo *benga* in 2010 would comprise of *orutu*, clappers, guitar and a drum made out of guard. These bring back the traditional richness of heritage and outstanding uniqueness in distinguishing the immediate role of *benga* outside its original home of Luo.

The Enterprise

A wave of innovation across a broad range of technologies, combined with considerable deregulation and a further lowering of barriers of trade, fostered a pronounced expansion of competition and creative destruction. The result through the 1990s of all this seeming – heightened instability for individual business, somewhat surprisingly, was an apparent reduction in the volatility of output and in the frequency and amplitude of business cycles for the macroeconomy.

Alan Greenspan, Speech on Economic Volatility, 2002

The concept of entrepreneurship has a wide range of meanings. On the one extreme an entrepreneur is a person of very high aptitude who pioneers change, possessing characteristics found in only a very small fraction of the population. On the other extreme of definitions, anyone who wants to work for himself or herself is considered to be an entrepreneur.

Austrian economist Joseph Schumpeter's³³ definition of entrepreneurship has placed an emphasis on innovation such as new products, new production methods, new markets and new forms of organization. Wealth is created when such innovation results in new demand. From this viewpoint, one can define the function of the entrepreneur as of combining various input factors in an innovate manner to generate value to the customer with the hope that this value will exceed the cost of the input factors, thus generating superior returns that result in the creation of wealth.

Schumpeter argued that the innovation and technological change of a nation comes from the entrepreneurs, or wild spirits. He coined the word *Untemehmergeist*³⁴. That the actors who drive innovation and the economy are big companies which have the resources and capital to invest in research and development. This explains why ideas from creative minds within the informal

³³ He was an Austrian economist and political scientist born in Moravia, then part of Austria –Hungary, now in the Czech Republic. He popularized the term creative destruction in economics.

³⁴ German word for entrepreneur-spirit

sectors are constantly being patented by corporations, who claim all rights for nothing in their doing. There is a huge gossip about the origin of the M -Pesa, how a student at the University of Nairobi developed the idea as his course work project. Upon completion of his studies, he presented the concept to Safaricom³⁵, with hopes that the idea could be funded to further research and ultimate development. However, notwithstanding his ignorance of the patent process, Safaricom happily announced a breakthrough in research without a mention of this individual. He was simply made irrelevant, with his idea being a multimillion success for this communication company; not even some position in the company. This example adds up into the issue of being resourceful, basically being able to twist the law and accumulate potent information in a way that leaves no strings attached from their points of origin.

As much as the concept of entrepreneurship has been gaining advocacy for involvement in full legality within laws protecting production, African states, and for this instance Kenya, still have a wide way to go. There is a real need for a visionary strategy that could protect ideas that develop as a result of academic creativity amongst the students', there is need for a policy that promises sustainability of such thoughts, some avenue for funds that could steer further development of related products. In this way, confidence is instilled and without clear laws of copyright, creative technology fraud cannot have a chance of progress. These persistent fraudulent practices of exploiting ideas of lay citizens by corporations³⁶ is the main reason why trade unions have lately been on the verge of resisting machines³⁷ in aid to service. A most recent issue is a strike organized by the Kenya Tea Plantation Workers Union in 2007 that received the backing of the Central Organisation of Trade Unions (COTU). Impossible to capacity build the public perceptions towards adequate need of technological relations and creative progress as a

³⁵ Safaricom is a mobile phone technology company that offers communication services. It has been the leading innovator in services compatible to the African needs as seen by its ever twitching provocation for new concepts.

³⁶ Especially those corporations who pay huge taxes to the government. They enjoy some leverage in terms of immunity from media or even individual complaints. The government normally jumps in to correct any mis-up in their names, thus putting them in track of business wherever and whenever amidst flawed patent and related rights.

³⁷ In 2007 the Kenya Tea Development Authority approved the use of machines in Kericho plantations as a way to speed up and double the pick-up rate. The workers resented this strategy as the government was at the verge of implementing Economic Stimulus Programs, within which retrenchment of workers was a top priority. The lack of locally bred technologies makes it difficult to justify the importance of the machines in aiding tea production. The case could have been different if the technology used was an invention of a Kenyan to be applied in Kenya and elsewhere.

community. Much emphasis has to be within fostering local talents into generating their own internal appreciations for the creative products including technological services.

Creative destruction is an economic theory of innovation and progress, introduced by German sociologist Werner Sombart³⁸ and elaborated by Schumpeter, to describe the process of transformation that accompanies radical innovation³⁹. In Schumpeter's vision of capitalism, innovative entry by entrepreneurs was that force that sustained long term economic growth, even as it destroyed the value of established companies and labourers that enjoyed some degree of monopoly power derived from previous technological, organizational, regulatory and economic paradigms. Creative destruction can cause temporary distress.

Layoffs of workers with obsolete working skills can be one price of new innovations valued by consumers. Though a continually innovating economy generates new opportunities for workers to participate in more creative and productive enterprises (provided they can acquire the necessary skills). Creative destruction can cause severe hardship in the short term, and in the long term for those who cannot acquire the skills and work experience. This is especially true for those countries that depend on technological transfer for progress; they are genie pigs for new ideas generated elsewhere for different environments. Imagine a technology designed to harvest corn in the America's, how will it be used to harvest maize in Kenya or even Africa where issues of famine and malnutrition are the top agenda. To a greater extent, Kenya still depends on long term accumulation of cereals, there is no such thing as large scale production. It is the little bits of harvests collected from different subsistence farmers in form of surplus sold, that add up to make up the government cereal. Hence, introducing harvesters to such farmers is necessarily beyond their comprehension. In a clear analysis, it could contribute to the drop level of harvest, as the modes of production will change and time for adoptability might be a greater cost in terms of poverty escalation instead of alleviation. A destruction of the economy through imported technological creations.

³⁸ He was a German economist and sociologist, the head of the "Youngest Historical School" and one of the leading continental European social scientists during the first quarter of the 20th Century.

³⁹ When individuals and organizations shift their operations to adopt into a better way of doing things through a stronger innovation within the paradigm flow, hence calling to a change of era.

Schumpeter's work turned on economic and social evolution, and he presented most of his results in what may be called the *Evolutionary Trilogy*: The Theory of Economic Development; Business Cycles; and Capitalism, Socialism and Democracy. He observes that the most essential point to grasp is that in dealing with capitalism, we are dealing with an evolutionary process that incessantly revolutionizes the economic structure from within, incessantly destroying the old one, incessantly creating a new one. This process of creative destruction is the essential fact about capitalism. It is what capitalism consists in and what every capitalism concern has got to live in.⁴⁰ Economic growth is characterized by the creation of novelty and the destruction of old products and processes. The employees who lose their jobs are often facing great stress and significant welfare losses that seem more obvious than their long term advantages of capitalist evolution. Their reactions constitute permanent challenge to the institutions of capitalism. Thus the process of creative destruction is a concept that reflects the competitive struggle and focus on the reactions to the temporary welfare losses at the micro, meso and macro levels. Schumpeter, as a solution to creative destruction, suggested the creative response. We must investigate historically the actual industrial processes that produce it and in doing so, revolutionize existing economic structures through adaptability.

Werner Sombart⁴¹ argued that from destruction a new spirit of creation arises; the scarcity of wood and the needs of everyday life forced the discovery or invention of substitutes for wood, forced the use of coal for heating, and forced the invention of coke for the production of iron. That these events, however, made possible the enormous development of capitalism in the 19th century, is beyond doubt for any well informed person. Herbert Simon had the view that it is not the actual destruction of resources but the potential threat to the survival of firms that leads to the change of routine behavior. Those firms follow given routines as long as they are able to uphold a satisfactory performance. When this is not the case, e.g. competitive pressures, they start an innovative or imitative search for better routines. If successful, they scrap their old routines and thereby they might avoid the destruction of their organizations.

⁴⁰ Schumpeter, 1942, 82 - 83

⁴¹ 1913: 207

According to this scheme, the evolution of the routine economy tends to take place through the following sequence of events:

- *Initial equilibrium*: The analytical starting point is an economic system that is based on solid routine behavior. This system is assumed to have found an equilibrium that allows the economic agents year after year to operate in their accustomed ways.
- *Innovation*: The initial equilibrium breaks down when a minority of innovators starts their enterprises. This leads to an economic upswing, but gradually the stream of innovations fades out because of depletion of innovative skills and the difficulties of innovating under disequibrated conditions.
- *Renewed equilibrium through creative destruction*: Eventually, the innovative impulse is insufficient to uphold the upswing. The downswing sharpens the competitive process of creative destruction, where many old firms are selected out of the economic system while others survive by destructing old routines. At the end, a renewed and well-established routine system emerges.
- *Economic evolution as the process of creative destruction*: the economic evolution of the routine system consists in a series of routinised equilibria and innovative disturbances that challenges given routines. This process creates socio-political reactions that might radically change its future functioning.

In any emerging destruction of the economy through creative technology, the cultural industry remains the pivot point of control for what effects and when to be. Technological development is a cultural off-shoot, in as much as Africans are competent with their fingers and natural gifts. The importation of civilization resulted into colonialism, and the persistent dependence resulted into brain drain, something that emerging scholars of political economy have framed as post-modern colonialism in replacement of the neo-colonial arguments that existed. We import technologies that we know little about, and has not been participatory in their making or global induction. In our ignorance, we offer ample grounds for such technologies to be tested and perfected at the expense of our well-being as a nation; being helpless and paralyzed by the fact that the elected members of the general assembly know little about policy making, they are not conceptualized into the facts of control. They base

everything on their prior experiences and aim to perfect their conditions without reference on the situation as it is. The way out is often to emulate the success stories of other nations and to import such methods used, not putting into consideration that these nations we look towards also took time to develop their sustainability.

Though not advocating for us to reinvent the wheel, I think that the wheels we use must be improvised to act as solutions to our problem of mobility within our own terrain.

Kenya is well known for the discovery of pre-historic artifacts and human remains. The studies of Leakey, Sonia Cole and other experts have established archeological stages corresponding to the various climatic eras and Kenya's variety of altitudes and climate made it ideal for the preservation of fossil materials. The pre-colonial, socio-cultural and linguistic patterns reflect the ways in which the inhabitants adapted and met the challenge of their varied environment.

Kenya came into the British sphere of influence in 1902. The whole region then known as British East Africa Protectorate, was administered by career diplomats and private companies based in Zanzibar. The protectorate was regarded as strategic base safeguarding British colonial interests in South Africa and the Indian Ocean and operating as a check on German colonial expansion. History has it that militant nationalism led by men of powerful intelligence and inspired by African cultural values ultimately gained Kenya independence in 1963. Ever since its liberty, the government has fully recognized the importance of oral tradition -- all the more important because 90 percent of the population is rural, devoted to the traditional dramas, folk opera, music and poetry. At the same time, the educational system strived to be developed as a necessary component of social welfare. This is seen on the 1970 -74 Development Plan⁴², part of it states:

The government has declared in Sessional Paper No. 10 of 1965 and in its National Social Welfare Policy, that it is its firm objective to improve the general well-being of the people. This is in recognition of the truism that economic development cannot be divorced from the social advancement of the people... certain services have no immediate economic implications, but their neglect has severe effects on the well-being of the whole nation.

⁴² Republic of Kenya, Development Plan 1970 – 74, p. 527, paragraphs 20.17, 20.18, Nairobi, 1969

The underlying principle of all social welfare programmes will be that of prevention; preventing emergence of social problems which lead to human wastage and national decline.

The discussion of cultural protection must include the question of the expatriation of cultural property and the effects of modernization on the quality of life -- the great loss of the traditional values⁴³ of the people.

As cultures differ, so does the approach to them; this is why it is important for each nation-state to determine its cultural policy and methods according to its own conception of culture, its socio-economic system, political ideology and technical development. Government has an obligation to ensure that valuable cultural assets are not irretrievably lost and that the resources of the past are protected and preserved in order that the people may keep in sight their rich heritage and maintain those ties which are meaningful in the contemporary world⁴⁴.

The cultural industries tend to be:

1. Knowledge intensive, involving highly skilled workers
2. Labour intensive, creating more than the average number of jobs
3. Differentiated, taking the form of small and medium enterprises and large enterprises
4. Linked with close interlocking but flexible networks of production and service systems, allowing the sector flexibility in the face of economic recession.

Understanding the global context of the cultural industries is of crucial importance if any attempt is made to develop them. The politics of 'New Economy' and phenomena like the internet make understanding these processes absolutely necessary. The term cultural industry is used to describe a wide variety of cultural activities which all have commercial organization as their motivating force. These activities take a number of different forms and are organized in different ways from the manufacture or creation of products to the marketing and distribution thereof. Despite a voluminous and often fervent literature on income distribution, the cold fact is that

⁴³ These values are intimately bound up with local social systems, and cover every aspect of life: history, flora and fauna, folklore, folk tales, opera, aphorisms, proverbs, dances, music, songs, instruments, decorative arts, jewellery, belief systems, literature, philosophy, theology, science, medicine, painting, sculpture, architecture and languages.

⁴⁴ The role of the cultural policy is clear, that of realization of national unity and cohesion; the creation of national pride and a sense of identity among people.

most income is not distributed, it is earned. All business proceeds on beliefs or judgments of probabilities and not on certainties. This is why creativity is essentially important.

Speculation about the nature of man and myths about his origin are found in all cultures, for example Adam and Eve, their disobedience in the Garden of Eden⁴⁵ which led to their banishment and condemnation to a life of struggle for survival on earth. This idea of man's existence in paradise is reflected in the myths about the origins of *Kikuyu, Akamba, Luo, Maasai* and other people of Kenya. Modern science and technology strain to recover the omnipotence and omniscience of a golden age, the idea to which underlay philosophical and theological thinking that has dominated man's history in all cultures until the advent of modern technology. The latter offered redemption from disagreeable and unethical labour.

Technology developed in order to elaborate those that are basic in human nature. It involved specialization (division of labour), standardization (to make communication possible), and repetitive patterns of behavior that are very well reflected in human language. As Schumpeter has laudably put it, man has entered the era of destruction through his own creations to which he has lost control. It is now technology which controls culture, and has more or less done so since the industrial revolution. The price is heavy. Technology has created the most serious alienations man has ever experienced. There is little real communication between the technologist and his society.

Because technologists try to better material welfare, the ordinary citizen does not seem to care what goes on in industries and laboratories. He has been assured that all is well despite all the problems threatening his survival: population explosion, energy crisis, the threat of nuclear war, the waste of non renewable resources, environment pollution and the general degradation of the planet. Kenya is lucky because it can avoid this form of irrational development. We must develop industrially but not through the kind of technology that converts landscapes into urban concrete deserts and slums, or other similar aberrations. Our cultures are important after all, since they provide a spiritual buttress against poverty. No technological innovation should be forced on people until all of its consequences have been properly assessed. Those responsible for cultural planning must be quite clear on this point.

⁴⁵The Christian Holybook, the Bible Genesis

Kenyan Technologies

Once upon a time we were just plain people. But that was before we began having relationships with mechanical systems. Get involved with a machine and sooner or later you are reduced to a factor

Ellen Goodman "The Human Factor", The Washington Post, January 1987

Fundamentally transforming the foundations of the economy is the biggest contribution we can make towards building a sustainable future. The current economic crisis may be painful, but it will be nothing compared with the crises we will face if we continue to grow in a way that threatens the life support systems on which we rely. A combination of very rapid population growth over the last 50 years and reckless economic growth during the same time has stored up massive problems for societies the world over. No nation is immune. The scientific evidence tells us all we need to know, that if we carry on with business -as- usual growth-at-all-costs, and we are stuffed.

The collapse of the worlds banking system and the impending disaster of accelerating climate change are not separate phenomena⁴⁶. They are simply the most visible symptoms of a particular model of capitalism that will bring civilization to its knees. But those symptoms will not get sorted unless and until we commit to a radical transformation of the way we create and distribute wealth in the world today. No wonder Kenya has been on the lead on mobile money transfer, bridging the gap between the have and have-not if not uniting the rich and the poor in an balanced manner. We must note that the solutions of tomorrow are not stashed behind the wall of bureaucracy or political halls. They are in the minds of engineers, designers, innovators, researchers, environmentalists, geographers and other spirited individuals. Creative industry

⁴⁶ The future of life on earth depends on our ability to take action. Many individuals are doing what they can, but real success can only come if there is change in our societies, our economics and our politics.

must put emphasis on the environment and ecosystems within which such innovativeness is produced. Any regeneration project that fails to put environmental and social benefits at its very heart is unlikely to achieve anything more than a very short-lived spasm of spurious prosperity.

Some scholars would say that technological progress has merely provided us with more efficient means for going backwards. We can easily reflect onto our past positions in this pyramid of development, to measure how far we have come, selecting what ideas serve as our heritage. The most important and urgent problems of the technology of today are no longer the satisfactions of the primary needs or of archetypal wishes, but the reparation of the evils and damages by the technology of yesterday. With proper ways of doing things, the ethical orientation of our societal systems is highly utilitarian, shaped by hedonistic demands that steer development within the agency of collective good. Man is essentially selfish, driven into action not by intellect by appetites. His life is therefore chaotic, brutish and short. Only through scientific thinking is the individual ego capable of producing benefits to the community; it is only through such systems that man has been able to become organized and make better use of his ecosystem. He has been able to develop collective curiosity as to how futuristic his actions could sustain his own existence in this planet of change. Through science, an empirical epistemology has been developed that resulted an easy way of living, a promotion to the well-being of man in this universe.

The saddest aspect of life right now is that science gathers knowledge faster than society gathers wisdom; we are becoming the servants in thought of the machine we have created to serve us. By example, let us use mobile phone⁴⁷ as a case in point. When Abraham Bell invented the telegraph, communication was made simple through sophistication. The need for decentralization of distant communication resulted to the creation of postal and telecommunication centers. However, the need for private telecommunication brought in the urge for a new technology, that of a *mobitel*. Thus, the earliest mobile phones were so huge, they were cart driven, but wireless.

⁴⁷ A mobile phone allows its user to make and receive telephone calls to and from the public telephone network which includes other mobiles and fixed line phones across the world. The first hand held phone was demonstrated by Martin Cooper of Motorola in 1973, using a handset weighing at least two kilos. In the 1990, 1204 million people worldwide had cellular subscriptions and by the end of 2009 the number of cellular phone subscriptions worldwide reached approximately 4.6 billion, 300 times the number in 1990.

This is how primitive the technology has developed to the extent of fitting into our pockets or even being plugged as Bluetooth device.

Communication is one of the most important aspects of life. Without communication, things don't work; good example being the tower of Babel⁴⁸. Africa far outpaces the rest of the world in average annual growth of mobile phone subscriptions; according to the international telecommunications union, from 1999 through 2004, Africans signed up for cell phones at a far greater rate than Asians, nearly three times as fast as Americans. Most of that growth was in the sub-Saharan region⁴⁹. Despite millions of dollars in aid money, Kenyans still see the basis of advanced communication. Sharing whatever news they have and getting to care for the well-being of their related ones. The use of mobile phone is measured not monetarily, but timely, whatever goes on through the transactions being valued as such (as the saying goes 'time is money'). Given the small scale business layout of most municipalities and cities, the best accounting system has been the micro-finance sector. The government of Kenya, many international donor agencies and a large number of NGOs consider micro-finance as a key instrument for micro-enterprise development and poverty alleviation⁵⁰.

As an industry, micro-finance is a relatively new phenomenon in Kenya, with a few agencies starting about 20 or so years ago but the sector gaining the status of an industry in the last 10 years. The government of Kenya (GoK) has indirectly provided a boost to the microfinance sector. In 1992 – 1994, it implemented a Structural Adjustment Program (SAPs) which resulted in the liberalization of the economy. Lack of access to credit was considered a major bottleneck for entrepreneurial development. The international donor community responded generously in financing the innovation of grassroots' financial mechanisms. Micro-finance agencies (in particular client-based⁵¹) became donor darlings⁵². It is on this call that the Safaricom Mobile

⁴⁸ Where communication breakdown killed a generation dream to reach God in physical form (check the bible for more details).

⁴⁹ <http://tmenguy.free.fr/Techblog/?p=161>

⁵⁰ The central Bureau of Statistics (1999) estimated that the total number of NGOs providing financial services to low income people was 130, ten year in line, the number should have increased, but at what rate?

⁵¹ Client based microfinance agencies comprise of all microfinance providers, formal or informal, where customers are not also owners of the institution, have little direct involvement in the management of the institution, and don't have a share in the returns made by the institution.

⁵² A conservative estimate is that the micro –finance industry has received a total of USD 80million

Company, through its mother organization, the Vodaphone, convinced the U.K. donors to support its quest of being the first mobile based micro-finance service facilitator. In this way, individuals would borrow from their fellow partners and transact business with ease and no commitment to the heavy conditions imposed by the banking systems.

M-Pesa (M for mobile, Pesa a Swahili word for money) is the product name of a mobile-phone based money transfer service whose initial concept and design was Kenyan and was later developed by Sangetia (later transferring to IBM in September 2009) for Vodaphone⁵³. The development was initially sponsored by the UK – based Department for International Development (DFID) in 2003 – 2007. The initial concept of M-PESA was to create a service which allowed microfinance borrowers to conveniently receive and repay loans using the network of Safaricom⁵⁴ airtime vendors.

Aside from the micro-finance sector, technology has also been applied politically to control violence and the voting system. With African leaders resisting democracy at all cost, there has been a quest for alternative ways of practicing our human rights. The freedom of expression has been highly curtailed if not resisted by those leaders who we elect into statesmanship. Once in power positions, they refuse to relinquish such positions for successive leaders, they resist new ideas and become conservative of their own inventions of which corroboration warrants a shift in paradigm. The results of flawed election results in Kenya were highly witnessed authentic violence, an outrageous resistance of the inferiority complex that had been instilled to the native Kenyans by the *Moi* regime and later clouded by the *Kibaki* government of that time. The government was highly corrupt and nothing that the citizenry could do would have changed anything. The only expected transition was voting out the leadership. But things became bogus, as rigging was broadcasted live to the citizenry, who took up the call for nationalism. They identified themselves as Kenyans against *Kikuyunization*, displacing this tribe from other localities where they had gathered safe-haven. Dramatically, the most affected region was Eldoret.

⁵³ In Kenya, the affiliate of Vodafone is Safaricom. Thus it is easier for the service to become international, wherever other affiliates of Vodacom operate i.e. Tanzania, Afghanistan, Egypt, India and South Africa.

⁵⁴ Safaricom Ltd is a leading mobile network operator in Kenya. It was formed in 1997 as a fully owned subsidiary of Telkom Kenya. In May 2000, Vodaphone group of the United Kingdom acquired 40% stake and management responsibility for the company. Vodacom is the world's largest telecommunication company.

At this very time of post-election violence, the criminal organizations were taking charge, notably is the Mungiki menace, who countered the attack by claiming certain segments of Nairobi. Thus, as *Kikuyu's* were being displaced from Rift valley and Nyanza provinces, the Mungiki were busy displacing and killing people who belonged to any other tribe other than their own. These issues were widely witnessed to an extent of being broadcasted live in news networks such as Al Jazeera and CNN.

Ushahidi, which means ‘testimony’ in Swahili, is a website⁵⁵ that was initially developed to map reports of violence in Kenya after the post-election fallout at the beginning of 2008. *Ushahidi* roots are the collaboration of Kenyan citizen journalists during a time of crisis, and have grown from an ad hoc group of volunteers to a focused organization. The team is comprised of individuals with a wide span of experience ranging from human rights work to software development. This technology allowed citizens who suffered abuse to be able to share their experience with international human rights organizations, who would in turn put pressure on the Kenya government. The service worked through a short message service from the mobile phone to a website, making the information available to the World Wide Web. The government was therefore not able to hide its own atrocities, its own incompetence’s. It had no option but to accept the international accusations, the donor pressure and the citizenry cry for change. This resulted to a coalition government that has an equal power sharing for the two parties who contested for presidency.

In August 2008, a seed funding from Humanity United allowed the team to get started, deploying its services to Congo for testing amongst other nations and organizations⁵⁶ including Al Jazeera during the War on Gaza, Vote Report India (to monitor the recent local elections) and Pak Voices(to map incidents of violence in Pakistan). This is just another addition to the multiple technological ideas that originate in Kenya and get developed elsewhere, if not copyrighted out of the reach of their country of origin.

⁵⁵<http://www.usahidi.com>

⁵⁶ International Center for Transnational Justice, Peace Heroes and the Kenya Human Rights Commission.

In April 16th 2010, the Impact lab⁵⁷ reported that a Kenya student, Pascal Katana from the University of Nairobi engineering faculty, invented a device to automatically detect forest fire outbreaks. It used heat sensors to detect fire, automatically relaying the information to a forest station through mobile phone technology. Pascal explains that heat sensors are programmed to detect temperatures which are over 45°C and the Sun does not go beyond this level in terms of heating, making it easy to tell of any fire that could have been ignited. A deeper look at the inventions that come as student projects from the University of Nairobi still reminisces what Pascal had done during his early days of study. Together with Jeremiah Murimi, they invented a device that allows bicycle riders to charge their mobile phones.

According to a BBC story⁵⁸, the cash strapped students used old bits of electronic equipment for the project as well as considered their background as an inventing platform. Where they come from, *boda boda* is the sole means of transport from bus terminals. Most bicycles in Kenya come with dynamo attached to the back wheel to power the lights, this is how the idea of the mobile charge regenerated; the concept of multitasking the dynamo. The invention was that the dynamo can be switched to plug into the charger during the day, and back to the light at night since the electric energy is manually generated through cycling. During the day, the accumulation was not being put into use, thus an idle energy. Surprisingly, Nokia mobile company took this invention and branded it as of its own making, thereby robbing the two boys of their intellectual property as much as abusing their copyrights.

There are numerous stories of stolen ideas by the corporate companies from developers, programmers and entrepreneurs. Meet these people in any forum and the number one complain is how their ideas which at one point they presented to such a company, which in turn rejected as useless but some weeks or months later, they have the same idea up and running. The reason why this happens a lot is because of Kenya's outdated intellectual property laws. To start with, many people don't know even how to go about it and the little number of persons who know, understand that those laws can't help unless refined.

⁵⁷ The impact Lab is a laboratory of the future human experience. The site was launched in 2001 as one of the Internet's earliest weblogs. It began as a notebook filled with fascinating information about how the world is changing around us. www.impactlab.com

⁵⁸ <http://news.bbc.co.uk/2/hi/africa/8166196.stm> accessed on 22 July 2010 at 11:45 Hrs

As at the time of this writing, Nokia mobile company claims ownership of the bicycle charger kit, patented on their own behalf and used as a marketing tool⁵⁹, the same as what Safaricom is doing with the M-PESA innovation. They play around the intellectual property rights, exploit the young who at any point are desperate for employment or finances, and snatch away the creativity to brand it in its mega outreach, to such an extent that the idea is internationally recognized as their own.

It takes the civil society action for government to respond accurately on issues of innovation and creativity. Today, Kenya has recognized the institutions of higher learning as hubs of technical creativity, especially the University of Nairobi where technologies such as M-Pesa, Nokia Bicycle Charger, Fire Detector and many others have emerged as final year projects for the students of the faculty of engineering. Fab Labs (fabrication laboratory) has enabled the world respond to technological urgencies and Kenya is not being left out. It is a small scale workshop with an array of computer controlled tools that cover several different length scales and various materials, with the aim to make almost anything. The Fab Lab was started in the Media Lab at MIT; collaboration between Grassroots Invention Group and the Center for Bits and Atoms at the Massachusetts Institute of Technology, broadly exploring how the content of information relates to its physical representation, and how a community can be empowered by technology at the grassroots level. The 2009 statistics explains that there are 45 labs in 16 countries. Kenya has two of these labs, in Kisumu⁶⁰ and University of Nairobi; South Africa has five and Ghana has one, being the only African countries accessing the technology at the moment.

On Issues of Copyright and Properties of the Intellect

The principle rights governing the ownership and disposition of technology are known as intellectual property rights, which are derived primarily from legislation granting patents, copyrights, trademarks e.t.c. In many instances, distribution and commercialization of

⁵⁹ <http://europe.nokia.com/find-products/accessories/all-accessories/power/chargers/nokia-bicycle-charger-kit> accessed on 22 July 2010

⁶⁰ In Kisumu, the Fab Lab is managed by Arc Kenya, an organization aiming to empower the local poor people in Kenya through capacity building, projects support, resource mobilization and creation of objective linkages from local to international perspectives. www.arc-kenya.org

technology may be aided by or depend upon access to the physical or tangible embodiment of the technology, as in the case of biological organizations, plant varieties or computer software⁶¹.

Most countries in east Africa have modeled their intellectual property laws on international conventions and agreements that are intended to promote creativity through the granting of intellectual property rights (IPRs). These include industrial property laws (covering patents, trademarks, and geographic indications), copyright laws, and plant breeder rights and the like. Kenya has developed and enhanced legal frameworks for all of these areas, while Uganda and Tanzania have similar copyright and trademarks laws, but use the African Regional Industrial Property Organization⁶² (ARIPO) for their industrial property laws.

Most important is a positive stance by governmental policy makers with a rigid and rigorous enforcement of those policies in an effort to dis-incentivize those who engage in illicit activities and increasingly incentivize those who engage in legal, profitable business ventures thus paying tax revenue and royalties to those legally capable of claiming it.

As in the case of Pascal and Jeremiah, they might have been naïve or scarcely informed about their rights as creatives. Although their production was not professionally motivated, it still had legality of being recognized. Notably, inventions which do not meet the criteria of patentability⁶³ and are industrially applicable are to be protected by a utility model certificate⁶⁴, this certificate could later be used by these students to create even better models of their inventions, thus protecting their originality in time of their academics. Yet multinational corporations exploit originality at no cost, registering innovations in the western world where

⁶¹ The intellectual property covers generally covers the ownership, distribution and commercial development of technology.

⁶² ARIPO is a regional organization of 12 countries, namely Kenya, Zimbabwe, Gambia, Ghana, Lesotho, Botswana, Somalia, Sudan, Tanzania, Uganda, Swaziland, Malawi and Zambia. Inventors wishing to protect their inventions in other African countries may file one application in Kenya (for this case) and designate any of these countries.

⁶³ Namely being new or at the invention step.

⁶⁴ Utility models are new inventions with industrial capability but lack an invention step. This means the invention qualifies for a utility model certificate if it is new and industrially applicable. Thus, according to the industrial Property Act, utility model comprises of any form, configurations or disposition of elements of some appliance, utensil, tool, electrical and electronic circuitry, instrument, handicraft mechanism or other object or any part of the same allowing a better or different functioning, use or manufacture of the subject matter or that gives some utility, advantage, environmental benefit, saving or technical effects not available in Kenya before and includes micro-organisms or other sect replicable material, products of genetic resources, herbal as well as nutritional formulation which give new effects. A utility model is protected for 10 years from the date of grant of a utility model certificate.

their trade acts are functional. Surprisingly, like other developing and developed nations, Kenya has a copyright act, under which all these issues are proposed.

In 31 December 2001, the Kenya parliament passed the Copyright act of 2001, replacing the Copyright Act of 1966 (as amended) thus establishing a Copyright Board⁶⁵ to replace the Copyright Office. More so, there are a myriad of international organizations whose respective goals are generally to foster, facilitate and otherwise support protections on all intellectual property rights from an international perspective. Probably, the premiere international organization involved with Intellectual Property is the *World Intellectual Property Organization* (WIPO).

The need for protection of intellectual property at an international level became clearly evident during the International Exhibition on Inventions in Vienna in 1873. At that time, foreign exhibitors refused to attend or participate in any manner during the exhibition of inventions for fear that their ideas would be stolen and exploited commercially in other countries with no means of recourse on the inventor's part. By 1883, the concerns of inventors and other creators was so extreme that it brought about the Paris Convention for the Protection of Industrial Property, the first major international treaty designed to help the people of one country obtain protection in other countries for their intellectual creations in the form of industrial property rights, known as: inventions (patents), trademarks and industrial designs.

In 1886, copyright similarly entered the international arena with Berne Convention for the Protection of Literary and Artistic Works. The aim of this convention was to help nationals of its member states obtain international protection for their right to control, and receive payment for, the use of their creative works such as: novels, short stories, poems, play; songs, operas, musicals, sonatas; and drawings, paintings, sculptures, architectural works.

As the importance of intellectual property grew, particularly in westernized democratic societies, the structure and form of the organizations changed as well. In 1974, WIPO became one of the

⁶⁵ The board is in charge of the administration all matters concerning copyright and related rights in Kenya. The board takes over the duties of the copyright office currently residing in the Office of the Attorney General. This is to ensure centrality in coordination and enforcement of copyright and related rights in Kenya.

current 16 specialized agencies of the United Nations system of organizations⁶⁶, with a mandate to administer intellectual property matters recognized by member states of the U.N.; thus in 1996, it entered into a cooperation agreement with the World Trade Organization (WTO) thereby expanding its roles. A fundamental and enduring part of its activities in the protection of intellectual property is the progressive development and application of international norms and standards. However, it must be remembered that WIPO has no direct input into the enforcement⁶⁷ activities of sovereign states, even member states to its organization, thus influence remains purely with economic and political pressure brought to bear by the collective voice of member states. WIPO serves as an administrator of international treaties associated with all regimes of intellectual property and encourages all member states to abide by and enforce those treaties within their sovereign responsibilities.

Kenya is a signatory to many of the international laws that protect its innovation, creativity and production, yet, its citizenry continue to languish in poverty as much as struggle to alleviate themselves from the poor standards of living they find themselves awakened into by virtue of the natural placement. They were born Kenyans, they were made to feel inferior through colonialism; and violence only brought them political freedom which has failed to understand the importance of governance by the people. Perhaps Jeremiah and Pascal could have enjoyed assistance by the government in getting their scientific episteme globally respected. Kenya is a signatory to the Paris Convention for the Protection of Industrial Property which prevents actions as that of the Nokia Mobile from happening. This could have been the number one priority instead of promising reactions from the Ministry of Science and Technology in need of more inventions and innovations. Securing rights for such creativity is the route to successful addition onto the gross national product, by taxing those institutions and governments who utilize Kenyan bred ideas.

⁶⁶Kenya is a member of most major international and regional intellectual property conventions, the World Intellectual Property Organization, the African Regional Industrial Property Organization, the Paris Convention on the Protection of Industrial Property and the Berne Convention on the Protection of Literary and Artistic Works.

⁶⁷Even the most well drafted treaty is powerless without member states to bring its provisions to operation, so WIPO actively encourages states to sign its treaties and to enforce them as intended. Widespread accession and consistent enforcement help to maintain a stable international environment, inspire confidence that intellectual property rights will be respected around the world, encourage investment, and contribute to economic development and social well-being.

Though in this chapter we have counted only specific examples of Kenyan technological creativities that have been lost to global institutions that protect such innovations elsewhere, there's still is a dire need for a civil society response on issues of culture, an element that's lacking as many consider the creative sector as people specific, a non public domain, a backward paradigm. This is the wrong perception, for we are enslaved into joyous quest for inventions that we force their workability onto our environment, we need to be masters of our own creations, to address the local problem. In this way, poverty alleviation will be a reality and the millennium development goals will cease to be mythical objectives. Culture must be the guiding strategy.

The Economy of Creativity

The government view of the economy could be summed up in a few short phrases: if it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.

Ronald Reagan

The cultural/creative industries⁶⁸ are a growth sector with major contributions to employment, export and GDP. Measurement and survey of the sector is critical to industrial management, strategic industrial planning and trade policy formulation. In order to harness the opportunities offered by the creative industries, governments first need to undertake thorough mapping and statistical research to better understand them. Creative economy thus calls for a multi-disciplinary and concerted inter-ministerial policy response.

As per the UN Creative Economy report of 2008, the creative economy can foster income generation, job creation and export earnings, while promoting social inclusion, cultural diversity and human development. As much as 80% of cultural goods are consumed by 20% of the population. Africa's development model is based primarily on the criteria of short-term economic profitability and technical rationality. This has perpetuated even aggravated inequalities dooming hundreds of millions to live in poverty, unemployment, insecurity and exclusion. Africa is increasingly indebted and becomes more marginalized in the world economy. We must take note that development models in Africa ignore the realities, traditions and specifics of the socio-cultural environment and local populations. Cultural diversities and traditions are considered obstacles to development, while the Pan African Cultural Manifesto (Algiers, 1969) clearly stated that culture plays a decisive role in the economic and social development of Africa. Creative industries are therefore promoted through the art schools and government policies. It is either an increment in the number of institutions teaching art/innovation or the betterment of existing government policies toward creative industries. On

⁶⁸ Creative industry could include CSOs (Civil Society Organisations), Copyright Societies, tourism agencies, industry association.

the other hand, the Nairobi Plan of Action [Chapter C, Preamble, paragraph 13] of 2005 defines creative industry to include music, performing arts (dance/theater), film, television, radio, indigenous sports and games, tourism, publishing and printing industries, indigenous knowledge and technology⁶⁹.

After the alienating impact of colonial history⁷⁰, African cultures seem threatened by the effects of rapid socioeconomic transformation process and by the invasion of foreign models and mass cultural products. The statistics record that 55% of world cultural industries are controlled by the North Americas firms, 25 % by European; 15% by Japanese and the rest by Asian; 5% by Latin America. Africa's share is less than 1%. Hindered by the absence of capital and investments, the difficulty in accessing credit, ill-controlled piracy⁷¹, the parceling out of the markets, the insufficient mapping of cultural resources e.t.c.; African creativity, cultural industries and the media cannot give an effective support for the creation and distribution of cultural and artistic goods and services. There is need for advocacy programmes and sensitization activities for decision makers and planners involved in the PRSP⁷² process, the development of cultural indicators and methodological tools with a view to developing capability of understanding and incorporating cultural issues into poverty reduction strategies, programmes and projects. The main obstacles for development of creative economy in Africa stem from the low level of development and colonial history. The role of policy is to minimize *distortionary* interference within the open system economics of creative industry -- in this way they are dynamic and contribute to the process of economic growth and development.

Over and above their contribution to culture⁷³ and society, the market must be seen as a knowledge-integrating institution. In spite of the many policies, declarations and guidelines, the prevailing strategies and planning practices continue to ignore in general, the cultural realities and assets of the African continent. There is need to develop grant programs that address state

⁶⁹ Creativity as a source of sustainable development, a first step in innovation, has three facets: Technology, economic (entrepreneurship), cultural, artistic.

⁷⁰ Colonialism is the building and maintaining of colonies in one territory by people from another territory. Colonialism is a process whereby sovereignty over the colony is claimed by the metropole and social structure, government and economics within the territory of the colony are changed by the colonialists.

⁷¹ ICTs and IPRs are key drives of creative economy

⁷² Poverty Reduction Strategy Paper

⁷³ States cultural amenities include festivals, museums, historical monuments

economic goals and to facilitate commerce for artists and art organizations. The most vital question is: ‘How do we store the regional social capital? [Which refers to the latent or tacit knowledge possessed by labour market, their cultural understanding and their belief that efforts to leverage this knowledge and understanding in the market place].

On a Theory for Creative Economy

The fundamental goal of economic policy is to enhance competitiveness, which is reflected in the productivity with which a nation or a region utilizes its people, capital and natural endowments to produce valuable goods and services. Knowledge creation is an individual activity, and the primary role of firms is in the application of existing knowledge to the production of goods and services. Notably, production requires the coordinated efforts of individual specialists who possess many different types of knowledge. This is what an organization does. Inherently, they store knowledge in their procedures, norms, rules and forms. Production-driven cultural clusters, which occur at both the neighbourhood and regional scales, arise out of the social networks developed to meet common needs among producers in a given sector. Firms exist because they provide a social community of voluntaristic action structured by organizing principles that are not reducible to individuals. Efficiency of knowledge is greatly enhanced when knowledge can be expressed in terms of a common language.

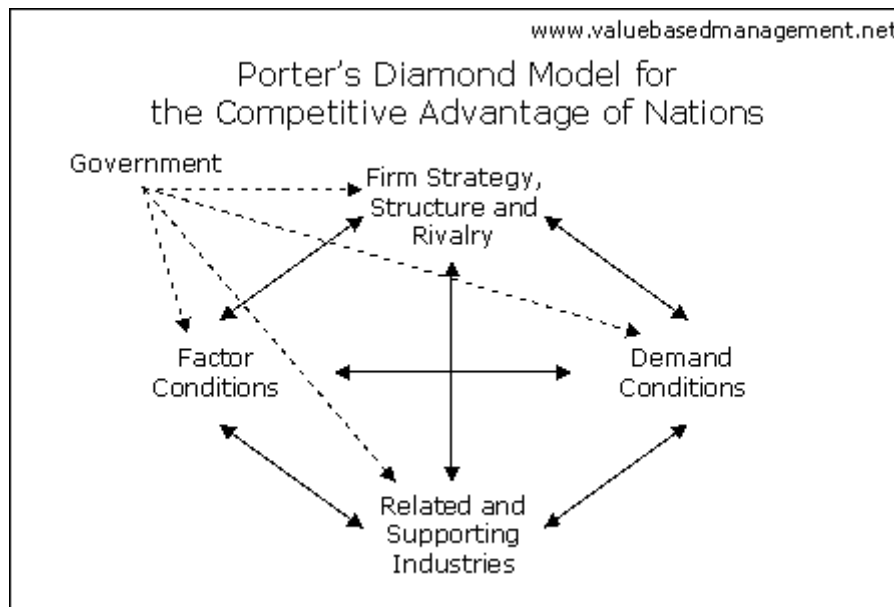
Clusters (on the Industrial Cluster Theory) are defined as geographical concentrations of firms or interconnected companies and institutions in a particular field (Michael Porter, 1998, p.78⁷⁴). Porter argues that a nation’s industry will be internationally competitive if synergistic interrelationship exists between four important variables, collectively known as the *Diamond Factor Model*: Factor Conditions; Local Demand Conditions; Related and Supporting Industries; Firm Strategy, Structure and Rivalry.

Benign colonialism⁷⁵ is a term that refers to a supposed form of colonialism in which benefits outweigh risks of indigenous populations whose lands, resources, rights and freedoms were preempted by a colonizing nation-state. Advocates of the concept cite improved standards of

⁷⁴ Porter, M. (1998) Clusters and the New Economics of Competition, Harvard Business Review, November – December, pp. 77 – 90

⁷⁵ The historical source of benign colonialism resides with John Stuart Mill who was chief examiner of the British East India Company, dealing with British interests in India in the 1820s and 1830s.

health and education, employment opportunities, liberal markets, developed natural resources and introduced improved governance.



Viewed from the angle of a creative industry, developmental lifecycle of a cluster could be categorized as follows:

- a) **Stage 1:** The research base creates the technology which forms the bedrock for the future development of the cluster.
- b) **Stage 2:** The research base commercializes the technology⁷⁶ either internally through spin-offs or via third party contractors.
- c) **Stage 3:** Companies begin to grow and develop around the technology creating a small cluster of related firms. Employment levels are still very low.
- d) **Stage 4:** Specialist support services and suppliers emerge to service the cluster, adding to the depth and innovative capacity of the cluster as a whole.
- e) **Stage 5:** Companies begin to grow and expand their capabilities. Often trade bodies or informal networks grow during this stage.

⁷⁶ Technology directly determines economic organization, so that, for example, the size of business organization is directly determined by its minimum efficient scale.

- f) **Stage 6:** Companies begin to reach a degree of maturity and may need to diversify to be able to continue in business. Linkages with universities or other suppliers of technology may be necessary to upgrade.

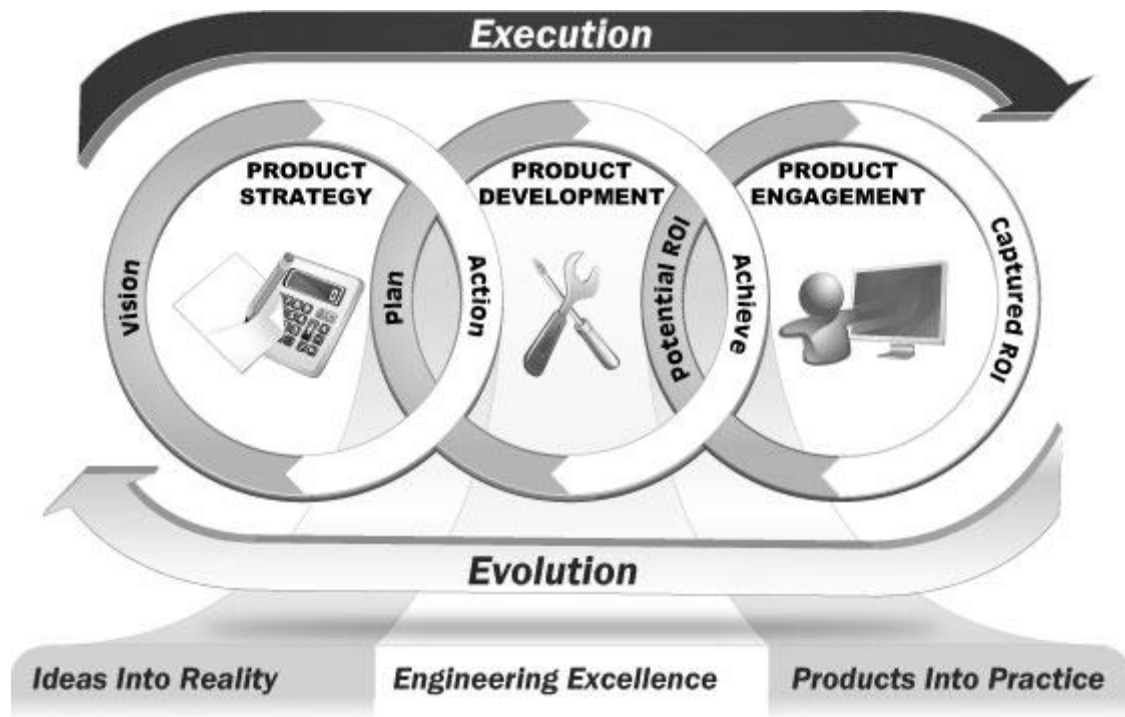
A value chain has been defined as the full range of activities required to take a product from its conception to its end use. *Appropriability* is a term that emerges from the application of value chain, thus it refers to the ability of the owner of a resource to receive a return equal to the value created by the resource.

Knowledge is a resource which is subject to uniquely complex problems of appropriability. The formation and size of clusters depend on the relative strength of three forces: the magnitude of localization⁷⁷ economies, the intensity of price competition and the level of transport costs; all these viewed in terms of strategy and rivals⁷⁸. In its process, we need to consider the development of unique policies at each stage of cluster maturation (policies appropriate at one stage may not be appropriate at another within the life-cycle).

Clusters drive productivity and innovation, they are important because they play a fundamental role in knowledge creation, innovation, the accumulation of skills, and the development of pools of employees with specialized expertise. Firms that are located within a cluster can transact more efficiently, share technologies and knowledge more readily, operate more flexibly, start new business more easily, and perceive and implement innovations more rapidly. The examples of Creative Industries clustered in areas of interest could be: Food and Drinks, Handicraft, Sculpture, Performing Arts e.t.c. and all trying to get coordinated/governed within a single sector(and/or business network) in such a way that they inform policy in many ways, especially the efficient use of creative resources. Where the goal of sustaining success can only be achieved if a company continually comes up with value propositions that are accepted by the market. This involves constant innovation and optimization.

⁷⁷ Localization as derived from location, geographical proximity.

⁷⁸ Firms must be able to serve equally all markets [globalization] in order to enjoy the local advantages associated with the formation of a cluster [localization]



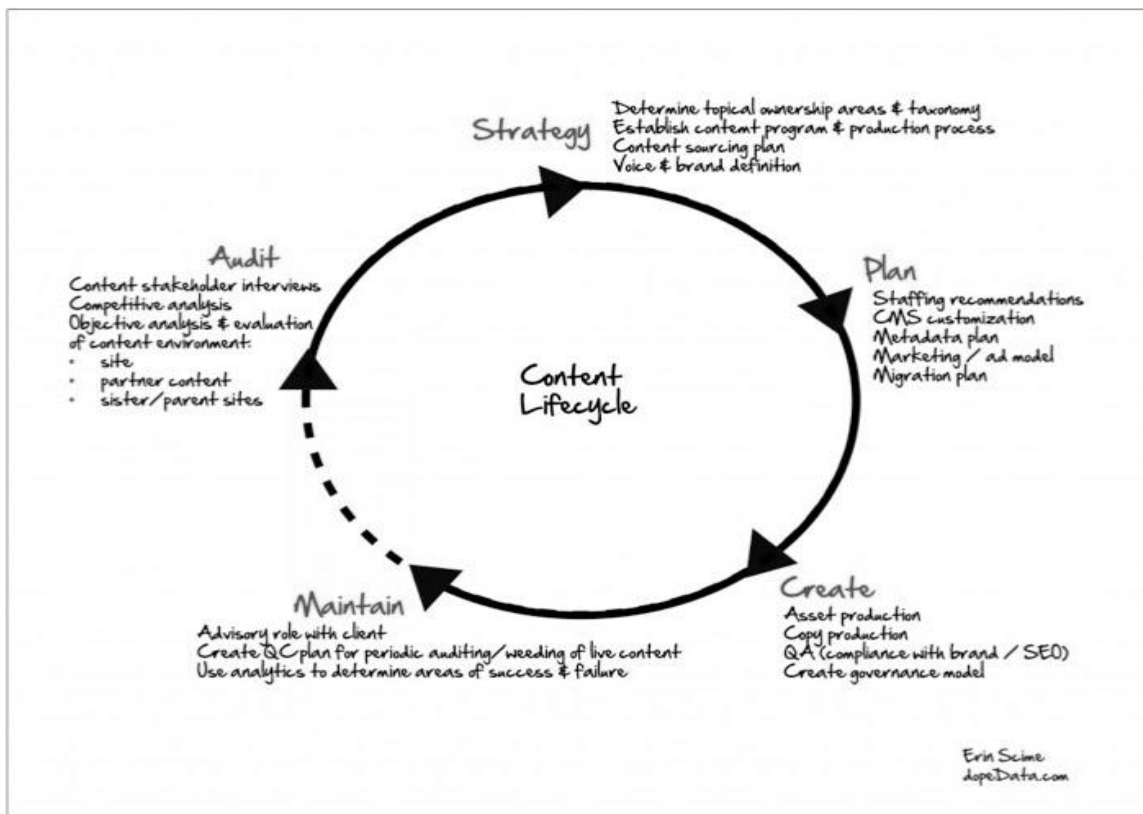
Value proposition is the highest point of innovation at any one time, a situation which is relative and dynamic. It is also the foundation stage for the rest of the production cycle. No company has the ability to control innovation; and is also incapable of controlling completion. Every innovation improves a system, moving it along the evolutionary curve. Whether this move complies with the laws (or deviates from the laws) constitutes criterion for evaluating innovation.



If an organization can precisely forecast the future of its own products and process as well as foresee where the market will go, this company can use this knowledge at any moment for

creating new powerful strategies, finding new markets for products and services, finding new sources of revenue, generating and controlling growth. It will thus have substantial advantage as compared to its rivals, which is a solid foundation for continuous advantage and success. In a competitive market, ideas trade at zero price, the entrepreneur cannot recoup the fixed cost of innovating and intellectual monopoly is seen as a necessary evil. Ideas have an economic value insofar as they are embodied in people or things (ideas do not lead an independent existence).

Innovation differs from creativity. Creativity refers to the production of new ideas, new approaches and inventions, whereas innovation corresponds to the application of new and creative ideas and the implementation of inventions. We could be creators without being innovators. In this regard, innovation can be defined as a process of creating new rule...geared first towards consumers, as the main arbiters of business competitiveness, but one that can also involve other stakeholders as major beneficiaries, such as the organization itself (employees), shareholders (profitability), external partners e.t.c.



Economic theory was built on the experience of industrial revolution, which in turn relied on cheap and abundant flow of energy, first from coal and later from oil and gas. Man was perceived to be master of his environment. However, constant rising population and dwindling resources have reversed the relationship. The Gross national product measures neither the health of our children, the quality of their education, nor the joy of their play. It measures neither the beauty of our poetry, nor the strength of our marriages, the intelligence of our public debate or the integrity of our public officials. GNP measures neither our wit nor our courage, neither our wisdom nor our learning , neither our compassion nor our devotion to our country. It measures everything, in short, except that which makes life worthwhile, the extent to which creativity adds to the well being of a citizen. If this could be derived from value addition precepts, then, the well-being of Africa and its citizenry would be corresponding to its GNP statistics.

Provoking a Competent Art Policy

The principle goal of education is to create men who are capable of doing new things, not simply of repeating what other generations have done.

Jean Piaget (1896 – 1980) Swiss Cognitive Psychologist

Mapping of creative industry has not been a successful endeavor for African governments with bowling of the task to be an art oriented initiative, forgetting that art as a discipline is simply a methodological expression that can be applied on different faculties, including health. Art in itself is political; it touches on the day to day welfare of the individual who has to be creative in order to tackle his very own problems. It is only through artistic thinking that innovation comes into play. All these, yet, working policy priorities for its enhancement and deeper provocation are lacking insight. The artists who are the stakeholders of the creative industry are not informed on how to influence their priority areas. The goals of poverty alleviation remain myths that will always depend on western involvement for their solution.

I remember in the 1980s when music, art and craft were subjects taught at elementary level. Students could be taught on how to appreciate their folklores, how to respect other people's traditions and how to become patriotic. All these were blended in a political mix that not only benefited the dictatorial policies of the benevolent ruler at this time, but also united the youth and those of children who grew up to love their country and the Moi president, who was their father, aside from the almighty. With changing trends of democracy, the Kibaki regime has thought of this as brainwashing; as a white elephant in need of ejaculation.

Those responsible for transitional preparation introduced policies that saw the informalisation of creativity. It was no longer an issue to be taught at institutions of learning, but something next to the intangible heritage, something that depended on apprentice experience of oralist or folklore witnesses. The argument in justification for the removal of the art and music education elementary curriculum was the comparison of western systems of production; given that

creativity is nurtured at family level but taught as a discipline within the level of higher learning. Artists in the western world usually develop their skills through a bachelor's degree program or other post secondary training in art or design; in this way, their economies can depend on their creativities since they are specialized and quantified with quality.

Since independence in 1963, various efforts have been made to improve quantitatively and qualitatively at all levels of formal schooling in Kenya. This is evidenced by the expansion of educational facilities to make primary education more readily available to all children of school going age, the establishment of more secondary schools, and the revision of the curriculum.

Within the first week of independence, the Kenya government set up an education commission under the chairmanship of Professor Simeon Ominde to look into all aspects of education in Kenya. However, by 1975 a call into creative education entered the core. It became evident that formal education did not cater sufficiently for the majority of school children who did not proceed to the next level. Rather, it catered more for the minority who managed to continue with further education. The question would be; what of those children who couldn't manage to go beyond primary school for lack of fees or extreme poverty? Education at this time was simply for the purpose of passing examination, not development of skills. Thus, in 1981 a new curriculum was developed for implementation in 1986. In it was Art Education, Home Science, Craft Education, Music and Business Education. All of which were scrapped off with the coming of democracy in 2002. Aside from the political justifications for their removal, the educational committee at this time claimed that the subjects were too many in the primary school curriculum which hindered their effective implementation.

Practical skills subjects, namely music, art and craft, agriculture, home science and business education were not taught effectively in many schools due to lack of materials and equipment or even qualified teachers. Therefore, the objectives of primary education were too ambitious and unrealistic. All practical subjects have been removed, and this has brought into play the problem of indigenous art appreciation. In this time of internet and global media, we import cultures that are not of our own making, we impart norms that are alien and deadly to our cultural values.

It is therefore evident that politics touches on education as well. Influencing the activities that have great impact on a nation's welfare.

To the social extreme, and at university level, a *Bachelor of Arts* degree does not entail creativity. It focuses on the liberal arts and this has brought introduction of the *Bachelor of Fine Arts* to place emphasis on studio and performance experience. Liberal arts denote a curriculum that imparts general knowledge and develops the student's rational thought and intellectual capabilities, unlike the professional, vocational and technical curricula that emphasize on specialization. The contemporary liberal arts comprise studying literature, languages, economics, philosophy, history, mathematics and science.

With the heat of globalization, the government used to retrain its staff on liberal studies/government; however, media outreach has led to growth of information and the departments of government studies have been replaced to be of political science.

On to the foundation of political science, issues of arts are well represented within the divergent perspective of political economy which integrates well with creative economy; both founded from the welfare system of humankind, how we relate and design our dynamism. Political scientists thus study the structure and theory of government; seeking practical and theoretical solutions to political problems⁷⁹.

Most current studies and research concentrate on tangible topics such as welfare reform, political campaigns and elections, foreign relations, and immigration. It is from this background that potency to pick up well on the needs for creative economy studies is generated, to shape the citizenry towards policy areas as much as give them a perspective of welfare development through constant call for innovation and involvement.

Political scientists resort to be teachers at colleges and universities where they conduct research and write books and articles on political theory, I find it realistic and of honor to be at the design process of what creative economy studies in east Africa should entail. We live in a world where interconnectivity is increasingly becoming a norm, where technological development defies

⁷⁹ General meaning of a problem is simply a state of difficulty that needs to be resolved (according to the Dictionary by Farlex, <http://www.thefreedictionary.com/problem> accessed on June 8, 2010 at 11:00 Hrs)

static culture: there is need to integrate our cultures with the globe, as if not to be globalised, but to contribute evenly to the process of globalization. It is thus not accurate to claim that a political scientist cannot effectively cover issues of culture, creativity and economics. I put it this way because am a political scientist with much nostalgia to be a scholar in research and be referenced in a myriad of related issues⁸⁰.

Besides, political science dissects the welfare system of mankind into policy areas that can be studied and pillared with other disciplines; it works best with all fields of study including health sciences and engineering, if you wish. This is simply because policy studies are diverse and open ended. No profession lacks issues of policy.

A policy is typically described as a simple or rule to guide decisions and achieve rational outcomes. The term is not normally used to denote what is actually done; this is normally referred to as either procedure or protocol. Whereas a policy will contain ‘the what’ and ‘the why’; procedures or protocols contain the ‘what, the how, where and the when’. Policies⁸¹ are generally adopted by the board or senior governance body within an organization whereas procedures and protocols would be developed and adopted by senior exercise officers. In political science, the policy cycle⁸² is a tool used for the analyzing⁸³ the development of a policy item. Analysis of a policy is analytical and descriptive -- i.e., it attempts to explain policies and their development. Analysis for policy is prescriptive -- i.e., it is involved with formulating policies and proposals⁸⁴ (e.g. to improve social welfare).

Political scientists approach problems using one or a combination of four distinct methods: Objectivity, analytical, comparative, and historical. The adequacy and integrity of a political scientist’s theory rests on his ability to set aside his own prejudices and remain objective in

⁸⁰ You may wish to find out what other publications have been authored by Boaz Adhengo.

⁸¹ Intended effects of a policy vary widely according to the organization and the context in which they are made. Broadly, policies are typically instituted to avoid some negative effect that has been noticed in the organization, or to seek some positive benefit.

⁸² It can also be referred to as a stagist approach. One standard version includes the following stages: agenda setting, policy formulation, adoption, implementation, and evaluation.

⁸³ Policy analysis is determining which of various alternative policies will most achieve a given set of goals in light of the relations between the policies and the goals.

⁸⁴ The area of interest and the purpose of analysis determines what type of analysis is conducted. A combination of policy analysis together with program evaluation would be defined as ‘Policy Studies’

gathering, analyzing and presenting his findings. Using commonly available research - interviews, newspaper clippings, periodicals, case law, historical papers, polls and statistics - to test theories and develop new ones, political scientists analyze, compare, and even trace problems back to their sources. In gathering data, political scientists often employ the technique of the “participant observer,” blending with crowds while carefully observing a particular interaction. Since no nation has a creative policy, we would focus culture and economics as sincere policy areas in this view of innovative commerce/entrepreneurship. The fundamental goal of economic policy being to enhance competitiveness, which is reflected in the productivity with which a nation or a region utilizes its people, capital and natural endowments to produce valuable goods and services.

Knowledge creation is an individual activity, and the primary role of firms is in the application of existing knowledge to the production of goods and services. Notably, production requires the coordinated efforts of individual specialists who possess many different types of knowledge. This is what an organization does; store knowledge in their procedures, norms, rules and forms. These different knowledge systems are what add up to an effective policy platform if properly coordinated. The cultural industry only needs to be as dynamic as the diversity of liberal disciplines represented in its guiding documents; some structure of hope within a framework called policy.

The term “culture industry” appeared in the post-war period as a radical critique of mass entertainment by members of the Frankfurt school⁸⁵ led by Theodor Adorno and Max Horkheimer, followed subsequently by writers such as Herbert Marcuse. At that time, “culture industry” was a concept intended to shock the economic orientation of the time which was highly becoming technological. Culture and industry were argued to be opposites and the term was used in polemics against the limitations of modern cultural life. It continued to be used as an expression of contempt for the popular newspapers, movies, magazines and music that distracted

⁸⁵ The Frankfurt School (German: *Frankfurter Schule*) refers to a school of neo-Marxist interdisciplinary social theory, particularly associated with the Institute for Social Research at the University of Frankfurt am Main. The school initially consisted of dissident Marxists who believed that some of Marx's followers had come to parrot a narrow selection of Marx's ideas, usually in defense of orthodox Communist parties. Meanwhile, many of these theorists experienced that traditional Marxist theory could not adequately explain the turbulent and unexpected development of capitalist societies in the twentieth century. Critical of both capitalism and Soviet socialism, their writings pointed to the possibility of an alternative path to social development.

the masses. In the present day, there remain different interpretations of culture as an industry. For some, the notion of “cultural industries” evokes dichotomies such as elite versus mass culture, high versus popular culture, and fine arts versus commercial entertainment. More generally, however, the proposition that the cultural industries are simply those industries that produce cultural goods and services, typically defined along the lines outlined above, has gained greater acceptance.

Creativity has been defined as the tendency to generate or recognize ideas, alternatives, or possibilities that may be useful in solving problems, communicating with others, and entertaining ourselves and others. Stemming from this dimension of thought, understanding that industrialization was of western occurrence, continents such as Africa only facilitated its execution; the innovativity was elsewhere while the space and materials were within the third world. This is the ‘why’ of colonialism, ‘the when’ of the settler population and ‘the where’ of exploitation, subjugation, civilization e.t.c. In East Africa, even mountains became properties of Kings and Queens. Africa, which had never known demarcation of borders before, experienced atrocious dismemberment and dislodgement to the extent of families becoming separated while hostile tribes being made to share land. Gold hoarded in Africa decorated European crowns; maids from Africa set up tables for pompous ceremonies, African manpower tilled the land, freely acquired steel from Africa was used to construct bridges, dockyards and ships. Europe was almost entirely dependent on Africans and Africa until such a time the European continent came to be known as the superpower of the world. Having won the battle in all aspects, Europe continues to hoard African academics and intellectuals through the indirect implementation of what has been understood as brain drain, where the brightest African minds are lured out of the continent. Other scholars argue that this is the facilitation of neo-colonialism, where *deculturisation* of the African creates empty brains that are pampered with western cultures in terms of better jobs, grants, accessible facilities and other amenities which remain impossible in their home countries.

It is only logical to say that cultural industry as a term has its emergence from the west, and it has grown to be an economic unit to reckon with. Many politicians and academics, particularly in Europe and Latin America, use the concept of “cultural economics” or the term “economy of

culture” when dealing with the economic aspects of cultural policy. Moreover, many artists and intellectuals feel uncomfortable with the emphasis given to market aspects in the debate on the creative industries and hence the creative economy. “Cultural economics” is the application of economic analysis to all of the creative and performing arts, the heritage and cultural industries, whether publicly or private owned. It is concerned with the economic organization of the cultural sector and with the behaviour of producers, consumers and governments in this sector. The subject includes a range of approaches, mainstream and radical, neoclassical, welfare economics, public policy and institutional economics. To this extent, we find that some of our indigenous cultural products which have been made tangible are being copyrighted to be mass produced by the west for western markets. It is simply due to the slow pace of being globalised, of the ignorance and non contributive status that the African academia has embraced, to the extent that all knowledge we appreciate is imported, the taste we gather is imported, we are meant to see that our own is not significant, yet, to the western markets, they make it their own, and of significance.

Given that political science traces origins to uses historical analysis, case studies, official documentation, statistical analysis as much as model building; it is logical to say that creative economy becomes the political avenue for the artists. This is because political science lives on the fault line between the two cultures of the academia, i.e the sciences and the humanities. Creativity can be a science as much as economics becomes an issue of humanities. Integrating the two requires some policy knots, welfare perspective, and this is the knowledge of political science as applied, an ingredient to the policy options of culture⁸⁶. Generally, this involves fostering processes, legal classifications and institutions which promote cultural diversity and accessibility, as well as enhancing and promulgating the artistic, ethnic, sociolinguistic, literary and other expressions of all people (especially those of indigenous or broadly-representative cultural heritage). Applications of cultural policy-making at the nation-state level could include anything from providing community dance classes at little-to-no cost, to hosting corporate-sponsored art exhibitions, to establishing legal codes and political institutions. This is very much present within the African social milieu, only that we are not within the same productive level as

⁸⁶ Wikipedia http://en.wikipedia.org/wiki/Cultural_policy accessed on June 7, 2010 at 14:17Hrs

other actors within the global system⁸⁷. Cultural policy must relate well to the development priorities of a nation, it must showcase avenues that add up to the Gross Domestic Product, and as much as integrating the loose connections we have within the local front. It must be a tool of cohesion, a route to domestic appreciation.

Just as culture is all-encompassing, cultural policy incorporates a broad range of measures taken to develop cultural life. Many policies with profound cultural impact are made by decision-makers who've hardly given cultural considerations a thought -- decisions about regional transportation, for example, or the national budget. In a truly democratic society, the cultural impact of policies like these would be considered alongside economic and political impacts -- the role of public transportation in encouraging or discouraging cultural participation, for instance, or the larger cultural impacts of our sacrosanct legislative subsidies. Today, most policy-makers haven't made the paradigm shift that would bring culture fully to their consciousness. When government agencies in the industrialized world define cultural policy⁸⁸, for instance, they generally limit themselves to the most specialized expressions of culture: media and communications, the arts, education, and in some countries, sports. The measures taken to implement policy are quite varied. Grants to artists and institutions are common approaches, as are public service employment programs, building and maintaining cultural facilities, encouraging and financing historic preservation, and regulating the airwaves. To date, cultural policy is still not known among many artists within the East African region, let alone the patriotic citizens who are law abiding. To fight this stigma, it has been documented that community animation is the way out, to help communities showcase their cultural understandings, broadcast their preferences and let it be for others to appreciate and critic. This is what development is all about. Kenya has a lead on this, with over fifty (50) vernacular radio stations, but none has been provocative enough to apprehend the cultural policy, not as much as cultural promotion is on the practical. There is need to comprehend the integrating elements, the agency of manipulation, the agency of shared experience. This is what a civil forum must address.

⁸⁷ This is so when comparison is made to North America, where technology has influenced the cultural integration, definition and dynamism. Gaming and other modes of animation has revived expression of antique cultures, in versions that are of present time, yielding appreciation as much as economic considerations that add up to national development.

⁸⁸ Websters World of Cultural Policy <http://www.wvcd.org/policy/policy.html> accessed on June 7, 2010 at 14:50 Hrs

On a different note, cultural policy is only effective in places where we have cultural democracy. The “democratization of culture” is a top-down approach that promulgates certain forms of cultural programming that are deemed to be a public good. Clearly, such an objective is open to criticism for what is termed cultural elitism; that is, the assumption that some aesthetic expressions are inherently superior - at least as determined by a cognoscenti concerned with the acquisition of cultural capital. The problem with this policy is that, fundamentally, it intends to create larger audiences for performances whose content is based on the experience of society’s privileged groups. In sum, it has taken for granted that the cultural needs of all society’s members are alike. The objective of cultural democracy, on a sincere note, is to provide for a more participatory (or populist) approach in the definition and provision of cultural opportunities. There is need to provoke an inbuilt involvement by the artist for the artist, and this is when issues of art and culture are shaped, critiqued and made viable from practice and corroboration. The designing of cultural paradigms must not be said to be impossible, as much as we live within a cultured environment, there is still potency and capability of integrating what is African into a supra-cultural tangibility. This requires reason, governance and scholarly action into issues of art policy. Of priority, it requires an informed civil action towards that process.

Conclusion

The one who adapts his policy to the times prospers while those whose policy clashes with the demands of the time do not.

Niccolo Machiavelli

In chapter five, we have noted that creative industries refer to a range of economic activities concerned with the generation or exploitation of knowledge and information and may variously also be referred to as the cultural economies⁸⁹. This comprises advertising, architecture, art, crafts, design, fashion, film, music, performing arts, publishing, R & D, software, toys and games, TV and radio, and video games.

Developing the creative economy consists of undertaking public policies to promote the arts; encourage and nourish artists. Some argue that it is an insult to reduce creativity to mere artistry. And more importantly, it is unnecessary limit to restrict creative economy to those activities surrounding artistic creation. A more complete definition – and therefore a better guide to public policy – derives from careful consideration of the components of economic activity. All goods and services are created, though not all steps in the process of creation are themselves creative. Thomas Edison created a way of capturing sound electronically; others created ways to transmit the sound on vinyl records, magnetic tape and metallic disks.

Each of these innovations, through the hard work of creative engineers and designers became products which, in turn through the hard work of creative entrepreneurs and managers, gave rise to business enterprises most of whose employees are charged not with creation but replication – the mass production of items whose essential quality and value lies on the fact that they are identical to the original creation. We want our cell phones and iPods' to work not to be creative. And they work when they are made precisely as they were designed to be made. In short, all economic activity exists on a continuum; running from complete creativity to complete imitation.

⁸⁹ Especially in Europe – Hesmondalgh 2002, p.14

A central tenet of globalization is that the higher the degree of imitation or replication in a process, the more easily it can be moved to the lowest cost location. Conversely, the higher the degree of creativity in a process, the more easily it can be located anywhere, governed not by the level of cost but by the presence of human development energy. Given the ubiquity of this continuum, it is more useful to emphasize innovation as the key to our economic future, not creativity. Every new product is a creation, but not all are commercially useful. The innovator combines a new product or process with the identification of an audience who want that creation. I am creative when I solve my own problem, am innovative when I solve the societal problems.

The challenge to public policy is therefore to identify, support, attract and nourish not just artistic creativity but all economically creative industries regardless of the ultimate product or service they may generate. This includes scientific research, technological application and testing, advertising, marketing, consulting and all manner of problem-solving that links new ideas to successful operation. It is creative human development, an energy and natural resource that cannot be depleted. The cultural policy must pose some questions to other policy priorities of the governments, as creativity touches on all ministries. Thus, will this tax policy, education policy, regulatory policy, fill in the blank and make us more innovation friendly? Does this business, this call for public investment, this sector, move us further along toward the creative end of the economic spectrum? These are questions that can only be answered if we respond to the unknown voices, if we recognize the subsistence creatives, who solve their own problems using innovations that can move the society an inch higher, and collectively, add value to the gross domestic product.

As some first world countries struggle to compete in traditional markets such as manufacturing, many now see the creative industries as a key component in a new knowledge economy, capable perhaps of delivering urban regeneration, often through initiatives linked to exploitation of cultural heritage that leads to increased tourism. It is often argued that, in future, the ideas and imagination of countries like the United Kingdom will be their greatest asset; in support of this argument, a number of Universities in the U.K. and even Kenya, have started to offer creative entrepreneurship as a specific area for study and research. A key driver of interest in creative industries and development is the acknowledgement that the value of creative production resides

in the ideas and individual creativity, and developing countries have rich cultural traditions and pools of creative talent which lay a basic foundation for creative enterprises.

Creative industries are regarded as one of the most promising economic sectors with high potential to contribute to local and regional wealth⁹⁰ (and job creation). Creative industries are characterized by their cross-sectoral scope and profit particularly well from the growing demand for high quality services and customized solutions. The sector offers itself as a partner to diverse industries supporting the development of new products and services as well as manufacture and marketing. Due to the worldwide internet-based diffusion of audiovisual goods, software and copyright products and services, the sector plays a key role in the knowledge and innovation transfer in the information economy. In short, the significance of creative industries is twofold: (a) they comprise of particularly innovative lines of business which produce a multitude of new products and services (b) they are important suppliers of ideas and new approaches for other companies in that they play a special role as creative input providers in the innovation ecosystem.

Different studies show that in recent years, the creative industries value added contribution and their share in the number of dependently employed persons has remained relatively constant, while the share of turnovers is declining. The share of all firms, however, has clearly risen, which points to a high level of start-up activity and a low share of market failures. Due to the rather small-scale company structure and flexible work design (mainly project work), the creative industries obtain new ideas and approaches principally through the mobility of freelance employees. Given to their strong service orientation and the associated proximity to clients, creative industries play an important leading role in opening up the innovation process by integrating clients in the value added. This way cooperation and interactions with other actors of the creative branches as well as data on branch structure, the availability of qualified staff, education/training; focuses on the skilled personnel prove to be relevant indicators for measuring the innovation activities of the creative industries.

⁹⁰ Settlement of creative industries firms is an important location, image and economic development factor for the competitiveness of a region.

The realization of the high innovative potential of the creative industries is confronted by some challenges arising from the structural idiosyncrasies of the branch. Most creative industries are very small and for this reason face typical problems of mini firms, such issues as financing, maintaining capacities and competencies, market cultivation and investment in R & D. The financial problem can be solved through venture capital, designed as a public-private partnership model.

Creative industries play a significant role in the innovative ability of national innovation systems, as well as ensuring innovative activities which can be compared to those of high-tech industry. This calls for stronger integration of the creative industries companies in economic and technology policy programmes. Thus, when analyzing the economic significance of the creative industries, the high share of self-employed and freelance workers must not be forgotten. In this respect, reviews which only cover enterprises with dependent employees are less reliable, as a large share of the personnel in creative industries companies is self-employed⁹¹.

It is my sincere hope that this book covers all the litigative levels for civil involvement into this process of knowledge sharing and capacity informing. This being the first ever book about creative economy in Africa, am confident that it use and access will be of benefit to many; just the very same way that the pre-edited editions produced constructive responses towards vibrant networking's of like-minded cultural practitioners, all involved creatively in this enterprise of innovation and development. I pray that this book becomes a norm towards benchmarking similar initiatives besides allowing for an elevated performance of educative advocacy, especially within this major field of cultural conservation and creative commerce, popularly known as 'Creative Economy'.

⁹¹ Far more than 30% of the creative industries companies are one – man firms.