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COUNTY GOVERNMENT OF EMBU

EMBU COUNTY GOVERNMENT  
THE LAND OF OPPORTUNITIES

Hon. Speaker  
to consider Approving  
for tabling in the  
Assembly  
29/01/2021

COUNTY ASSEMBLY OF EMBU

SECOND ASSEMBLY- THIRD SESSION

REPORT OF THE COMMITTEE ON GENDER, CULTURE,  
CHILDREN AND SOCIAL SERVICES ON ESTABLISHMENT  
OF A CULTURAL FESTIVAL IN EMBU COUNTY

SUBMITTED FOR ADOPTION BY THE COUNTY ASSEMBLY

Clerk's Office,  
County Assembly of Embu,  
P. O. Box 140-60100,  
EMBU.

CCA  
For further directions  
DPLCS  
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PCA-LRP  
TNA  
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FEBRUARY, 2021



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### **LIST OF ABBREVIATIONS**

C.E.C.M	-	County Executive Committee Member
C.G	-	County Government
EAC	-	East African Community
FGM	-	Female Genital Mutilation
JAMAFEST	-	Jumuiya ya Afrika Mashariki Festivals
CO	-	Chief Officer
C.O.K	-	Constitution of Kenya, 2010
MCA	-	Member of County Assembly
SO	-	Standing Orders.
KNATCOM	-	Kenya National Commission for UNESCO
UNESCO	-	United Nations Education Science Cultural Organization

## EXECUTIVE SUMMARY

The idea of establishing of a Cultural Festival to be marked for cultural activities was mooted after the Committee attended the *Jumuiya Ya Afrika Mashariki Festival (JAMAFEST)* in Dar es Salaam from 21<sup>st</sup> to 29<sup>th</sup> September 2019. The committee observed that there were many benefits the county could derive from having such a cultural festival being established and marked in Embu County.

The committee therefore sought to establish whether there is in place a set of legal and institutional framework to anchor the establishment of cultural festival in the County. In view of this the committee made reference to Article 11 of the Constitution of Kenya (2010) which recognizes culture as the foundation of the Nation and as the cumulative civilization of the Kenyan people and Nation. Further it was noted that in 2001, UNESCO adopted the Universal Declaration on Cultural Diversity while in December in 2002, the UN General Assembly, in its resolution 57/249, declared May 21<sup>st</sup> to be the *World Day for Cultural Diversity for Dialogue and Development*. In addition the committee took cognizant of the fact that the County enacted Embu County Cultural Heritage Act, 2016 to promote and protect culture and cultural heritage in the county and for connected purposes.

Among the observations done by the committee were that although the department had organized and conducted cultural activities at various levels in past, the events were not well structured and programmed to achieve the objectives as planned. This could be cured by fully operationalizing the Embu County Cultural Heritage Act, 2016 and formulating regulations where applicable.

The Committee therefore, recommended for establishment of a cultural festival in Embu County which will help in protecting and in promotion of the diversity of culture and cultural heritage in the County by encouraging dialogue among persons of different cultures and cultural heritage among other benefits.

## 1.0 PREFACE

### 1.1 BACKGROUND

This report arises from the committee's review of participation in *Jumuiya Ya Afrika Mashariki Festival (JAMAFEST)* from 21st to 29<sup>th</sup> September 2019. From the visit the committee observed that there were many benefits the county could derive from having such a cultural festival being established and marked in Embu County.

Among the notable benefits that the county could derive from a cultural festivals are; providing a platform for local citizen, participants and visitors learn from the exhibitions, provide an opportunity for income generation, promote arts and culture, cultural tourism as well as conservation, safeguarding and development of cultural heritage.

The committee therefore sought to establish whether there is in place a set of legal and institutional framework to anchor the establishment of cultural festivals in the County. In addition the committee took cognizant of the fact that there are organizations, institutions and counties which have established and marked cultural events.

In view of the above, the committee made reference to Article 11 of the Constitution of Kenya (2010) which recognizes culture as the foundation of the Nation and as the cumulative civilization of the Kenyan people and Nation. The Article further commits the government to promote all forms of National and cultural expressions through literature, arts, traditional celebrations, science, communication, information, mass media, publications, libraries among others.

In the same vein the committee observed that the county enacted the Embu County Cultural Heritage Act, 2016 whose object and purpose were to regulate, protect and promote the cultural activities and services for the interest and enjoyment of the community and persons visiting the County among others. Further it was noted that in 2001, UNESCO adopted the Universal Declaration on Cultural Diversity while in December in 2002, the UN General Assembly, in its resolution 57/249, declared May 21<sup>st</sup> to be the *World Day for Cultural Diversity for Dialogue and Development*.



It's from the above background that the committee sought to compile a report and make a recommend for establishment of an event to mark the cultural activities in the County whose primary objectives will be protecting and promotion of the diversity of culture and cultural heritage in the County.

## **1.2 MANDATE OF THE COMMITTEE**

The mandate of the Committee is as outlined in Standing Order 204(5) of the County Assembly of Embu which states that, the functions of a sectoral Committee shall be to –

- a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) Study the programme and policy objectives of the of departments and the effectiveness of the implementation;*
- c) Study and review all County Legislation referred to it;*
- d) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments) and*
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.*

## **1.3 COMMITTEE MEMBERSHIP**

The Committee on Gender, Culture, Children and Social Services was formed pursuant to provisions of Standing Order No. 204(5) of the County Assembly of Embu. The Committee comprises of the following members;

- |                               |   |                  |
|-------------------------------|---|------------------|
| 1. Hon. Peter Muriithi Nyaga  | - | Chairperson      |
| 2. Hon. Newton Kariuki Ndwiga | - | Vice Chairperson |

3. Hon. Murithi Njagi Kiura	-	Member
4. Hon. Elizabeth Kibai Ndeleve	-	Member
5. Hon. Bernard Nyaga Kandia	-	Member
6. Hon. Edith Wanjira Nyaga	-	Member
7. Hon. Terry Charity Mbuchi	-	Member

#### **1.4 PROBLEM STATEMENT**

The Committee attended the 4<sup>th</sup> Edition of *Jumuiya ya Afrika Mashariki Festivals* in Dar- es Salaam from 21<sup>st</sup> to 29<sup>th</sup> September 2019, where various cultural activities were exhibited. The event was a big crowd puller making Cultural tourism thrive during the ten days of the festival. The event also provided a platform for local citizen, participants and visitors to learn from the exhibitions, offered an opportunity for income generation, promoted arts and culture, as well safeguarding and development of cultural heritage.

After witnessing the benefits that arose from marking the JAMAFEST, 2019 while noting that, Embu County is home to quite a number of communities and is bordered by several counties whose inhabitants have diverse culture. The Committee therefore, set to explore the possibility of establishing a cultural festival in Embu by making a recommendation for adoption by the Assembly.

#### **1.5 OBJECTIVES/TERMS OF REFERENCE**

- a. Review the committee participation in JAMAFEST, 2019 and lessons learnt from the festivals.
- b. To assess the adequacy of the Legal and Institutional framework for establishment of a Cultural event in the county.
- c. To Compile a report and make recommendations on cultural activities in Embu County.

#### **1.6 METHODOLOGY**

In preparation of this report, the Committee used the following methods to gather information.

- Committee meetings.
- Reference on the Committee's Back to office Report after attending *Jumuiya Ya Afrika Mashariki Festival* (JAMAFEST)



- Received written and oral submission from the CECM for Gender, Culture, Children and Social services.

## 1.7 TOOLS OF REFERENCE

Reference to the following documents was made:

- (i) The Constitution of Kenya, 2010
- (ii) The UNESCO Declaration
- (iii) The Embu County Cultural Heritage Act no 2 of 2016
- (iv) County Assembly of Embu, Standing Orders 2<sup>nd</sup> Edition.
- (iii) Correspondences from the CECM for Gender, Culture, Children and Social Services

## 1.8 ACKNOWLEDGEMENT

The Committee wishes to record its appreciation to the Speaker of the County Assembly for the invaluable assistance extended to the committee which enabled it to participate in JAMAFEST, 2019 festivals as well as compiling this report. The Committee is particularly grateful to the County Executive Committee Member for Gender, Culture, Children and Social services and Members of the County Assembly for their input in preparation of this report.

The Committee is further indebted to the Clerk of the County Assembly for facilitation and advice and the committee secretariat for the services they rendered to it. It is therefore my pleasant duty and privilege, on behalf of the Committee on Gender, Children Culture and Social Services to table this report and recommend its adoption by the Assembly.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

17/12/2020

**HON. PETER MURIITHI NYAGA**  
**(CHAIRPERSON)**  
**(COMMITTEE ON, GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES.)**



## **2.0 REVIEW OF THE COMMITTEE'S PARTICIPATION IN JAMAFEST, 2019 FESTIVALS.**

### **2.1 BACKGROUND INFORMATION ON JUMUIYA YA AFRIKA MASHARIKI (JAMAFEST) FESTIVALS.**

JAMAFEST is an acronym for *Jumuiya ya Afrika Mashariki Festival*, the Kiswahili rendering for the East African Community (EAC) Arts and Culture Festival which aims to promote regional socio-cultural integration through arts and culture by providing a platform to showcase culture as a primary driver of regional integration and promote sustainable growth.

JAMAFEST came to life after the EAC Council of Ministers in September 2011 directed the EAC Secretariat to organize regular festivals to celebrate art and Culture among the partner states. The festivals would be held biennially and hosted by partner states rotationally. Rwanda was consequently selected to host the first edition of the Festival in 2013, with Kenya hosting the 2<sup>nd</sup> edition in 2015. Uganda played host to the 3<sup>rd</sup> edition in 2017.

The 4<sup>th</sup> Edition of *JAMAFEST* festivals held in Dar- es Salaam, Tanzania, from 21<sup>st</sup> to 29<sup>th</sup> September 2019 was attended by the member countries of the East African Community namely, Kenya, Uganda Tanzania, Rwanda and Burundi. Southern Sudan did not participate. There were over fifty (50) groups from all the participating countries as well as exhibitions from both governmental and private organizations.

The committee attended these festivals on invitation accompanied by three officers from the County Executive Department of Gender, Culture and Social Services and a team of ten individuals from “*Tazama Drummers*” from Embu County Evurore Ward who were invited to represent Mt. Kenya East region.

## 2. 2 SUMMARY OF ACTIVITIES DURING THE FESTIVALS

The theme for 4<sup>th</sup> edition JAMAFEST, 2019 festivals Celebration was, *“Cultural Diversity; A Key Driver to Regional Integration, Economic Growth and Promotion of Tourism”*.

The main objectives of the 4<sup>th</sup> edition were;

- a) To provide a platform to showcase culture as a primary catalyst to regional integration and sustainable development;
- b) To bring together East African cultural practitioners and administrators to celebrate the rich diversity cultural heritage as well as contemporary practices of East Africa.
- c) To provide space for intercultural dialogue amongst the people of East Africa;
- d) To foster the economic development of the East African Community through nurturing the growth of a strong creative and cultural industry sector ; and
- e) To promote arts and culture as a tool in the celebration and branding of East African identity and image.

The official opening was done by Her Excellency the Vice-President Samia Suluhu Hassan, who noted that JAMAFEST was a platform for marketing cultural and creative commodities from the member states and other countries.

Kenya's Cabinet Secretary for Sports Culture and Social Services, Amb. Amina Mohamed together with her Tanzanian counterpart and Minister for Information, Sports, Arts and Culture, Dr. Harrison Mwakyembe among other dignitaries also graced the occasion.

There were various activities held on each day where different groups from partner states participated throughout the period.

The Festival featured the following activities;

- Carnival
- Cultural Performances
- Art Exhibitions
- Cultural Market Place
- Symposium
- Children theatre and games



- Film Exhibition
- Traditional Sports and Games
- Food Market and Exhibition
- Cultural Excursion and Awards
- Fashion Show and Modelling

From the above main activities the following were sub-themes and tasks assigned to each of the partner states;

- Uganda was assigned the responsibilities of preparing the keynote on the JAMAFEST's main theme which was briefly and concisely delivered.
- Tanzania presented on the topic of *"Cultural tourism and regional economic development"*.
- Burundi presented the topic on *"Cultural diversity and the empowerment of women youth and children."*
- Kenya presented the topic on, *"Persons with disabilities and cultural diversity for regional integration,"*
- Rwanda presented on, *"The Kiswahili language-a catalyst for regional integration"*.
- South Sudan had been assigned to present on *"Policy and regulatory frameworks for the promotion of culture and creative industries"* but it was not represented.

### **2.3 LESSONS LEARNT FROM THE JAMFEST FESTIVAL**

The committee made the following major findings from the JAMAFEST, 2019

**1) THAT,** the festival provided a platform for participants and exhibitors to showcase culture from different communities in East Africa. This idea can be extended to Embu County with diverse cultural heritage.

**2) THAT,** there were many benefits derived from the festival which can be replicated in Embu County through the establishment and marking of a county cultural event. Among these benefits were;

- a) Promotion of cultural tourism as well as conservation, safeguarding and development of cultural heritage.

- b) The festival provided a forum and opportunities for marketing cultural and creative commodity outputs.
- c) Enhanced participants knowledge and competencies through workshops and symposia
- d) Provided participants with a platform to showcase their artistic works beyond the borders.
- e) The festival provided an opportunity for income generation as well as contributing to economic development through nurturing the growth of a strong creative and cultural industry sector.
- f) The festival provided an unique opportunity for the creators and producers as well as marketers not only, to come together, share experiences, learn from each other but also most importantly to strategize on how they can gain entry into the international market.



### **3.0 RATIONALE FOR ESTABLISHMENT OF CULTURAL FESTIVAL**

In discussing the rationale for establishing a cultural festival, the committee was cognizant of the fact that Cultural Festivals could help communities to celebrate heritage, culture and traditions among other benefits as observed from the JAMAFEST, 2019 festivals.

To justify the establishment of a County Cultural Festival event in the county the committee considered and scrutinized available legal and institutional frameworks as discussed below;

#### **A) UNESCO'S World Day for Cultural Diversity**

UNESCO is the United Nations Educational, Scientific and Cultural Organization. It seeks to build peace through international cooperation in Education, the Sciences and Culture. UNESCO's programmes contribute to the achievement of the Sustainable Development Goals defined in Agenda 2030.

In 2001, UNESCO adopted the Universal Declaration on Cultural Diversity and in December 2002, the UN General Assembly, in its resolution 57/249, declared May 21<sup>st</sup> to be the *World Day for Cultural Diversity for Dialogue and Development*. This adoption of a world cultural day was;

- An affirmation of culture's contribution to the three dimensions of sustainable development,
- An acknowledgement of the natural and cultural diversity of the world
- A recognition that cultures and civilizations can contribute to, and are crucial enablers of, sustainable development.

The day provides the communities with opportunities to deepen, understand the values of cultural diversity and to advance the four goals of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions which are;

- 1) Support sustainable systems of governance for culture.
- 2) Achieve a balanced flow of cultural goods and services and increase mobility of artists and cultural professionals.
- 3) Integrate culture in sustainable development frameworks.
- 4) Promote human rights and fundamental freedom.

In summary according to UNESCO experience, cultural diversity is a driving force of development, not only with respect to economic growth, but also as a means of leading a fulfilling intellectual, moral and spiritual life.

Borrowing from the UNESCO experiences Embu Cultural Festival will be an event to commemorate and preserve our culture and other cultures beyond our borders.

#### **B) Constitution of Kenya.**

Article 11 of the Constitution of Kenya (2010) recognizes culture as the foundation of the nation as the cumulative civilization of the Kenyan people and nation. The Article commits the government to promote all forms of national and cultural expressions through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries among others. The article further commits the state to protect the intellectual property rights of the Kenyan people.

Other Articles of the Constitution which are relevant to the convention include; Article 7 on national, official and other languages, Article 33 (b) on freedom of expression in relation to artistic expression, Article 44 on language and culture and Article 56 on rights of minority groups in relation to developing their cultural values languages and practices.

#### **C) Other National Cultural Events**

Although Kenya as Country has not set aside a day to celebrate culture, several institutions/organizations and county governments have their cultural day/events in which they seek to showcase the different cultures in Kenya. Among them are; The Kenya Schools and Colleges Drama Festivals, Kenya Universities Festivals , Kenya Defense College festival , Tertiary level colleges and individual communities are known to organize cultural events to celebrate culture in Kenya. Turkana, Tharaka Nithi,Narok, West Pokot, Elgeyo Markkwet counties are known to hold events to celebrate their culture and cultural heritage.



**D) The Embu County Cultural Heritage Act No. 2 of 2016.**

The County enacted the Embu County Cultural Heritage Act, 2016, to promote and protect culture and cultural heritage in the county and for connected purposes. The commencement date was 26<sup>th</sup> February, 2016.

The following sections of the Act could be relied on for establishment of a cultural festival;

1. Section 5 (d) which provides that; *“The County government shall, through the department or agency delegated by the county government to participate, promote, develop and encourage different communities, groups and individuals in the County to participate in cultural activities, whether taking place within or outside the County”.*
2. Section 29(f) which provides that; *“The Executive Committee Member may make regulations for the better carrying into effect of the provisos of this Act and without prejudice to the generality of the foregoing may prescribe any matter that the Executive Committee Member considers necessary for the administration of this Act”.*

#### **4.0 RESPONSES FROM THE CECM GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES ESTABLISHMENT OF CULTURAL EVENT IN THE COUNTY AND IMPLEMENTATION OF ACTIVITIES IN CULTURE AND CULTURAL PRESERVATION PROGRAM IN THE COUNTY.**

The following were responses from the CECM in charge of Gender, Culture, Children and Social Services on establishment of county cultural event and implementation of activities in culture and cultural preservation program in the county;

- 1. THAT**, sections 5(b) of the Embu County Cultural Heritage Act, 2016 provides an enabling legal framework for establishment of a county cultural event. However this section of the Act requires Regulations to fully operationalize it.
- 2. THAT**, the department lacks technical officers in gender and cultural activities to assist development of Regulations to operationalize the Embu County Cultural Heritage Act, 2016.
- 3. THAT**, implementation of culture and cultural preservation activities were negatively affected by inadequate allocation of funds in previous budgets due to many competing priorities within the departments. However the department had conducted the following cultural activities with the program;
  - a) Conducted Sub-County Cultural Festivals.
  - b) Sponsored teams from each sub-county to participate in the Kenya National Music and Cultural Festivals.
  - c) Organized and conducted Art and Craft exhibitions in the four sub-counties.
  - d) Conducted community sensitization forums on retrogressive cultural practices such as FGM.
  - e) Sponsoring cultural groups to participate in international cultural festivities e.g. *Jumuiya ya Afrika Mashariki Festival* (JAMAFEST) and the Kenya National Commission for UNESCO (KNATCOM).
  - f) Linkage and sponsorship of cultural teams to participate in the National and County forums/celebrations/events e.g Embu County Investors Conference, Jamhuri Day etc.
  - a) Setting up of Embu Cultural Homestead/Village demonstration Centers and purchase of cultural artefacts for exhibition and learning purposes.



4) **THAT** the county has not established or designated an event marked as Embu County Cultural Festival to facilitate citizen in participation, promotion, development and encouragement of different communities, groups and individuals in the County to participate in cultural activities, whether taking place within or outside the County.

5. **THAT**, the department is planning for renovations and operationalization of the cultural homesteads and artefacts in the Embu Cultural center. The program has been prioritized in the Annual Development Plan for the financial 2021/2022 and will be considered in the subsequent departmental budget estimates.

## 5.0 COMMITTEE OBSERVATIONS

After reviewing the committee's participation in JAMAFEST, 2019 festivals, consideration of the views and responses from the County Executive member for Gender, Culture, Children and Social services, scrutiny of legal and institutional framework on establishment of a cultural festivals, the committee made the following observations;

- 1) **THAT**, although the department had organized for cultural activities at various levels, the events were not well structured and programed to achieve the objectives as planned. In addition it was observed that the activities were conducted in selected places and members of public were not well sensitized on these festivals.
- 2) **THAT** the County Executive had not fully operationalized the Embu County Cultural Heritage Act, 2016 which had provided the enabling framework for promotion and protecting of culture and Cultural heritage in the County. This was attributed lack of necessary Regulations to operationalize the Act and inadequate allocation of funds in the approved departmental budgets.
- 3) **THAT** the cultural homesteads and artefacts in the Embu Cultural center have been left into disuse and are dilapidated. They require to be renovated before being operationalized.
- 4) **THAT** there were many benefits of Cultural Heritage and its celebration just like what the committee witnessed from JAMFEST, 2019 festival held in Dar- es Salaam as enumerated in section 2.13 of this report. These benefits can be also be replicated in this county by operationalizing Embu County Cultural Heritage Act, 2016.
- 5) **THAT** the County Executive had not regularly reported to the County Assembly on implementation of activities on Culture and Cultural Preservation program.
- 6) **THAT** there was no day(s) or event that had been designated to recognize, promote and protect the distinctive nature of the different cultures, cultural heritage and the distinctive activities amongst the different Communities of Embu County pursuant to section 5(d) of the Embu County Cultural Heritage Act, 2016.




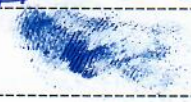


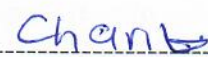
## 6.0 COMMITTEE RECOMMENDATIONS

The recommendations herein were agreed upon unanimously by the Committee members. The Committee therefore urges this Honorable Assembly to adopt this report and the recommendations herein.

1. **THAT**, the CECM for Gender, Culture, Children and Social Services should develop the regulation to operationalize section 5(d) of the Embu County Cultural Heritage Act, 2016 within ninety(90) days after adoption of this report by the Assembly in order to establish a well-structured Embu county cultural festival(s).
2. **THAT** the County Executive member for Gender, Culture, Children and Social Services should endeavor to fully operationalize the Embu County Cultural Heritage Act 2016 in order to fully promote and protect culture and cultural heritage in the County.
3. **THAT** County Executive member for Gender, Culture, Children and Social Services should endeavor to renovate and operationalize the cultural homesteads and artefacts in the Embu Cultural Centre.
4. **THAT** the CECM for Gender, Culture, Children and Social Services should establish and designate an event to be marked as *Embu County Cultural Festival* that would help in participation, promotion, development and encouragement of different communities, groups and individuals in the County to participate in cultural activities, whether taking place within or outside the County.
5. **THAT**, the CECM in charge of Gender, Culture, Children and Social Services should allocate funds in future budget for implementation of Embu County Cultural Heritage Act, 2016 and activities in Culture and cultural preservation program.
6. **THAT**, the CECM in charge of Gender, Culture, Children and Social Services should submit to the Assembly a report on the implementation of Culture and Cultural Preservation programs in the county on annual basis.
7. **THAT**, the CECM in charge of Gender, Culture, Children and Social Services organizes for capacity building for county staff in charge of gender and culture in order to improve their competencies and skills for smooth implementation of departmental programs.

## 6.0 CONCLUSION

The Recommendations in this report were duly adopted by members of the committee who affixed their respective signatures as a show of agreeing with the said recommendations.

NAME	POSITION	SIGNATURE
1. Hon. Newton Kariuki Ndwiga	Vice Chairperson	-----
2. Hon. Elizabeth Kibai Ndeleve	Member	----- 
3. Hon. Bernard Nyaga Kandia	Member	----- 
4. Hon. Edith Wanjira Nyaga	Member	----- 
5. Hon. Kiura Murithi Njagi	Member	----- 
6. Hon. Terry Charity Mbuchi	Member	----- 

SIGNED  DATE 17/12/2020

HON. PETER MURIITHI NYAGA,

CHAIRPERSON

GENDER, CULTURE, CHILDREN AND SOCIAL SERVICES